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#### The 1AC’s ontological critique of civil society and modern democracy argue that the Slave and the Black cannot be Human. That because humanity, freedom, and autonomy are qualities defined in opposition to the Slave, that we should trash modern humanist strategies of expanding the circle of Humanity. The ontological form of the aff’s critique asks questions about Being—what it is and what it is possible to be. They say it is impossible to be a Black subject or a human without a slave.

#### We criticize the absoluteness of the ontological critique of the Human, the modern, and the Slave. Their absolute ontological division between Master and slave or human and slave does violence to slaves and dooms our political strategy to one of unsuccessful revolutionary violence.

#### A) Modernity and civil society

#### Our historical reading of the relationship between slavery and civil society and humanity honors the legacy of slave revolution. The Haitian revolution contained and expanded ideas trafficked in civil society of universal humanity.

Dash 10—J. Michael Dash, Africana Studies French, Social and Cultural Analysis @ NYU [Book Review: Universal Emancipation: The Haitian Revolution and The Radical Enlightenment *Slavery & Abolition* 31 (1) p. 142-143]

Universal Emancipation argues against the French appropriation of universalism as the exclusive product of the revolution of 1789. From the broad focus of Nesbitt’s narrative, the age of revolution becomes a truly global phenomenon and furthermore, the Haitian revolution surpassed that of the metropole in realising the goal of universal freedom. This is not a new story. Michel Rolph Trouillot, for instance, argued in 1995 ‘The Haitian revolution was the ultimate test to the universalist pretensions of both the French and the American revolutions’.1 Later, for another major scholar Laurent Dubois, the Haitian Revolution ‘represented the pinnacle of Enlightenment universalism’.2 Furthermore, C.L.R. James in the Black Jacobins reminded us that the revolutionary events in France’s colony would take the French Revolution further than was ever intended. The slaves of St Domingue were left out of the universalist claims of 1789 but they used its ideals to press for their freedom. As James put it, the slaves ‘had heard of the revolution and had construed it in their own image . . . they had caught the spirit of the thing. Liberty, equality, Fraternity’.3 Nesbitt asserts that there is nothing surprising about the fact that the slaves caught ‘the spirit of the thing’ since they ‘needed no interpreter’ but the fact that they were ‘on the so-called periphery of the modern world-system in 1791’ meant that the ‘truth of 1789 could be most fully comprehended’ (36). Furthermore, the Haitian revolution ‘serves to disprove the notion that there was any single ‘Enlightenment project’ but ‘a variegated complex of multiple “enlightenments”’ (20). Consequently, the former slaves of St Domingue were not ‘passively parroting ideas imported from France’ but ‘autonomously exercised their faculty of judgement in order to illuminate the universal implications of the natural rights tradition in ways unthinkable for the North American or Parisian political class’ (60). In rejecting a ‘linear filiation’ between Enlightened Europe and savage colony, Nesbitt scrambles centres and peripheries and challenges the silencing of the Haitian Revolution by asserting that ‘it succeeded in displacing the center of modernity . . . not only for a small peripheral island but for the entire world system’ (131). The revolution is rendered ‘thinkable’ through an intricate discussion of the universally operative nature of Spinoza’s concept of natural law and Kantian universalism, which meant human beings were free ‘to define themselves in their differential singularity’ (101). For Nesbitt the abstract concept of freedom or liberte emanating from Europe was reinterpreted by the ex-slaves of St Domingue as libete and formed the basis for the creation of a self-regulating egalitarian bossale state. In this regard, he ventures where historians of the Haitian revolution fear to tread. For historians, the impact of ideas on the revolution is hard to quantify and is therefore underplayed. He speculates that political awareness came through such ‘transnational Atlantic sites’ as waterfronts and marketplaces. The slaves then transformed this Enlightenment-derived liberty into the idea of absolute freedom for post-plantation St Domingue. Since Universal Emancipation depends on no new research into the circumstances of the Haitian revolution, Nesbitt depends heavily on the work of Carolyn Fick and the late Gerard Barthelemy to make his case for the importance popular insurgency in the making of the revolution. In their refusal of large-scale agrarian capitalism, the exslaves produced an egalitarian peasant system that could harmonise social relations without recourse to government, police, or legal code. He follows Bathelemy in citing social strategies, such as the refusal of technological innovation, the subdivision of property from generation to generation, and active caco resistance to the outside world that supported bossale egalitarianism. Haitian peasant society is presented as a maroon enclave beyond the reach of the liberal individualism and boundless consumerism of the West. This seems a puzzling departure from both Eugene Genovese and Michel-Rolph Trouillot who are cited at other times with approval. Genovese argued in From Rebellion to Revolution that the great achievement of the Haitian revolution was the attempt to create a modern black state and not continue the restorationist practices of marronage.4 Similarly, Trouillot has argued that those who insist on the isolation of the moun andeyo or the ‘dualist sociologists’ have ‘missed the depth of penetration of urban civil society’ by the peasantry.5 In both instances, Haitian peasants are seen to be part of a global process and not the world’s indigestible other. The modern heroes of Nesbitt’s spirited narrative of mass-based revolution are the agronomist turned broadcaster Jean Dominique and the priest turned politician Jean Bertrand Aristide. In both instances, heroic popular resistance masks the much more complex reality of the spread of modern technology, of cassettes and transistor radios in rural Haiti, and the doctrine of liberation theology spread by the grassroots church or ti legliz. The idealising of strategic marronnage and stateless egalitarianism in Haiti is aimed ultimately at ‘all who believe that the coming shift from unlimited consumerism to an ethics of global responsibility will require fundamental changes to the sociopolitical system that has brought us to the brink of disaster’ (171). It might have been more useful to think of the New World context and not the new World order. Oddly enough there is no reference, except for a fleeting allusion to Brazilian music at the end, to other instances of the radicalisation of the idea of the rights of man in the hemisphere. What of Guadeloupe, for instance, which had a parallel history at the turn of the century? Do other peasant societies in the Caribbean share Haiti’s bossale culture? Trouillot claims to have learned more about the Haitian peasantry after ‘fifteen months doing fieldwork on the peasantry of Dominica’ than he did ‘during eighteen years in Port-au-Prince.’ 6 What Nick Nesbitt does very persuasively is present the Haitian revolution as the most radical revolution of its time. He is less convincing in enlisting the Haitian moun andeyo in his campaign against global capitalism.

#### The slave was always-already a participant in modernity. They theorize the slave as a total object—we recognize the slave as both object and subject of modernity.

Trouillot 3—Michael-Rolph Trouillot, Anthropology @ Chicago [*Global Transformations* p. 41-43]

Differently Modern: The Caribbean as Alter-Native I have argued so far that modernity is structurally plural inasmuch as it requires a heterology, an Other outside of itself. I would like to argue now that the modern is also historically plural because it always requires an Other from within, an otherwise modern created between the jaws of modernity and modernization. That plurality is best perceived if we keep modernity and modernization as distinct yet related groups of phenomena with the understanding that the power unleashed through modernization is a condition of possibility of modernity itself. I will draw on the sociohistorical experience of the Caribbean region to make that point. Eric Wolf once wrote in passing, but with his usual depth, that the Caribbean is "eminently a world area in which modernity first deployed its powers and simultaneously revealed the contradictions that give it birth." Wolf's words echo the work of Sidney W. Mintz (1966, 1971b, 1978, 1983, 1996, 1998) who has long insisted that the Caribbean has been modern since its early incorporation into various North Atlantic empires. Teasing out Wolf's comments and drawing from Mintz's work, I want to sketch some of the contradictions from the Caribbean record to flesh out a composite picture of what I mean by the Otherwise Modern. Behold the sugar islands from the peak of Barbados's career to Cuba's lead in the relay race-after Jamaica and Saint-Domingue, from roughly the 1690s to the 1860s. At first glance, Caribbean labor relations under slavery offer an image of homogenizing power. Slaves were interchangeable, especially in the sugar fields that consumed most of the labor force, victims of the most "depersonalizing" side of modernization (Mintz 1966). Yet as we look closer, a few figures emerge that suggest the limits of that homogeneity. Chief among them is the slave striker, who helped decide when the boiling of the cane juices had reached the exact point when the liquid could be transferred from one vessel to the next.2 Some planters tried to identify that moment by using complex thermometers. But since the right moment depended on temperature, the intensity of the fire, the viscosity of the juice, the quality of the original cane, and its state at the time of cutting, other planters thought that a good striker was much more valuable than the most complex technology. The slave who acquired such skills would be labeled or sold as "a striker." Away from the sugar cane, especially on the smaller estates that produced coffee, work was often distributed by task, allowing individual slaves at times to exceed their quota and gain additional remuneration. The point is not that plantation slavery allowed individual slaves much room to maneuver in the labor process: it did not. Nor is the point to conjure images of sublime resistance. Rather, Caribbean history gives us various glimpses at the production of a modern self-a self producing itself through a particular relation to material production, even under the harshest possible conditions. For better and for worse, a sugar striker was a modern identity, just as was being a slave violinist, a slave baker or a slave midwife (Abrahams 1992:126-30; Debien 1974; Higman 1984). That modern self takes firmer contours when we consider the provision grounds of slavery. Mintz (1978) has long insisted on the sociocultural relevance of these provision grounds, small plots on the margins of the plantations, land unfit for major export crops in which slaves were allowed to grow their own crops and raise animals. Given the high price of imported food, the availability of unused lands, and the fact that slaves worked on these plots in their own free time, these provision grounds were in fact an indirect subsidy to the masters, lessening their participation in the reproduction of the labor force. Yet Mintz and others-including myself-have noted that what started as an economic bonus for planters turned out to be a field of opportunities for individual slaves. I will not repeat all those arguments here (Trouillot 1988, 1996, 1998). Through provision grounds, slaves learned the management of capital and the planning of family production for individual purposes. How much to plant of a particular food crop and where, how much of the surplus to sell in the local market, and what to do with the profit involved decisions that required an assessment of each individual's placement within the household. The provision grounds can be read not only as material fields used to enhance slaves' physical and legal conditions-including at the time the purchase of one's freedom-they can also be read as symbolic fields for the production of individual selves by way of the production of material goods. Such individual purposes often found their realization in colonial slave markets, where slaves-especially female slaves-traded their goods for the cash that would turn them into consumers. One can only guess at the number of decisions that went into these practices, how they fed into a slave's habitus, or how they impacted on gender roles then and now in the Caribbean. Individual purposes also realized themselves through patterns of consumption, from the elaborate dresses of mulatto women, to the unique foulard (headscarf) meant to distinguish one slave woman from another. The number of ordinances regulating the clothing of nonwhites, both free and enslaved, throughout the Caribbean in the days of slavery is simply amazing. Their degree of details-e.g., "with no silk, gilding, ornamentation or lace unless these latter be of very low value" (Fouchard 1981 [1972] :43) is equally stunning. Yet stunning also was the tenacity of slaves who circumvented these regulations and used clothing as an individual signature. Moreau de St-Mery, the most acute observer of Saint-Domingue's daily life, writes: It is hard to believe the height to which a slave woman's expenses might rise .. . In a number of work gangs the same slave who wielded tools or swung the hoe duringthe whole week dresses up to attend church on Sunday or to go to market; only with difficulty would they be recognized under their fancy garb. The metamorphosis is even more dramatic in the slave woman who has donned a muslin skirt and Paliacate or Madras kerchief. .. (in Fouchard 1981 [1972]:47). Moreau's remarks echo numerous observations by visitors and residents of the Americas throughout slavery's long career. If modernity is also the production of individual selves through patterns of production and consumption, Caribbean slaves were modern, having internalized ideals of individual betterment through work, ownership, and personal identification with particular commodities. It was a strained and harsh modernity, to be sure. Otherwise modern they were; yet still undoubtedly modern by that definition.

#### The Haitian revolution demonstrates the danger of the break with modernity. The binary ontology of “*for or against*” results in genocidal barbarism. They link to their own offense against modernity and civil society because the idea of a *complete break* and *total autonomy* is the most modern form of politics.

Miller 10—Paul Miller, French & Italian @ Vanderbilt [*Elusive Origins: The Enlightenment in the Modern Caribbean Imagination* p. 76-79]

The necessity of rupture with authority, the Enlightenment’s categorical imperative, is not merely a question of a psychological condition, an extended childhood or immaturity (as Kant would have it), but rather involves concrete material conditions resulting in privation once the break is complete. State otherwise, Kant places the onus of the rupture between master and slave squarely on the shoulders of the latter, when in fact it is clear that the master will go to great lengths to maintain the slave in a state of bondage. Toussaint knew that Saint Domingue society needed French technical know-how and capital to rebuild the island’s agricultural infrastructure, which had been devastated by a war waged with scorched-earth tactics, and went to lengths to conciliate the French. The very contradictions of Enlightenment are here condensed into a single historical moment that James captures with great timing and clarity. And yet almost immediately after outlining this situation, James elaborates his notion of the tragic, which characterizes Toussaint the individual rather than the historical choice he was forced to make. The contextualization of this “tragic individual” seems incongruous: “But in a deeper sense the life and death are not truly tragic. Prometheus, Hamlet, Lear, Phedre, Ahab, assert what may be the permanent impulses of the human condition against the claims of organized society” (291). James begins by outlining Toussaint’s historical dilemma, which illustrates precisely what the Enlightenment meant for the Caribbean. And yet this particular framework is almost immediately abandoned in favor of Toussaint the individual, who is compared and contrasted with the tragic figures of the Western literature—certainly a disconcerting analogy. James is no doubt correct in warning the reader that is would be an error to merely view Toussaint as an isolated figure in a remote West Indian island-and yet his remedy to this error, placing Toussaint squarely within the tradition of Western tragic figures is also suspect. James’s gesture does not at a stroke merely do away with the center/periphery dynamic, but rather his integrative comparison tends to put forth the center *as* the whole, thereby strengthening its pretension to universality. Edward W. Said praises James, and specifically within the context of *The Black Jacobins*, for his capacity to critique Western imperialism while at the same time disassociating this critique from the appreciation of the West’s “cultural achievements.” But Said overlooks that this disassociation between culture and politics is not only one of the principal dynamics lurking beneath the text of *The Black Jacobins*; in a sense, it describes the very structure of the “flaw” responsible for Toussaint’s downfall. Toussaint is described as full of admiration for the aristocratic manners and gestures of a white Frenchmen: “Struck by the carriage and bearing of a French officer, he said to those around him, ‘My sons will be like that’” (246). Should we characterize this deferential attitude toward the French “carriage and bearing” as a reaction to imperialism or to cultural achievements? James, in his use often cryptic or paradoxical language, makes explicit Toussaint’s double-bind: that to be enlightened entails a renunciation of the Enlightenment, requires in a fact a kind of barbarism. And yet James does not seem to embrace fully this dialectic, opting instead for a more literary and traditional sense of tragedy as his signifying model. Toussaint’s final allegiance was to revolutionary France and thus to the Enlightenment, and this, in James’s eyes, is his saving grace, his “condemnation and his atonement.” James’s reading of Dessalines, the Haitian leader who succeeded Toussaint, places into perspective Toussaint’s dilemma and clarifies the author’s affinities: “If Dessalines could see so clearly and simply, it was because the ties that bound this uneducated soldier to French civilization were of the slenderest. He saw what was under his nose so well because he saw no further. Toussaint’s failure was the failure of enlightenment, not of darkness” (288). Dessalines, then, serves as Toussaint’s foil or antithesis and does not, as Said describes James, value Western cultural achievements. Whereas James repeatedly emphasizes Toussaint’s literacy and even canonizes him among the great writers of the Enlightenment, Dessalines is described as bearing the marks of the whip on his body, the scars amounting to a kind of epithet in lieu of literacy. Dessalines had no allegiance to the tenets of the French Reovlution, was illiterate, and therefore, since his ties to “civilization were the slenderest,” was able to muster the resolve necessary to declare independence while Toussaint vacillated: “[T]his old slave, with the marks of the whip below his general’s uniform, was fast coming to the conclusion at which Toussaint still boggled. He would declare the island independent and finish with France” (301). Though in celebrated Caribbean book George Lamming compares Toussaint to Caliban—“C.L.R. James shows us Caliban as Prospero had never known him: a slave who was a great soldier in battle, an incomparable administrator in public affairs, full of paradox but never without compassion, a humane leader of men” –in my view there is no question that in James’s depiction, Dessalines is Caliban to Toussaint’s Ariel. And yet, paradoxically, his resolve to declare Haiti independent qualifies him to a certain extent as more enlightened than Toussaint, more eager to throw off the yoke of arbitrary and tyrannical authority**.**  Dessalines merely embodies the same paradox as Toussaint, though now inverted: emancipation achieved though barbarous autonomy rather than civilized tutelage. Dessalines also performs one of the most revolutionary symbolic and enlightened gestures in the history of the struggle for independence in the Americas. Eager to differentiate the revolutionary army from the French enemy, Dessalines designs a new flag by removing the white from the French tricouleur. And yet this gesture also has its chilling historical counterpart. One of his first orders of business as emperor of the new nation is to exterminate the remaining whites in Haiti, a massacre that James goes to great lengths to explain, though not to justify. In fact, James places the cause of Haiti’s suffering over the next two centuries squarely on this massacre: As it was Haiti suffered terribly from the resulting isolation. Whites were banished from Haiti for generations, and the unfortunate country, ruined economically, its population lacking in social culture, had its inevitable difficulties doubled by this massacre. That the new nation survived at all is forever to its credit for if the Haitians thought that imperialism was finished with them they were mistaken. “Its population lacking in social culture” sounds like a phrase that could have been uttered by Toussaint himself. If James asserts that Toussaint’s failure was one of enlightenment, not of darkness then we might surmise that the inverse formula is applicable to Dessalines, that is to say, that his success was one of darkness and not of enlightenment. Toussaint (Ariel), as a result of being too enlightened, is doomed to unelightenment, which by definition is barbarism itself. Dessalines (Caliban), overly barbaric (in James’s view), is able to make a clean break with authority, and therefore achieves enlightenment. James, however, as I have pointed out, does not embrace this Caliban/Ariel dialectic. Rather, he reasserts in the 1963 appendix, “From Toussaint L’Ouverture to Fidel Castro”: “Toussaint could see no road for the Haitian economy but the sugar plantation. Dessalines was a barbarian” (393).

#### B) Humanity

#### We should not abandon the category of universal humanity. Anti-slavery abolition and its intersections with critiques of gendered citizenship drew on universal humanity as a source of solidarity.

Gilroy 9—Paul Gilroy, Anthony Giddens Prf. of Social Theory @ London School of Economics [*Race and the Right to be Human* p. 6-11]

At times, the movement against slavery was extended into a comprehensive assault on racial hierarchy which invoked an idea of universal humanity (by no means always religious in origin) as well as an idea of inalienable rights1. That alternative provides my point of departure this evening. It was articulated in distinctive accents which were neither bourgeois nor liberal. It requires us to follow a detour through colonial history which has come under revisionist pressure as a result of recent attempts to revive imperial relations. That dubious development has made it imperative to place the west’s avowal of modern, liberal, humanistic and humanitarian ideas in the context of the formative encounter with native peoples whose moral personality and humanity had long been placed in doubt. The approach I favour requires seeing not just how all-conquering liberal sensibilities evolved unevenly into considerations of human rights but how a range of disputes over and around the idea of universal humanity—its origins, its hierarchies and varying moral and juridical dispositions—were connected to struggles over race, slavery, colonial and imperial rule, and how they in turn produced positions which would later be narrated and claimed as liberal. This agonistic enterprise necessitates a different genealogy for human rights than is conventional. It begins with the history of conquest and European expansion and must be able to encompass the evolving debates over how colonies and slave plantation systems were to be administered4. At its most basic, it must incorporate the contending voices of Las Casas and Sepulveda. It should be able to analyze the contrapuntality of a text like Thomas Hobbes’ Leviathan with the introduction of England’s Navigation Acts and illuminate the relationship between John Locke’s insightful advocacy on behalf of an emergent bourgeoisie and his commitment to the colonial improvers’ doctrine of the vacuum domicilium. This counter-narrative would certainly include the Treaty of Utrecht and the Assiento. It could terminate uneasily in the contemporary debates about torture and rendition or in discussion about the institutionalisation of rightslessness which floods into my mind each time I navigate the halls of the Schiphol complex. Focusing on that combination of progress and catastrophe through a postcolonial lens yields a view of what would become the liberal tradition moving on from its seventeenth century origins in a style of thought that was partly formed by and readily adapted to colonial conditions5. This helps to explain how an obstinate attachment to raciology recurs. Struggles against racial hierarchy have contributed directly and consistently to challenging conceptions of the human. They valorised forms of humanity that were not amenable to colour-coded hierarchy and, in complicating approaches to human sameness, they refused the full, obvious force of natural differences even when they were articulated together with sex and gender. These struggles shaped philosophical perspectives on the fragile universals that had come into focus initially on the insurgent edges of colonial contact zones where the violence of racialized statecraft was repudiated and cosmopolitan varieties of care took shape unexpectedly across the boundaries of culture, civilization, language and technology6. One early critique of the humanitarian language and tacit racialization of the enlightenment ideal had been delivered by the militant abolitionist David Walker in his 1830 commentary on the US constitution: Appeal to the Coloured Citizens of the World, but in particular, and very expressly, to those of the United States of America. His famous text supplies a useful symbolic, starting point for generating the new genealogy we require. Erecting secular demands over the foundation of a revolutionary, Pauline Christianity, Walker made the problem of black humanity and related issues of rights—political and human—intrinsic to his insubordinate conception of world citizenship. His plea that blacks be recognized as belonging to “the human family” was combined with a view of their natural rights as being wrongfully confiscated in the condition of slavery which could, as a result of their exclusion, be justifiably overthrown7. His address was primarily offered to the coloured citizens of the world but the tactical reduction of that universalist argument to the parochial problem of joining the US as full citizens soon followed. The consequences of that change of scale can be readily seen in the humanistic abolitionism that followed. Frederick Douglass—particularly in his extraordinary 1852 speech on the meaning of the 4th of July to the slave8, spoke directly to the US in the name of its polluted national citizenship. His indictment of slavery was a cosmopolitan one in which the eloquent facts of plantation life were judged, just as Walker had suggested they should be, through global comparisons. They were compared with all the abuse to be found in “the monarchies and despotisms of the Old World (and in) South America”. Douglass concluded that “for revolting barbarity and shameless hypocrisy, America reigns without a rival”. He continued, again echoing Walker: “Must I undertake to prove that the slave is a man? That point is conceded already. Nobody doubts it. The slave-holders themselves acknowledge it in the enactment of laws for their government. They acknowledge it when they punish disobedience on the part of the slave. . . . . . How should I look to-day, in the presence of Americans, dividing, and subdividing a discourse, to show that men have a natural right to freedom? speaking of it relatively and positively, negatively and affirmatively. To do so, would be to make myself ridiculous, and to offer an insult to your understanding.”9 In demanding equality based on natural rights and exploring the relationship of debased citizenship and tainted law to racialized life, Douglass was drawing upon the thinking of an earlier cohort of abolitionist writers. Many of them had, like Walker and other anti-slavery radicals, practiced a chiliastic Christianity that built upon St. Paul with incendiary consequences which could not be limited by the heading of anti-slavery. Consider the way in which Angelina Grimké had articulated the concept of human rights in her 1836 Appeal To The Christian Women of The South: . . . man is never vested with . . . dominion over his fellow man; he was never told that any of the human species were put under his feet; it was only all things, and man, who was created in the image of his Maker, never can properly be termed a thing, though the laws of Slave States do call him ‘a chattel personal;’ Man then, I assert never was put under the feet of man, by that first charter of human rights which was given by God, to the Fathers of the Antediluvian and Postdiluvian worlds, therefore this doctrine of equality is based on the Bible10. Grimké elaborated upon this inspired refusal of the reduction of people to things in a memorable (1838) letter to her friend Catherine Beecher (the older sister of Harriet Beecher Stowe). There, she connected the notion of divinely instituted human rights to a growing sense of what it would mean for women to acquire political rights. Her insight was framed by a deep engagement with the problem of a gendered alienation from the humanity of “species being”: “The investigation of the rights of the slave has led me to better understanding of our own. I have found the Anti-slavery cause to be the high school of morals in our land—the school in which human rights are more fully investigated and better understood and taught, than in any other. Here a great fundamental principle is uplifted and illuminated, and from this central light rays innumerable stream all around. Human beings have rights, because they are moral beings: the rights of all men grown out of their moral nature, they have essentially the same rights. ”11 It is not easy to assimilate this variety of critical reflection to the political traditions inherited by modern liberalism from revolutionary France. The foregrounding of race is, for example, a fundamental and distinguishing feature as is the suggestion that reflecting upon the thwarted rights of slaves promotes a richer understanding of the rightslessness known by women. Here, slavery was not only a political metaphor. A different kind of connection was being proposed: whoever we are, we can learn about our own situation from studying the suffering of others which instructively resembles it. This approach makes the disinterest in abolitionism shown by today’s liberal chroniclers of human rights struggles all the more perplexing. The long battle to appropriate the language and political morality of human rights re-worked the assumptions which had led to articulating the unthinkable prospects of black citizenship and black humanity **in** the form of the ancient rhetorical questions immortalized in Wedgewood’s porcelain: “Am I not a Man and a brother?” “Am I not a Woman and a sister?”. The liberatory recognition solicited by those inquiries was pitched against the corrosive power of racial categories and mediated by the cosmopolitan power of human shame. It asked that the social divisions signified by phenotypical difference be set aside in favour of a more substantive human commonality. It promised an alternative conception of kinship that could deliver a world purged of injustice in general and racial hierarchy in particular.

#### Enlightenment understandings of humanity were always fractured—anti-Imperial strands in universal humanity should be recognized. There was a robust strand of anti-Imperial universalism that criticized dispossession and slavery.

Muthu 3—Sankar Muthu, Poli Sci @ Chicago [*Enlightenment Against Empire* p. 266-271]

Universal Dignity, Cultural Agency, and Moral Incommensurability Do commitments to the idea of a shared humanity, to human dignity, to cross-cultural universal moral principles, and to cross-cultural standards of justice rest upon assumptions and values that unavoidably denigrate, or that disturbingly undermine respect for, cultural pluralism, that is, the wide array of human institutions and practices in the world?16 Are they imperialistic either explicitly, to justify Europe's political, military, and commercial subjugation of the non-European world, or implicitly, by indicating a rank ordering of superior and inferior peoples, which could then be used to justify a more indirect, quasi-imperial 'civilizing' process? The aforementioned commitments are sometimes collectively gathered under the term 'Enlightenment universalism' and, as we have seen, they are sometimes considered to constitute the core of 'the Enlightenment project'. I have suggested already that such assertions mask and distort a complex reality**.** In this case, they obscure the multiplicity of universalisms across eighteenth-century European political thought, each with distinct foundational claims, varying relationships to conceptualizations of human diversity and to humanity (which themselves differ from thinker to thinker, and even from text to text), and different political orientations toward the nature and limits of state power in theory and in practice. These philosophical sensibilities and approaches can yield remarkably dif-ferent political arguments toward foreign peoples, international justice, and imperialism. Thus, rather than ask whether 'the Enlightenment project' and 'Enlightenment universalism' are compatible with an appreciation of cultural pluralism or whether they are at bottom imperializing ideologies, it is more constructive to pose more precise and historically accurate versions of such questions with regard to particular texts and thinkers. In this book, I have studied a distinctive variant of Enlightenment writings against empire, one which includes the philosophical and political arguments of Diderot, Kant, and Herder. While there is no such thing as 'Enlightenment universalism' as such, let alone a larger 'Enlightenment project', there is nonetheless an identifiable set of philosophical and political arguments, assumptions, and tendencies about the relationship between universal and pluralistic concepts that animates the strand of Enlightenment political thought under study here. With this in mind, one can more meaningfully ask what the relationship is between universalism, pluralism, and incommensurability in such political philosophies, and how precisely they yield anti-imperialist political commitments. Answers to these more circumscribed questions can be given by better understanding the core elements of Diderot's, Kant's, and Herder's political philosophies, and how they differ from earlier (and, indeed, from many later) understandings and judgements of empire. Immanuel Kant remarks pointedly in Toward Perpetual Peace that the Europeans who landed and eventually settled in the New World often denied indigenous peoples any moral status. When America, the Negro countries, the Spice Islands, the Cape, and so forth were discovered, they were, to them [to Europeans], countries belonging to no one [die keinem angehorten], since they counted the inhabitants as nothing. (8:358, emphasis added) What philosophical concepts and arguments were necessary for New World peoples to be counted finally as something and especially to be considered as equals, as they were eventually in some crucial respects, by anti-imperialist political thinkers in the Enlightenment era? In this section, I focus on what I have taken in this book to be the philosophically most robust strand of Enlightenment anti-imperialist political thought. 17 Despite the many differences in the ethnographic sources that Diderot, Kant, and Herder consulted, the philosophical languages that these thinkers employed, and the particular concepts they drew upon to attack European empires, their anti-imperialist arguments intriguingly overlap in important respects. Thus, in this section, I identify and elucidate the family resemblances that exist among their philosophical arguments and rhetorical strategies, and discuss the underlying assumptions, ideas, and intellectual dispositions that make their version of anti-imperialist political thinking conceptually possible. In contrast to what is effectively the premiss of the kinds of familiar questions asked at the opening of this section, the commitments of Diderot, Kant, and Herder to moral universalism, cultural diversity, partial incommensurability, and the delegitimization of empire are not fundamentally in tension but rather reinforce one another. Overall, there are three principal philosophical sources of Enlightenment anti-imperialism. The first and most basic idea is that human beings deserve some modicum of moral and political respect simply because of the fact that they are human. This humanistic moral principle alone, however, was far from sufficient for engendering an anti-imperialist politics. The whole modern tradition\_Qf natural right and social contract theory held this view in some form. Moreover, Amerindians inparticurar: were explicitly described by such thinkers as the pure, natural humans of the state of nature. Yet much of this tradition of modern political thought, from Grotius onward, was either agnostic about imperialism or lent philosophical support to European empires. Not every understanding of what it means fundamentally to be a human fosters the philosophical materials necessary to build a more inclusive and pluralistic political theory that could serve as the basis of anti-imperialist arguments. Indeed, as I will argue, some understandings of humanity that are manifestly egalitarian can nevertheless impede such a development. Second, therefore, these anti-imperialist arguments rested upon the view that human beings are fundamentally cultural beings. Diderot, Kant, and Herder all contend that the category of the human is necessarily marked by cultural difference; in this view, humanity is cultural agency. This thicker, particularized view of the human subject, paradoxically, helped to engender a more inclusive and meaningful moral universalism. Third, a fairly robust account of moral incommensurability and relativity was also necessary for the rise of anti-imperialist political thought. The anti-imperialist arguments offered by Diderot, Kant, and Herder all partly rest upon the view that peoples as a whole are incommensurable. From this perspective, entire peoples cannot be judged as superior or inferior along a universal scale of value. Moreover, in distinct but closely related ways, these thinkers argue that our cultural freedom produces a wide variety of individual and collective practices and beliefs that are incommensurable, given their view that many practices and beliefs lie outside the bounds of a categorical judgement or universal standard. When these three conceptual developments were brought together, the strand of Enlightenment anti-imperialist political theory that I have identified became philosophically possible. I want to reiterate here that this framework is not meant to elucidate all of the anti-imperialist arguments that one can find in the philosophical writings of the Enlightenment era. Moreover, the distinc-tive intellectual dispositions, personal idiosyncrasies, and domestic political commitments of Enlightenment-era thinkers significantly shaped their particular arguments on the issue of empire. Still, as I will show, these three philosophical ideas play a crucial role in enabling the development of a rich strand of anti-imperialist political theory in the late eighteenth century. In discussing the development of a more inclusive and anti-imperialist political theory, my focus in this section (as it has been generally in this book) is on Europeans' political attitudes toward non-Europeans. Many thinkers in non-European societies clearly operated with similarly self-centred conceptions, but my emphasis throughout is on Europeans' intellectual responses to the fact of cultural difference and imperial politics, not with non-European peoples' understandings of each other or of their ac-counfs of European peoples. Nor do I examine here the variety of intra-European distinctions between allegedly superior and inferior groups, those, for instance, involving linguistic, geographical, class, religious, and gender differences, which of course historically also legitimated differential treatment within European societies. Thus, I do not intend to argue that Enlightenment anti-imperialist political philosophies are inclusive as such, for their underlying principles do not necessarily (and, in the eighteenth century, they manifestly did not) support egalitarian arguments against every form of exclusion. As I have noted, the first idea that enables Enlightenment anti-imperialism- first both historically and analytically-is that foreigners are human beings and, consequently, that they deserve moral respect, however understood. The development, in other words, of some variant of a humanistic moral universalism ensured that the shared humanity of both Europeans and non-Europeans would be acknowledged and given some due. The philosophical and political legacy with which Enlightenment anti-imperialist thinkers struggled, as they themselves understood, was one of exclusion. As they often noted, ethical principles of respect and reciprocity had been limited almost always to (some) members of one's own tribe, polis, nation, religion, or civilization. Accordingly, the distinction between one's own society, however defined, and the barbaroi (others, foreigners), whether justified outright or tacitly assumed, influenced not only the anthropological conceptions of, and popular understandings about, foreign peoples, but also legitimated the often brutally differential treatment of various groups. It is along these lines that Kant expresses dismay, in a lecture on moral philosophy, at what he calls the "error that the [ancient] Greeks displayed, in that they evinced no goodwill towards extranei [outsiders, or foreigners], but included them all, rather, sub voce hastes = barbari [under the name of enemies, or barbarians]". (27:674) In the long history of imperial exploits, actions that in at least some contexts might have provoked outrage in one's own land not only gainedlegitimacy on foreign soil but were deemed praiseworthy, noble, and even morally obligatory abroad. While European imperialists in the New World, writes Diderot, "faithfully observe their own laws, they will violate the rights of other nations in order to increase their power. That is what the Romans did."lB Enlightenment anti-imperialists recognized that such Janus-faced practices constituted the very core of imperial activity from the empires of the ancient world to the imperial conquests and commercial voyages of their day. The fact of difference itself lay at the heart of such inconsistent behaviour from Europeans' initial encounters with Amerindians onward, as Diderot notes: "[t]he Spaniard, the first to be thrown up by the waves onto the shores of the New World, thought he had no duty to people who did not share his colour, customs, or religi6n~" 19 Not wanting to single out tlie Spanish, Diderot suggests further that the Portuguese, Dutch, English, French, and Danes all followed in precisely the same spirit of exclusion and injustice. From an anthropological viewpoint, such discoveries of non-European peoples no doubt played a role in Europeans' changing conceptions of humanity. From Herodotus onward, of course, travel narratives played a central role in contemplating what it might mean to be, in some fundamental sense, a human being. Given that theorizations of human nature relate, in complicated ways, to changing understandings of the range and characteristics of human societies, institutions, and practices, the European discovery of 'new' lands and peoples accordingly generated further, and at times more complex, theorizations of humanity.2o Moreover, from the sixteenth century onward, thinkers were particularly keen to consult and appropriate the latest ethnographic reports. In part, the heightened interest no doubt complemented, and may in part have resulted from, what is often described as the intellectual revolution in 'natural philosophy' and the resulting emphasis on experimentation, empirical study, and inductive reasoning in fields such as astronomy, but also (especially from the mid-seventeenth century onward) in the study of human anatomy, physiology, and psychology. Although many of Hume's contemporaries did not share his hope of introducing "the experimental method" to moral philosophy, there was nonetheless a widespread presumption that an understanding of the human condition needed to take account, in some manner, of the growing anthropological literature that detailed the vast range of human experiences, customs, and practices throughout the globe.21 This turn toward what Georges Gusdorf has called 'human science', however, requires a stable referent for what counts as 'human' while also upsetting the stability of the term by focusing attention increasingly on human difference.22 In this sense, the attempt at identifying the most salient features of humanity was often an erratic and inherentlyconflicted task, as John Locke argued it would have to be, given the very nature of our self-knowledge.

#### The slave represents the infra-human—not the non-human. Included as only *partly human* the status of the slave has historically been contested by appeals to universal human community. As with *Uncle Tom’s Cabin*—the fact that this type of political activity simultaneously contained negative effects for our understanding of the slave doesn’t mean it should be rejected.

Gilroy 9—Paul Gilroy, Anthony Giddens Prf. of Social Theory @ London School of Economics [*Race and the Right to be Human* p. 13-15]

The structure of sentimental feeling articulated by Harriet Beecher Stowe was instrumental in the formation of a trans-national moral collectivity and in winning recognition of the suffering humanity of the slave whom it was no longer possible to dismiss as a brute. Through her voice and chosen genre, distinctive patterns of “heteropathic” identification appear to have leaked not only into Europe but further afield as well. Uncle Tom’s Cabin helped to compose a cosmopolitan chapter in the moral history of our world. Is all of that potential for political action and pedagogy to be damned now because campus anti-humanism doesn’t approve of the dubious aesthetic and moral registers in which an un-exotic otherness was initially made intelligible? The scale of the historical and interpretative problems posed by the case of Uncle Tom’s Cabin can only be glimpsed here. George Bullen, keeper of books at the British Museum compiled a bibliographic note included in the repackaged 1879 edition. He revealed that almost three decades after publication, Stowe’s novel had been translated into numerous languages including Dutch, Bengali, Farsi, Japanese, Magyar and Mandarin. Fourteen editions had been sold in the German language during the first year of publication and a year later, seventeen editions in French and a further six in Portuguese had also appeared. In Russia, the book had been recommended as a primer in the struggle against serfdom and was duly banned. The first book to sell more than a million copies in the US, the publication of Stowe’s novel was a world historic event. Though it cemented deeply problematic conceptions of slave passivity, redemptive suffering and indeed of racial type, it was also instrumental in spreading notions of black dignity and ontological depth as well as the anti-racist variety of universal humanism that interests me. This combination merits recognition as a potent factor in the circulation of a version of human rights that racial hierarchy could not qualify or interrupt. The example of Stowe draws attention to issues which would reappear through the nineteenth century as part of struggles to defend indigenous peoples, to improve the moral and juridical standards of colonial government and to reform the immorality and brutality of Europe’s imperial order. This activity was not always altruistically motivated. How those themes developed in the period after slavery is evident from the para-academic work of campaigners like Harriet Colenso, Ida B. Wells, Roger Casement and E.D. Morel. The constellation of writings produced by these critical commentators on racism, justice and humanity needs to be reconstructed in far greater detail than is possible here. They can nonetheless be seen to comprise a tradition of reflection on and opposition to racial hierarchy that, even now, has the power, not only to disturb and amend the official genealogy provided for Human Rights but also to re-work it entirely around the tropes of racial difference. Allied with parallel insights drawn from struggles against colonial power, these interventions contribute to a counterhistory of the contemporary conundrum of rights and their tactical deployment. This neglected work remains significant because debate in this field is increasingly reduced to an unproductive quarrel between jurists who are confident that the world can be transformed by a better set of rules and sceptics who can identify the limits of rights talk, but are almost always disinterested in racism and its metaphysical capacities. Thinkers like Wells and Morel were alive to what we now call a deconstructive approach. They identified problems with rights-talk and saw the way that racial difference mediated the relationship of that lofty rhetoric to brutal reality. They grasped the limits of rights-oriented institutional life empirically and saw how rights-claims entered into the battle to extend citizenship///

. But, their vivid sense of the power of racism meant that the luxury of any casual anti-humanism could not be entertained. They wished to sustain the human in human rights and to differentiate their own universalistic aspirations from the race-coded and exclusionary humanisms which spoke grandly about all humanity but made whiteness into the prerequisite for recognition. Their alternative required keeping the critique of race and racism dynamic and demanding nothing less than the opening of both national- and world-citizenship to formerly infrahuman beings like the negro. Grimké, Wells and the rest appealed against racism and injustice in humanity’s name. Their commentaries might even represent the quickening of the new humanism of which Frantz Fanon would speak years later. The movement these commentators created and mobilized persisted further into the twentieth century when new causes and opportunities were found that could repeat and amplify its critique of racialized political cultures and terroristic governmental administration.

#### The political significance of humanity is both terrible and terribly important. Though the concept of humanity makes us guilty, it also is a pre-requisite for a politics that can fight atrocity.

Hannah Arendt 3 [*The Portable Hannah Arendt* p. 155]

For many years now we have met Germans who declare that they are ashamed of being Germans. I have often felt tempted to answer that I am ashamed of being human. This elemental shame, which many people of the most various nationalities share with one another today, is what finally is left of our sense of international solidarity; and it has not yet found an adequate political expression. Our fathers’ enchantment with humanity was of a sort which not only light-mindedly ignored the national question; what is far worse, it did not even conceive of the terror of the idea of humanity and of the Judeo-Christian faith in the unitary origin of the human race. It was not very pleasant even when we had to bury our false illusions about “the noble savage,” having discovered that men were capable of being cannibals. Since then people have learned to know one another better and have learned more and more about the evil potentialities in men. The result is that they have recoiled more and more from the idea of humanity and they become more susceptible to the doctrine of race, which denies the very possibility of a common humanity. They instinctively felt that the idea of humanity, whether it appears in a religious or humanistic form, implies the obligation of a general responsibility which they do not wish to assume. For the idea of humanity, when purged of all sentimentality, has the very serious consequence that in one form or another mean must assume responsibility for all crimes committed by men and that all nations share the onus of evil by all others. Shame at being a human being is the purely individual and still non-political expression of this thought. In political terms, the idea of humanity, excluding no people and assigning a monopoly of guilt to no one, is the only guarantee that one “superior race” after another may not feel obligated to follow the “natural law of the right of the powerful, and exterminate “inferior races unworthy of survival”’ so that at the end of an “imperialistic age” we should find ourselves in a stage which would make the Nazis look like crude precursors of future political methods. To follow a non-imperialistic policy and maintain a non-racist faith becomes daily more difficult because it becomes daily clearer how great a burden mankind is for man. Perhaps those Jews, to whose forefathers we owe the first conception of the idea of humanity, knew something about the burden when each year they used to say “Our Father and King, we have sinned before you,” taking not only the sins of their own community but all human offenses upon themselves. Those who today are ready to follow this road in a modern version do not content themselves with the hypocritical confession “God be thanked, I am not like that,” in horror at the undreamed-of-potentialities of the German national character. Rather, in fear and trembling, have they finally realized of what man is capable—and this is indeed the precondition of any modern political thinking. Such persons will not serve very well as functionaries of vengeance. This, however, is certain: Upon them and only upon them, who are filled with a genuine fear of the inescapable guilt of the human race, can there be any reliance when it comes to fighting fearlessly, uncompromisingly, everywhere against the incalculable evil that men are capable of bringing about.

#### Radical humanism takes up the burden and the ambiguity of humanity. Identification with common humanity across lines of oppression opens up possibilities for everyday political virtue.

Gilroy 9—Paul Gilroy, Anthony Giddens Prf. of Social Theory @ London School of Economics [*Race and the Right to be Human* p. 20-23]

Arendt and Agamben are linked by their apparent distaste for analyzing racism and by their complex and critical relations to the idea of the human. This combination of positions can facilitate hostility to the project of human rights which is then dismissed for its inability to face the political and strategic processes from which all rights derive and a related refusal to address the analytical shortcomings that arise from the dependence of human rights on an expansion of the rule of law—which can incidentally be shown to be fully compatible with colonial crimes23. Histories of colonial power and genealogies of racial statecraft can help to explain both of these problems and to break the impasse into which the analysis of human rights has fallen. This is another reason why anti-racism remains important. It does not argue naively for a world without hierarchy but practically for a world free of that particular hierarchy which has accomplished untold wrongs. The possibility that abstract nakedness was not so much a cipher of insubstantial humanity but a sign of racial hierarchy in operation arises from the work of concentration camp survivors. Jean Améry recognized his own experience through a reading of Fanon. Primo Levi, his fellow Auschwitz inmate and interlocutor, who interpreted the lager’s brutal exercises in racial formation as conducted for the benefit of their perpetrators, suggested that racism’s capacity to reconcile rationality and irrationality was expressed in the dominance of outrage over economic profit. Both men saw infrahuman victims made to perform the subordination that race theory required and anticipated but which their bodies did not spontaneously disclose. Inspired by Levi, by the philosophical writings of Jean Améry, and various other observers of and commentators on the pathologies of European civilisation, we should aim to answer the corrosive allure of absolute sameness and purity just as they did, with a historical and moral commitment to the political, ethical and educational potential of human shame. Though being ashamed may sometimes appear to overlap with sentimentality or even to be its result, they are different. Excessive sentimentality blocks shame’s productivity, its slow, humble path towards ordinary virtue**.** Shame arises where identification is complicated by a sense of responsibility. Sentimentalism offers the pleasures of identification in the absence of a feeling of responsible attachment. Améry was an eloquent proponent of what he called a radical humanism. Through discovering his Jewishness under the impact of somebody’s fist but more especially as a result of having been tortured by the Nazis, he acquired a great interest in a politics of dignity which could answer the governmental actions that brought racial hierarchy to dismal life. Perhaps for that very reason, he found through his post-war reading of Fanon, that “the lived experience of the black man . . . corresponded in many respects to my own formative and indelible experience as a Jewish inmate of a concentration camp. . .”. He continued: “I too suffered repressive violence without buffering or mitigating mediation. The world of the concentration camp too was a Manichaean one: virtue was housed in the SS blocks, profligacy, stupidity, malignance and laziness in the inmates’ barracks. Our gaze onto the SS-city was one of ‘envy’ and ‘lust’ as well. As with the colonized Fanon, each of us fantasized at least once a day of taking the place of the oppressor. In the concentration camp too, just as in the native city, envy ahistorically transformed itself into aggression against fellow inmates with whom fought over a bowl of soup while the whip of the oppressor lashed at us with no need to conceal its force and power.”24 With Levi and Fanon////

, Améry shared a commitment to extracting humanistic perspectives from the extremity he had survived in the lager. In a famous [1964] essay exploring his experiences at the hands of the Gestapo, he insisted that torture was “the essence”25 of the Third Reich and in making that case, shows how these issues should become important again in comprehending and criticising the brutal, permissive conduct of “the war on terror”.

## \*\*\* 2NC

### K Prior – Historical Account Determines Anti-Racism

#### Their hooks card is tagged as giving priority to their rage

#### Historical analysis of racial dynamics helps formulate anti-racist policy. Our K is prior to their denouncing institutions as racist.

Joseph **LOWNDES ET AL** Poli Sci @ Oregon **‘8** “Race and American Political Development” Joseph Lowndes, Julie Novkov & Dorian Warren in *Race and American Political Development* eds. Lowndes, Novkov & Warren p. 9-10

Race and contemporary politics Historical explorations of racial politics are essential, but not only for history's s.lke. Analyses of prior political struggles make visible the contingency of what now appear as settled, even natural, social or economic phenomena; be they racially inequitable residential patterns, labor market inequalities, disparate imprisonment rates, the prevalence and severity of certain diseases among populations of color, or starkly different voting behavior. Such patterns and practices are the result ofinstitutional and discursive histories. We cannot hope to gain analytic purchase on deeply entrenched social and political problems without understanding the forces which-intentionally or not-went into their production. This is clearly evident today, when **political approaches** to racial issues often **turn on** whether and **how history** is to be **considered**. In an era when "colorblindness" .is a widely accepted approach to questions of racial equality in U.S. politics, the past has never been of more importance. Colorblind ness is a particularly attractive target for the analysis we advocate, both because of its advocates' prominence in contemporary debates about politics and policy and because of its refusal to engage history. Proponents of colorblind arguments claim that the acknowledgement of race in social policy only serves to reproduce racial hierarchies. This ~pproach is crystallized in the Supreme Court's 2007 landmark ruling striking down school desegregation plans in Louisville and Seattle, which many legal experts see as retreating sharply !l'om the core principle uf Brown v. Board ofEducation 1. In Parents Involved ill Community Schools, ChiefJustice John Roberts interpreted the Fourteenth Amendment to prohibit policymakers from addressing racial subordination unless a specific, narrow, state-sponsored, and utterly unremediated history of discrimination could be identified, and to permit policymakers to acknowledge racial difference only as an ahistoric and thin conception of diversity.4 His summary of the Fourteenth Amendment's command to legislators and administrators is telling: "The way to stop discrimination on the basis of race is to Stop discriminating on the basis of race" While it is too early to tell how this ru ling will shape policies and later controversies, Roberts' ability to muster a majority around the outcome and three justices around this specific principle calls into question the center of the Court's capacity to negotiate more <ll1l bivalent rulings like that issued in Grutter v. Bollinger upholding affirmative <lerion in 2003. This assertion actively crases the significance ofhistory, because it claims that past institutional and cultural discrimination must not direct our attempts to remedy their current manifestations. But how an: we to determine the "way to Stop racial discrimination" without clear, concrete analyses of the institutional arrangements, cultural patterns, and economic dynamics that have produced the racial stratificatinn that demands remedy> Indeed, only historical tools can enable us to make clear sense of the very term "racial discrimination." Roberts' strong focus on individuals as the subjects of law and policy silently endorses a conception of racial discrimination as an individual phenomenon that need only be confined to the private realm to render it constitutionally irrelevant. At the same timc, his OV\-ll (and his concurring justices') narrow understanding of history blinds him to the institutional, cultural, and economic embedding of racial discrimination and its production ofintractable pattu-ns of hiu-archy, exclusion, and diminished possibilities based on one's racial position in society. But how exactly are we to make use of the past? From Lyndon Johnson's 1965 Howard University address to the current reparations movement, the argument has been made time and again that past wrongs require attention and redress ifwe are to ever achieve an egalitarian society (Balfour 2003). However, addressing the relationship between past and present racial hierarchies requires not simply an **accounting** of **past** **individual** and **institutional** **crimes**. As Robert Lieberman argues, we must also seek to understand precisely how institutional patterns of racialization have developed over time (chapter 9). Such specificity allows us to **better understand** and **craft law** and **policy** to **dismantle** **racial discrimination** today (Katznelson 2005). Analyses of forms of political exclusion built into New Deal legislation and implementation, as well as post-World War II patterns ofdiscrimination produced by the federal Housing Authority, and the GI Bill among others, gives us better purchase on the dynamics that produced the school segregation with which the Court was grappling. Only through tracing back the intelwincd institutional and ideological paths that produced the contemporary manifestations of inequality we observe can we effectively formulate policies to address these inequalities-and justify the need to do so.

#### Their desire to ignore the consequences of their advocacy causes alt failure ---must evaluate consequences of proposals

Christopher A. Bracey 6, Associate Professor of Law, Associate Professor of African & African American Studies, Washington University in St. Louis, September, Southern California Law Review, 79 S. Cal. L. Rev. 1231, p. 1318

Second, reducing conversation on race matters to an ideological contest allows opponents to elide inquiry into whether the results of a particular preference policy are desirable. Policy positions masquerading as principled ideological stances create the impression that a racial policy is not simply a choice among available alternatives, but the embodiment of some higher moral principle. Thus, the "principle" becomes an end in itself, without reference to outcomes. Consider the prevailing view of colorblindness in constitutional discourse. Colorblindness has come to be understood as the embodiment of what is morally just, independent of its actual effect upon the lives of racial minorities. This explains Justice Thomas's belief in the "moral and constitutional equivalence" between Jim Crow laws and race preferences, and his tragic assertion that "Government cannot make us equal [but] can only recognize, respect, and protect us as equal before the law." [281](http://web.lexis-nexis.com/universe/document?_m=cd9713b340d60abd42c2b34c36d8ef95&_docnum=9&wchp=dGLbVzz-zSkVA&_md5=9645fa92f5740655bdc1c9ae7c82b328#n281) For Thomas, there is no meaningful difference between laws designed to entrench racial subordination and those designed to alleviate conditions of oppression. Critics may point out that colorblindness in practice has the effect of entrenching existing racial disparities in health, wealth, and society. But in framing the debate in purely ideological terms, opponents are able to avoid the contentious issue of outcomes and make viability determinations based exclusively on whether racially progressive measures exude fidelity to the ideological principle of colorblindness. Meaningful policy debate is replaced by ideological exchange, which further exacerbates hostilities and deepens the cycle of resentment.

### AT: Structural Antagonism

#### Structural antagonism is a flawed theory for understanding both change and consolidation of racial inequality. There are contradictory racial orders in American political development, not one white-supremacist one. Reject their impact and alternative framing. [this is racial orders, not racial order]

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This "racial orders" thesis rejects claims that racial injustices are aberrations in America, for it elaborates how the nation has been pervasively constituted by systems of racial hierarchy since its inception. Yct more than many approaches, it also captures how those injustices have been contested by those they have injured and b)' other political institutions and actors. It does not deny that the nation's "white supremacist" racial orders have often served vicious economic exploitation or that their persistence reveals psychological and cultural patholq;ies. Instead it provides a framework to organize empirical evidence of the extent and manner in which structures ofracial inequalities have been interwoven with economic as well as gender and religious hierarchies and social institutions. But more than many scholars, our approach analyzes the "political economy" of American racial systems by stressing the "political," not the "economy." We sce all political institutional orders as coalitions of state institutions and other political actors and organizations that seell to secul'e and exel'cisegovtTnillg power in demographically, eco.nomically, and ideologically structured context)· that define the range of opportunities open to political actors. "Institutional orders" are thus more diversely constituted and loosely bound than state agencies; but thev are also more institutionalized, authoritatively empowered, and enduring than many political movements. Racial institutional orders are ones in which political actors have adopted (and often adapted) racial concepts, commitments, and aims in order to help bind together their coalitions and structure govcrning institutions that express and serve the interests of their architects. A.s in any coalition, the members of a racial order support it out of varied motives. Economic aims are central for manv, but others seek political power t()r its own sake, or to quiet social anxieties, or to further ideological goals. Leaders hold them together by gaining broad agreement on the desirability of certain publicly authorized arrangements that predictably distribute power, status, and resources along what are seen as racial lines. Hence these alliances necessarily combine what scholars have often treated as distinct "ideational" <\Ild "institutional" orders (cf., e.g., Smith 1997; Lieberman 2002; Orren and Skowronek 2004). And though the racial institutions they create at least seem to serve many members' economic interests, their coalitional nature means that their unifying aim must be power for many purposes, not just profits (ef Goldfield 1997: 30-1,91). By presenting racial orders as political coalitions, we build on Omi and Winant's (1994: 53-76) depiction of "racial formation" as a product of many elite led "racial projects." But in their account, political actors or "intellectuals" attacking or defending the dominant racial ideology drive racial transformations (86 ). Like many other scholars of American political development, we treat political entrepreneurs and the preexisting institutional orders in which they operate as the key independent variables shaping all political change, including racial development. We also disagree that, despite some forces working at cross purposes, the American state has preserved "an overall unity" as a "racial state," granting "no political legitimacy" to "oppositional racial ideologies" or "competing racially defined political projects" (80, 84). Instead, we see the American state as comprised of multiple institutional orders, including **competing racial orders** with conflicting ideologies. Though the rival orders have always had unequal power, to understand change we must recognize both that competing racial orders have long existed and that all have included some governing institutions. No American racial "project" has gone far without aid from some such institutions, and no racial conflict can be grasped without seeing how these institutions have shaped the sincere aims of the actors involved and their strategic calculations. Rather than seeing racial change as many sociologists do, as "the product ofthe interaction ofracially based social movements and the state" (Omi and Winant 1994: 88; Wacquant 2002: 52), we see it as the product of the interaction of opposing racial orders, as well as other political orders, all of which include some state institutiuns and some nonstate political actors and organizations. The balance of power in those interactions has shifted over time in part because, like most politically constructed coalitions, America's racial orders have been complex and breakable. Most political actors possess partly conflicting identities and interests, and there are always many goals they might like to pursue. But because preexisting contexts define tbe problems and options actors face, politics usually involves choosing sides among twO or three major approaches to what are widely seen as the dominant issues of the day, even if the prevailing approaches and issues do not express one's concerns fully. To accomplish much at all, American political actors have generally felt compelled to join either their current form of white supremacist order or its more egalitarian opponent. This means, however, that the competing racial orders have always included some members whose alignment was tentative and alterable///

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, while others in each era have at least sought to remain unaligned or to forge a third direction. Because of the limits of politics, the latter choices have usually meant effectively ~1iding one order more than the other, or becoming politically unimportant, until exceptional circumstances have opened up new coalitional options and policy directions. In the antebellum era, for example, many supported institutions of white supremacy as buttresses to African-American chattel slavery and the acquisition of Native American lands. Others simply wanted institutional protections against aggrieved nonwhites, or a socially recognized superior status, while some displayed psycholugical aversions, even genocidal impulses, toward people "of color." Though most of these white supremacists sided with slavery when it was the issue of the day, some did so reluctantly, and others opposed it, temporarily allying with advocates of an egalitarianism they did not share. Given these internal tensions and changing demographic contexts, in order to sustain a coalition powerful enough to control key governing institutions, antebellum white supremacists sometimes had to modify prevailing legal definitions of "whiteness," "blackness," and other racial categories. They slowly concluded that they had to label all with any African ancestry "black" and accept the Irish and many other immigrants as "white" (Jacobson 1998; Williamson 1984: 17-21). Yet they remained largely unified around the goal ufmaintaining the U.S. as a "white man's nation." The initial tensions among those championing egalitarian changes over the content of egalitarian goals and the means for pursuing them have been greater still. American discourses and institutions promising equal tights burgeoned in opposition to British aristocracy. Initially few British colonists thought them inconsistent with African slavery. But from the start, many black and some white Americans did; and some who opposed slavery favored full racial equality· Yet they worked in alliance with many more who were antislavery advocates less extreme forms of white supremacy, such as "tutelary" status or colonization for nonwhites. And throughout history, many who have rejected all versions of whitc supremacy still have differed on whether priority should be given to ,seeking economic equity, equal political status, or cultural recognition. Hence even when they were allied on issues such as ending slavery or segregation, advoates of racial change have disagreed over whether their ultimate goal should be full integration or some form of more egalitarian racial pluralism. Over time there have been major shifts in the degree and kinds of egalitarianism that have predominated among reformist institutions and actors, defining the I'h,\ses of the nation's transformative egalitarian racial orders. (:h:1!1ges have occurred in part because individuals positioned on the margins of racial orders, in rclation either to the aims or to the power structures of those orders, have sometimes switched their dominant aJlegiances at critical junctures. Such was true of Andrew Johnson, who was ardently antislavery but otherwise did not favor altering systems of white supremacy; and Harry Truman, who had never been a strong racial egalitarian but who concluded foJ" domestic, international, and personal reasons that it W ,\S wiser to ally with anti-segregationist northern Dem0crats than white supremacist southerners Klin kner with Smith 1999: 77-9, 206-24), Despite these complexities, in particular settings it is not hard to discern what were commonly seen as the main proposals on the nation's agenda that promised to increase or decrease racial equality of conditions in the near term. Scholars can recognize that issues such as slavery, Jim Crow segregation, and r,l(i,ll1v targeted aid programs have at different times been the central disputes ,\round which political battle lines have formed. Hence in each era scholars on identify empirically the main institutions and actors allied to sustain the then-dominant forms of white supremacy, thereby comprising that period's "white supremacist" order, and the leading institutions and actors working for more egalitarian racial conditions, its "transformative egalitarian" order. The existence and analytical utility of these racial orders are not discredited hv the presence of internal tensions in the orders, including marginal and "dual" members who may change sides, by some who seek to stay unaligned, or In' the fact that the orders modify their goals and members over time. Rather, these features add to their explanatory force. The processes of change wrought by the problems leaders face in sustaining these orders amidst internal tensions, hI the conflicts of the orders with each other, by the defection of actors and Institutions from one order to its ri\'al, and by their interactions with other ,tnors and institutions comprising American life, all have been engines of significant political development. The "racial orders" approach is a theoretical framework that can enable empirical studies of racial systems to falsify hypotheses. If a racial order works against the economic interests of many participants, as antebellum laws banning free blacks in Old Northwest states arguably did for many employers and even "'hire workers, as Jim Crow laws clearly did for transportation companies, <1nd as race-based immigration restrictions probably did for many wealthy supporters, it is hard to claim their economic aims drove that order. And if the systems of economic and political inequality sanctioned by a racial order come to be greatly modified, as in the shattering of the interweaving of white supremacy and slavery before the rise of de jure segregation systems, it is implausible to deny that the order has undergone true development. Thus this approach can also help scholars map the stages and extent of the nation's real but incomplete progress toward racial equity and the political contests through which progress has come. And insofar as our framework can unify and strengthen empirical findings on racial developments, it can also vindicate the claim that these contests have been fundamentally political. Useful as this framework is for making sense of racial development, our main claim here is that a "racial institutional orders" approach helps explain many features of American politics that may appear unrelated to race, such as congressional organization and bureaucratic autonomy. V\\; conclude that the internal developments, clashes, and broader impacts of American racial orders have been and remain so central that all scholars of American politics ought always to consider how far "racial order" variables affect the phenomena they examine. Analysts should inquire whether the activities of institutions and actors chiefly concerned either to protect or to erode white supremacist arrangements help to account for the behavior and changes in the nation's political institutions, coalitions, and contests they study. Any choice not to consider racial dimensions requires explicit justification. This is so precisely because racial orders have been constitutively interwoven with many other highly significant institutional orders, including gender and class hierarchies. Still, we recognize that African Americans, Asian Americans, J.atinos, and Native Americans, like all others, have had political concerns that are best captured by stressing their membership in other such orders, not their racial positioning (Reed 2003). We hope that the framework we advance here will aid the study ofall these political orders, providing us with ways to identify and measure their profound intersections with racial institutions and conflicts. vVe suspect that these intersections will show how the unusual prominence racial orders in America's development has also given distinctive shape to its gender and class systems.

## \*\*\* 1NR

### Progess / reformism good

#### Black progress is undeniable---afro-pessimism requires ignoring mass amounts of evidence to the contrary

Leroy Clark 95, Professor of Law, Catholic University Law School, “A Critique of Professor Derrick A. Bell's Thesis of the Permanence of Racism and His Strategy of Confrontation”, 73 Denv. U.L. Rev. 23

Professor Bell treats the post-1960s claims of progress as an illusion: discrimination simply became more covert, but equally efficient. n69 The facts, however, viewed with a holistic perspective, largely refute this claim. n70¶ The most thorough analysis of black-American status since Gunnar Myrdal's An American Dilemma in 1944, is A Common Destiny--Blacks and American Society. n71 The report covers the period from 1940 through 1986, and is more comprehensive than the studies Professor Bell relied on in recent law review articles.¶ A Common Destiny answers Professor Bell's central question in Faces:¶ Contemporary views of the status of black-white relations in America vary widely. Perspectives range from optimism that the main problems have been solved, to the view that black progress is largely an illusion, to assessments that the nation is retrogressing and moving toward increased racial disparities. To some observers, the present situation is only another episode in a long history of recurring cycles of apparent improvement that are followed by new forms of dominance in changed contexts: the level of black status changes, it is said, but the one constant is blacks' continuing subordinate social position. To other observers, the opposite is correct: long-run progress is the dominant trend. n72¶ A Common Destiny, however, concludes that the overwhelming majority of black-Americans made substantial progress since 1940:¶ Over the 50-year span covered by this study, the social status of American blacks has on average improved dramatically, both in absolute terms and relative to whites. The growth of the economy and public policies promoting racial equality led to an erosion of segrega- tion and discrimination, making it possible for a substantial fraction of blacks to enter the mainstream of American life. n73¶ Just five decades ago, most black Americans could not work, live, shop, eat, seek entertainment, travel where they chose. Even a quarter century ago--100 years after the Emancipation Proclamation of 1863--most blacks were effectively denied the right to vote. . . . Today the situation is very different. n74¶ The Committee acknowledged that "the great gulf that existed between black and white Americans in 1939 . . . has not closed," because one-third of blacks "still live in households with incomes below the poverty line." n75 Yet the study reported that 92% of blacks lived below the poverty line in 1939. n76 A 60% drop in poverty is an astounding improvement, by any measure, and is an even faster movement out of poverty than that of the white public that was also suffering from the ravages of the economic depression of the 1930s. n77 Some reduction of black poverty occurred when blacks secured higher paying jobs in defense industries during World War II. But the passage of the 1964 Civil Rights Act brought a significant reduction in racial employment discrimination. By 1984, blacks had $ 9 billion more per year in real income, adjusted for inflation, than they would have had if they had remained arrayed throughout the occupational spectrum as they were before the Act. n78 A new black economic elite developed through movement into higher paying employment in the private sector and away from employment in government, the clergy, and civil rights organizations; this new elite should sustain their progress and finance opportunities for their young. n79¶ The number of black elected officials increased from a few dozen in 1940 to 6,800 by 1988, and the number of black public administrators went from 1% in 1940 to 8% in 1980. n80 No white elected official has openly supported racial segregation since Governor Wallace in the early 1960s, a testament, in part, to the substantial increases in black voter registration and voting, due to the Voting Rights Acts of 1957, 1960, and 1965. n81¶ One could also show decreases in racial segregation in education, housing, and other aspects of American life, coupled with the virtual disappearance of racial exclusion in public accommodations--all due to enforcement of the new legislation. It is true, racial discrimination has not been totally eradicated. n82 But, Peter F. Drucker summarizes:¶ In the fifty years since the Second World War the economic position of African-Americans in America has improved faster than that of any other group in American social history--or in the social history of any country. Three-fifths of America's blacks rose into middle class incomes; before the Second World War the figure was one twentieth. n83¶ I doubt that Professor Bell believes that racial discrimination should have totally disappeared. But what, then, accounts for Professor Bell's statements that "the civil rights gains, so hard won, are being steadily eroded"; that it has been "more than a decade of civil rights setbacks in the White House, and in the courts"; n84 and that the civil rights movement is "a movement now brought to a virtual halt"? n85¶ Professor Bell was not looking at the total sweep of black progress since the 1960s, but was dismayed by the hostility towards--or lack of support for--civil rights displayed during the twelve years of the Reagan and Bush administrations. n86 Ex-president Jimmy Carter appointed a record number of black attorneys to the federal courts. n87 Reagan and Bush returned to the old style, appointing few minorities and women to the federal bench. Further, their appointees often proved unsympathetic to the arguments of civil rights organizations. n88 Reagan and Bush were the only presidents who opposed passage of the 1964 Civil Rights Act, and the only presidents who vetoed civil rights legislation in the 20th century. n89 They also used subtle, and sometimes not so subtle, "racial codes" to covertly organize whites to break the Democratic party's hold on the presidency, especially in the South. n90¶ Even given this executive branch hostility to civil rights, the Congress, the branch of government much more vulnerable to the electorate, consistently and successfully opposed or reversed actions that undermined civil rights. Congress amended and improved the Voting Rights Act in 1982. n91 Congress overrode the veto of one of the most popular presidents in modern times, Reagan, and passed the Civil Rights Restoration Act in 1986. n92 The enforcement machinery of the Fair Housing Act, prohibiting racial discrimination in the sale or rental of housing, was substantially improved by amendment in 1988. n93 A bill barring discrimination in employment and public accommodations for the disabled, a disproportionate number of which are blacks, passed in 1990. n94¶ The major "setbacks," to which Professor Bell refers, were several United States Supreme Court cases which limited the scope of statutes prohibiting discrimination in employment, or which created proof problems for plaintiffs. n95 Congress passed a bill in 1991 which reversed all of the adverse decisions by the Court. n96 This history of Congressional repudiation of executive and judicial hostility to civil rights and, indeed, the extension of civil rights to new areas, is not noted in either of Professor Bell's two books. n97¶ Why, if society is as irremediably racist as Professor Bell alleges, can Congress, which constantly sounds out the public, confidently pass this wide range of pro-civil rights legislation? The answer is that the overwhelming majority of white Americans underwent attitude changes in the last thirty years, generally relinquishing crude or unadulterated racial prejudice. A majority of whites no longer believe in the racial inferiority of blacks, and believe blacks should not be discriminated against in employment, schools, and access to public and private accommodations. n98 Professor Bell's books contain no mention of the extensive opinion poll data showing less racial prejudice. Indeed, his books, especially Confronting Authority, portray the white public as massively, and often incomprehensibly and stupidly, committed to racism.

#### Equating present conditions with slavery annihilates agency – their ontological account of social death is wrong.

**Ehlers 12** – (2012, Nadine, Professor, School of Social Sciences, Media, and Communication Faculty of Law, Humanities, and Arts University of Wollongong, “Racial Imperatives: Discipline, Performativity, and Struggles against Subjection,” p. 9-12, footnote from p. 145)

While I deploy these terms for analytic convenience, the study pivots on the desire to make dear tbe false homogeneity of subjects that are denoted by these terms and the arbitrariness of race per se. In the same moment that I employ these terms as critical tools of analysis, then, I hope to expose the mechanisms of their production and mark possibilities for their rearticulation. The final portion of this study is concerned with examining what forms of agency and resistance are possible within the context of this binary construction of black and white identities. Guiding this analysis is the question of how individuals struggle against subjection and how racial norms might be recited in new directions, given that the coercive demands of discipline and performative constraints make it seem like race is an insurmountable limit or closed system. **That race operates as a limit appears particularly so for black subjects.** For despite the fact that all subjects are produced and positioned within and by the discursive formations of race, the impact of that positioning and what it means for experience is markedly different. Black subjects are situated within an antiblack context where the black body/self continues to be torn asunder within the relations of civil society. This means that, as Yancy (2008, 134 n. n) insists, " the capacity to imagine otherwise is seriously truncated by ideological and material forces that are systematically linked to the history of white racism!'

A number of scholars have examined these realities and advanced critical accounts of what they identify as the resulting condition of black existence. David Marriot, for instance, argues that "the occult presence of racial slavery" continues to haunt our political and social imagination: "nowhere, but nevertheless everywhere, a dead time which never arrives and does not stop arriving" (2007, xxi). Saidiya Hartman, in her provocative Lose Your Mother: A journey Along the Atlantic Slave Route (2007) refers to this haunting as slavery's afterlife. She insists that we do not live with the residue or legacy of slavery but, rather, that slavery lives on. It 'survives' (Sexton 2010, 15), through what Loic Wacquant (2002, 41) has identified as slavery's fu nctional surrogates: Jim Crow, the ghetto, and the prison. For Hartman, as echoed by other scholars, slavery has yet to be undone:

Black lives are still imperiled and devalued by a racial calculus and a political arithmetic that were entrenched centuries ago. This is the afterlife of slavery- skewed life chances, limited access to health and education, premature death, incarceration, and impoverishment. I, too, am the afterlife of slavery. (2007, 6)

Frank B. **Wilderson** III, in his Red, White, and Black: Cinema and the Structures of U.S. Antagonisms (2009), powerfully frames slavery's afterlife as resulting in a form of **social death** for black subjects and, more than this, he argues that black subjectivity is constituted as **ontological death**. For Wilderson, " the Black [is) a subject who is always already positioned as Slave" (2009, 7) in the United States, while everyone else exists as "Masters" (2009, 10 ).8

Studies of slavery's afterlife and the concept of social death have inarguably made essential contributions to understandings of race.9 The strengths of such analyses lie in the salient ways they have theorized broad social systems of racism and how they have demanded the foregrounding of suffering, pain, violence, and death. Much of this scholarship can be put or is productively in conversation with Foucault's account ofbiopolitics that, as I noted earlier, regulates at the level of the population. Where sovereignty 'took life and let live,' in the contemporary sphere biopolitics works to 'make live.' However, certain bodies are not in the zone of protected life, are indeed expendable and subjected to strategic deployments of sovereign power that 'make die.' It is here that Foucault positions the function of racism. It is, he argues, "primarily a way of introducing a break into the domain of life that is under power's control: the break between what must live and what must die" (2003b, 254). Thus, certain bodies/subjects are killed - or subjected to sovereign power and social death- so that others might prosper. 10

In Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America (1997), Hartman examines the 'must die' imperative of social death understood broadly as a lack of social being-but she also illuminates how, within such a context, slave "performance and other modes of practice . .. exploit[ed), and exceed[ed] the constraints of domination" (1997, 54, my emphasis). Hartman analyzes quotidian enactments of slave agency to highlight practices of "(counter)investment" (1997, 73) that produced "a reconstructed self that negates the dominant terms of identity and existence" (1997, 72). 11 She thus argues that a form of agency is possible and that, while "the conditions of domination and subjugation determine what kinds of actions are possible or effective" (1997, 54), **agency is not reducible to these conditions** (1997, 55).'2 The questions that I ask in this analysis travel in this direction, and aim to build on this aspect of Hartman's work. In doing so I make two key claims: first, that despite undeniable historical continuities and structural d)'namics, race is also marked by discontinuity; and second, race is constantly reworked and transformed within relations of power **by subjects**. 13

**For Vincent Brown, a historian of slavery,** ''violence, dislocation, and death actually generate politics, and consequential action by the enslaved" (2009, 1239) . He warns that focusing on an overarching condition or state potentially **obscures seeing these politics**. More than this, however, **it risks positioning relations of power as totalizing and transhistorical**, and it risks essentializing experience or the lived realities of individuals. **14** I scale down to the level of the subject to analyze both (a) how subjects are formed, and (b) how subjects – black and white alike – have struggled against conditions in ways that refuse totalizing, immutable understandings of race. This book does not seek to mark a condition or situa tion then, but instead takes up Brown's challenge (made within the context of studies of slavery) to pay attention to efforts to remake condition. Looking to those efforts to remake condition and identity grapples with the microphysics of power and the practices of daily life, enacted by individuals and i11 collective politics, to consider what people do with situations: those dynamic, innovative contestations of (a never totalizing) power. Echoing the call raised by Brown (2009, 1239), my work focuses then on "examining ... social and political lives **rather than assuming . . . lack of social being**" in order to think about how subjects can and have "made a social world out of death itself" (Brown 2009, 1233) or how, more generally, race can be reconfigured within the broader workings of what I am calling racial discipline and performative imperatives.

But in addressing the quotidian and those efforts to remake condition and identity, this study insists on a shift in perspective in terms of how power is thought about. As I have remarked, I am not focused on biopolitics or what can be seen as solely sovereign forms of power that are deployed to condition who will live and who will die. Instead, I am concerned with disciplinary power, which is articulated simultaneously but at a different level to biopolitics (and despi te the exercise of sovereign forms of power} (Foucault 2003a, 250). For Foucault, this form of power is not absolute, nor does it exist in opposition to resistance. Rather, power is seen as always fragmentary and incoherent, and power and resistance are seen as mutually constitutive. Disciplinary power is productive, in that it generates particular capacities and forms of subjectivity (and, necessarily, agency). And finally, **though subjects are formed in power, they are not reducible to it, not determined by power**.

[BEGIN ENDNOTE]

**14.** Historian Vincent Brown, in his "Social Death and Political Life in the Study of Slavery" (2009), has examined a number of scholars who seemingly take up such a viewpoint, in that they broadly position blackness as a totalizing state that, historically and in the present, renders slavery synonymous with social death and blackness as always already synonymous with slavery. Brown focuses specifically on the academic uptake and what he sees as the problematic distillation and extension of Orlando Patterson's (1981) concept of"slavery as social death;' where social death indicates a lack of social being. As a scholar of slavery, Brown is most concerned with examining the limitations of this idea in relation to the enslaved, but he is also interested in how the idea is used in relation to the present. For Brown, **Patterson's "slavery as social death," and contemporary usages of this concept to account for the present, advance a troubling transhistorical characterization of slavery** He argues in line with I-Ierman Bennett (quoted in Brown 1009, 1133), who has observed:

As the narrative of the slave experience, soclardeath assumes a uniform African, slave, and ultimately black subject rooted in a static New World history whose logic originated in being property and remains confined to slavery. It absorbs and renders exceptional evidence that underscores the contingent nature of experience and consciousness. Thus, normative assumptions about the experiences of peoples of African descent assert a timeless, ahistorical, epiphenomenal "black" cultural experience.

[END ENDNOTE]

### AT: Violence

#### Violence is not a winning strategy—it results in white elite crack down and isolates black liberation advocates. The alternative is a better path

hooks 04 bell hooks – Chapter 4 don’t make me hurt you black male violence “We Real Cool”

Yet fearful or not, **it has really been mainstream white culture that both requires and rewards black men for acting like brutal psychopaths, that rewards them for their will to do horrific violence. Cultures of domination, like the United States, are founded on the principle that violence is necessary** for the maintenance of the status quo. Orlando Patterson emphasizes that long before any young black male acts violent he is born into a culture that condones violence as a means of social control, that identifies patriarchal masculinity by the will to do violence. **Showing aggression is the simplest way to assert patriarchal manhood**. Men of all classes know this. **As a consequence, all men living in a culture of violence must demonstrate at some point in their lives that they are capable of being violent**. The movie The Shawshank Redemption is a prison story wherein the “soft” upper-class white man must prove he can survive in the predatory jungle of prison. His tutor is an older criminal black male. While the black male confesses to having murdered for no reason, the white male he tutors in the art of survival is shown to be innocent.

Another prison movie, The Green Mile, offers a similar image. The big “hypermasculine” black male who threatens to turn into a monster at any moment is shown becoming more and more civilized and domesticated as he develops the mysterious power to heal. His godlike power cannot, however, rescue him from being put to death for a crime he did not commit. In both these movies the “bad nigger” is alone and without any sheltering community—since in the John Wayne world of the west, real men go it alone. The frail sensitive white male Andy in The Shawshank Redemption proves his manliness by escaping from prison alone.

While the hypermasculine black male violent beast may have sprung from the pornographic imagination of racist whites, perversely militant anti-racist black power advocates felt that the black male would never be respected in this society if he did not cease subjugating himself to whiteness and show his willingness to kill. Soledad Brother, a collection of letters written by George Jackson during his prison stay, is full of his urging black males to show their allegiance to the struggle by their willingness to be violent. Paradoxically, by embracing the ethos of violence, Jackson and his militant comrades were not defying imperialist white-supremacist capitalist patriarchy; unwittingly, they were expressing their allegiance. By becoming violent they no longer have to feel themselves outside the cultural norms.

Violence is the norm in the United States. Orlando Patterson provides a background exposing the fascination with violence that is so pervasive in this nation:

America has always been a violent place. And quite apart from their involvement with slavery, Euro- Americans have always exhibited a perverse fascination with violence. The violence of Euro-American men against other Euro-American men, and against Euro- American women, needs no documentation. The law of the jungle, of an eye for an eye, has played and continues to play, a central role in the culture…. Euro-American men exhibit a higher rate of homicide and other forms of violence than do the men of any other advanced industrial society…. America is the only advanced industrial society that practices capital punishment…. The experience, and fear, of violence among Euro- Americans is hardly new…. The quintessential American myth is that of the cowboy…. Central to that myth are the role of violence and the reverence for the gun…. Thus violence is not only shunned and dreaded in American culture; it is also embraced and romanticized.

Patterson makes the important point that most black males are not criminals and calls attention to the reality that the typical criminal is a Euro-American, explaining: “And if one includes white-collar crime in one’s count, as well as the unreported violence of…Euro-American males against their defenseless wives and children…then it continues to be true that Euro- American males commit not only the majority of crimes of violence in this country but the disproportionate number.” However, by projecting onto black males the trait of unchecked primitive violence, white-supremacist culture makes it appear that black men embody a brutal patriarchal maleness that white men and women (and everyone else) must arm themselves to repress. Sadly and strangely, individual black males have allowed themselves to become poster boys of brute patriarchal manhood and its concomitant woman-hating.

Retrospectively it is obvious that during the militant civil rights movement the white-supremacist patriarchal states recognized that it would be a simple matter to encourage black male fascination with violence. Although most folks remember the Moynihan report suggesting black males were being symbolically castrated by black females, they often do not know that his suggestion for how black men could restore their manhood was to send them to fight wars. White males acted as though black male patriarchal behavior was acceptable because black male bodies were needed to fight wars: both imperialist wars abroad and gender war on the home front. **Had the white supremacist patriarchal state wanted to, it could have imprisoned and slaughtered black males active in militant black power movements for racial justice from the onset. It served the interest of the state to socialize black males** away from non-violence **(which was after all the powerful ethical position that had led many whites to join anti-racist civil rights struggle)** and push them in the direction of violence.

Had white male leaders not condoned the violence of militant black males we would have no body of literature (published by mainstream presses) calling black men to armed struggle. Cleaver begin his Soul on Ice bragging about raping black women as practice for his rape of white women. He boasts: “I became a rapist. To refine my technique and modus operandi, I started out by practicing on black girls in the ghetto where dark and vicious deeds appear not as aberrations or deviations from the norm, but as part of the sufficiency of the Evil of a day—and when I considered myself smooth enough, I crossed the tracks and sought out white prey. I did this consciously, deliberately, willfully, methodically…. Rape was an insurrectionary act. It delighted men that I was defying and trampling upon the white man’s laws, upon his system of values.” This book was one of the first works published by a self-proclaimed revolutionary black man praising violence, sharing with the world that he had consciously chosen to become the brutal black beast of white racist imaginations. **Powerful conservative, liberal, and radical white men were not afraid of the message** Cleaver’s work contained; they helped disseminate it. Soul on Ice sold millions of copies and has been recently reprinted. Cleaver’s book received unprecedented acclaim for a nonfiction polemical book by a black male writer who expressed sexist, misogynist, and homophobic beliefs right at the historical moment when women’s liberation and the movement for sexual liberation (with its focus on gay rights) were gaining momentum.

**It is as though patriarchal white men decided that they could make use of militant black male sexism**, letting it be the first and loudest voice of anti-feminist backlash. Polls and surveys of the population that looked at attitudes toward gender roles in the late sixties and early seventies actually showed that black males were much more supportive of women entering the workforce and receiving equal pay for equal work than other groups of men. The voice of black male sexism and misogyny was not representative. And yet it was that voice that received ongoing national attention. **It was not the astute critiques of American foreign policy, of capitalism, that citizens of this nation heard from black power advocates. When they appeared in mass media it was only as agents proclaiming their right to do violence, their right to kill**. This was one of the contradictions within black power rhetoric.

In Look Out, Whitey! Black Power’s Gon’ Get Your Mama Julius Lester critiques the violence of this nation, especially its oppression of black folks, then pages later encourages black folks to be violent. He writes: “America has the rhetoric of freedom and the reality of slavery. It talks of peace, while dropping bombs. It speaks of self-determination for all people, while moving to control the means of production on which self-determination depends…and if we seek to break out of this world, we’re ostracized, clubbed, or murdered. Power maintains itself through rhetoric and force.” Then he writes at the start of his last chapter: “It is clear that America as it now exists must be destroyed. There is no other way. It is impossible to live within this country and not become a thief or a murderer. Young blacks and young whites are beginning to say NO to thievery and murder. Black Power confronts White Power openly…. we will destroy you or die in the act of destroying.” With radical political insight Stokely Carmichael said in an address at Berkeley, in October 1966: “I do not want to be a part of the American pie. The American pie means raping South Africa, beating Viet Nam, beating South America, raping the Philippines, raping every country you’ve been in. I don’t want any of your blood money. I don’t want it. We have grown up and we are the generation that has found this country to be a world power, that has found this country to be the wealthiest country in the world. We must question how she got her wealth. That’s what we’re questioning. And whether or not we want this country to continue being the wealthiest country in the world at the price of raping everybody across the world.” Carmichael joined his black power colleagues in advocating violence, yet he always contextualized his support of violence making a distinction between revolutionary violence aimed at liberating the oppressed and the violence of oppressors. Yet these vital distinctions never reached a mass audience. What the masses heard was that black men were ready to kill.

Black males socialized in patriarchal culture to make manhood synonymous with domination and the control of others, with the use of violence, had believed during slavery, reconstruction, and the Jim Crow era they could not claim patriarchal manhood for fear of genocidal white patriarchal backlash. When powerful racist white men did not immediately crush militant black males who advocated violence, who acted violently, raping, killing, looting, it appeared that black males had finally arrived, their manhood was affirmed. Many of George Jackson’s letters to his mother published in Soledad Brother express rage at her for domesticating him and his brother, for teaching them nonviolence, to be “good boys.” He accuses her of repressing his manhood. Throughout all the published letters to family, friends, and colleagues Jackson shares his romanticization of violent resistance as the path to manhood. He shares his unquestioned belief in patriarchal ideals. Jackson entered prison at eighteen for a minor offense. After being accused of killing a prison guard he received a longer sentence. More than any other militant black male he epitomized black male youthful rebellion linked to a budding radical political consciousness. In Soledad Brother, with keen insight and sincerity, Jackson reveals the pain and crisis of a young black male’s struggle to be self-determining, yet his assumption that patriarchal manhood expressed via violence is the answer is tragically naive. He wrote to his mother: “Being a woman you may expect to be and enjoy being tyrannized… but for me this is despicable…. You never wanted me to be a man…. You don’t want us to resist and defend ourselves. What is wrong with you, Mama?” In other letters he tells her he is being a good boy. Jackson, like so many other black males, was seeking self-definition; he was unable to consider alternatives to patriarchal masculinity.

It would be all too easy to blame these black males for their uncritical embrace of patriarchy even as they were so critical of The Man, yet they were and remain, even in death, victims of sexist socialization. Had they been lucky they might have had individual black male renegades, true rebels against the patriarchal norm, to guide and mentor them. Were it not for their homophobia they might have found examples in the writing of gay black men. Experimental novelist, poet, and essayist Ishmael Reed writes in the introduction to the Reed Reader that he was inspired by the work of James Baldwin. Yet many of the black power males cite no elder black male they admire, who they want to be like. In the 1967 introduction to Soul on Ice, Maxwell Geismar says of Cleaver that his work reveals an “adolescent innocence—the innocence of genius.” This spirit characterizes the confessional writing of many black militants. It is equally evident that there is an overwhelming degree of reactive rage expressed in these works that has the quality of a pathologically narcissistic adolescent whining because he cannot have everything he wants or what he wants is not just handed to him.

When Michele Wallace asserts in Black Macho and the Myth of the Superwoman that “the black revolutionary of the sixties calls to mind nothing so much as a child” she reenacts the same practice of psychological terrorism, the shaming and goading, that had been the breeding ground for unhealthy black male obsession with asserting manhood in the first place. However it is important to examine and name the connection between the sixties’ militant black male embrace of patriarchal manhood and its concomitant violence and the more recent passive acceptance by too many black men of the notion that their manhood requires them to be predators, to be natural-born killers, or to symbolically represent themselves as such (i.e., rich rap artists who are in their lives nonviolent but who preach violence). Lots of young black men are walking around assuming a gangsta persona who have never and will never commit violent acts. Yet they collude with violent patriarchal culture by assuming this persona and perpetuating the negative racist/sexist stereotype that says “all black men are carriers of the violence we dread.” Then there are the large numbers of underclass black males with no hope for the future who are actively violent. Added to this group are the black males who will never act violently outside the home, who do not commit crimes in the street, but who are, inside the home, in their private lives, abusive and violent. Overall the facts reveal that black males are more violent than ever before in this nation. And they are more likely to be violent toward another black person whom they deem less powerful.

Much black male violence is directed toward females. Sexism and the assumption of the male right to dominate serves as the catalyst for this violence. In the essay “Confessions of a Recovering Misogynist” Kevin Powell calls attention to the fact that black males in their twenties and early thirties who have been raised in the time of feminist movement and women’s studies are as passionately misogynist and sexist as their older male counterparts. Writing about his violence toward women (as part of making amends) he confesses: “I, like most black men I know, have spent much of my life living in fear. Fear of white racism, fear of the circumstances that gave birth to me, fear of walking out my door wondering what humiliation will be mine today. Fear of black women—of their mouths, of their bodies, of their attitudes, of their hurts, of their fear of us black men. I felt fragile, as fragile as a bird with clipped wings, that day my ex-girlfriend stepped up her game and spoke back to men. Nothing in my world, nothing in my selfdefinition, prepared me for dealing with a woman as an equal. My world said women were inferior, that they must, at all costs, be put in their place, and my instant reaction was to do that.” Black male violence against black females is the most acceptable form of acting out. Since the racist sexist white world sees black women as angry bitches who must be kept in check, it turns away from relational violence in black life. Mass media never cared or called attention to O.J.Simpson’s violent abuse of black female partners, but when he was accused of murdering a white woman, the documentation was already in place to prove his violence toward her. Had the patriarchal state checked his violence when it was just a blackon- black thing, he might have learned nonviolence and never hurt another woman physically, including his white wife.

Black males today live in a world that pays them the most attention when they are violently acting out. Whether it is attention given to black men as perpetrators of violent crime (i.e., O.J.Simpson or the recent coverage in the mass media, particularly the New York Times of the “battle” between Harvard black professor Cornel West and the white male president of the university. (It is still a frightening commentary about the fascination this society has with violence that incredible amounts of money were made from mass media’s exploitation of the brutal murder of Nicole Simpson via the invocation of the black male as murderous beast on the rampage.) In both cases symbolic shoot-outs occur in which black males are assigned the position of hypermasculine, outof- control male body, and white males (whether enforcers of law or educators) are perceived to be acting with reason.

If black males are socialized from birth to embrace the notion that their manhood will be determined by whether or not they can dominate and control others and yet the political system they live within (imperialist white-supremacist capitalist patriarchy) prevents most of them from having access to socially acceptable positions of power and dominance, **then they will claim their patriarchal manhood, through socially unacceptable channels**. They will enact rituals of blood, of patriarchal manhood by using violence to dominate and control///

. Many black power activists started out as angry disappointed disenfranchised males who were unable to fulfill the patriarchal promise they had been told was their entitlement just for having been born male. They made themselves visible by unacceptable criminal behavior, by doing violent deeds. But when they were given the opportunity via legitimate socially acceptable civil rights struggle to bring positive purpose and meaning to their lives they sought to do so. And there was a difference between the violence they had enacted for criminal behavior and the violence they deployed in the interest of civil rights.

Ultimately they were, to use Lester’s words, able to win and maintain power by using “rhetoric and force.” Even though his critiques of the white patriarchal society were on target, **he and his comrades were not able to offer alternatives to the existing structure or subversive ways to live within it**. Lester writes: “White Power creates one basic condition under which all who are powerless must live: It makes us sharecroppers. We work at jobs we care nothing about so that we can buy food, pay the rent and buy clothes. We’re paid enough so that we can stay alive and work and make money for somebody else. That’s life in America.” **Without offering alternatives, his critiques, like those of his comrades, were not positive interventions. They laid the groundwork for the culture of cynicism that would become the norm once the movement ended; the nihilistic thinking that would be evoked to validate violence for the sake of violence**.

After the black power militants lost their “armed” resistance struggle to the white male patriarchal state, they were left without a platform. **Since their platforms** (that is, the way they disseminated their message nationally) **had been given them by the very imperialist capitalist patriarchal state they were claiming to want to overthrow**, they were easy to silence. Mass media simply ignored any aspect of the black liberation struggle that was positive and ongoing. **Their valuable messages of radical social critique, their call to end racist domination, and their demand for justice and freedom** for all were soon forgotten by the masses. The images that everyone remembered were of beautiful black men wearing leather jackets and berets, armed with machine guns, poised and ready to strike. The message that lingered was that black men were able to do violence, that they had stood up to the white man, faced him down. No matter that they lost in the armed struggle; they had proven they were men by their willingness to die. And ultimately this is all that mattered. George Jackson made this position clear in a 1968 letter: “The symbol of the male here in North America has always been the gun, the knife, the club. **Violence is extolled at every exchange**: the TV, the motion pictures, the best selling books. The newspapers that sell best are those that carry the boldest, bloodiest, headlines the most sports coverage. To die for king and country is to die a hero.” As dead patriarchal heroes black power militants have become icons, commodified celebrities, and yet their critical understanding of the nature of domination (including their vision of radical black nationalism) **is not studied, enlarged, or treated as a starting point for new liberation struggle. Mostly it has been reduced to sentiment.**

Theories of black superiority, of sun-people versus icepeople, replace the careful readings in historical materialism that were a norm as well as the vision of radical coalition politics (read all about it in the works of Huey P.Newton). Today’s young and hip black male who fancies himself a radical, who is ready to throw down for the cause, **is not talking about neocolonialism, about global struggle. And he is definitely not critiquing capitalism**; making rap music is his way into the system. Radical activist and writer Kevin Powell puts it in perspective: “While I do not think hip-hop is any more sexist or misogynist than other forms of American culture, I do think it is the most explicit form of misogyny around today…. What folks don’t understand is that hip-hop was created on the heels of civil rights era by impoverished black men and Latinos, who literally made something out of nothing. But in making that something out of nothing, many of us men of color have held tightly to white patriarchal notions of manhood—that is, the way to be a man is to have power…. Patriarchy, as manifest in hip-hop, is where we can have our version of power within this very oppressive society.” Hip-hop is the place where young black males can deploy that rhetoric Julius Lester identified as a central aspect of power. Black male hip-hop artists who receive the most acclaim are busy pimping violence; peddling the racist/sexist stereotypes of the black male as primitive predator. Even though he may include radical rhetoric now and then, the hip-hop artist who wants to make “a killing” cannot afford to fully radicalize his consciousness. **Hungry for power, he cannot guide himself or anyone else on the path to liberation**. More often than not he is simply nostalgic about the past or seeking refuge in a fantasy of cultural separatism that is not functional in the work world today. But **to not understand neo-colonialism is to not live fully in the present**.

Perhaps that is the greatest tragedy of where we are as a nation in relation to black masculinity. Most black males are being encouraged through their uncritical acceptance of patriarchy to live in the past, to be stuck in time. More often than not they are stuck in the place of rage. And it is the breeding ground for the acts of violence large and small that ultimately do black men in. Black male violence is rarely, if ever rewarded—no matter what the patriarchal myth says. O.J. Simpson may walk the streets but he is a marked man; he is prey. And he has been preyed upon. It was a public feast, an old-fashioned lynching that had nothing to do with justice for Nicole Simpson or due process (“innocent until proven guilty”) for O.J.Had the white patriarchal authorities cared about the life of Nicole Simpson they would have intervened during O.J.’s everyday violence.

White patriarchy is just as misogynist as black patriarchy and offers death as the price all women must pay if they get out of their place. Pretending to seek justice for Nicole Simpson, imperialist white-supremacist patriarchy simply cannibalized her mutilated dead body to feast on black male flesh. It was and is the new “birth of a nation.” It was a fullfledged public announcement by a racist sexist legal system and mass media that black males, whether rich or poor, are still just demonic beasts in human flesh who must be hunted down and slaughtered. In Native Son Richard Wright described the black male confrontation with white patriarchy and the character of Bigger explained: “They choke you off the face of the earth. They don’t even let you feel what you want to feel. They after you so hot and hard you can only feel what they doing to you. They kill you before you die.” This nihilistic sentiment is the heart of the matter. Since so many black males, especially young black males, feel that they are living on borrowed time, just waiting to be locked down (imprisoned) or taken out (murdered), they may as well embrace their fate— kill and be killed.

These factors lead many black males to cultivate an abusive personality in childhood. It is a defense. Taught to believe the world is against them, that they are doomed to be victims; they assume the posture of victimizer. First embracing the ideals of patriarchal masculinity that make domination acceptable, they then draw upon misogyny and sexism to experience their first use of violence, psychological or physical, to control another human being. As we learn more about the life stories of black males active in the black power movement we hear tales of their abuse of women. Taught to believe that a real male is fearless, insensitive, egocentric, and invulnerable (all the traits powerful black men have in movies) a black man blocks out all emotions that interfere with this “cool” pose. Yet it is often in relationships with females, particular romantic bonds, that black males experience a disruption of the cool pose. They respond with anger and sexual predation to maintain their dominator stance. In his book on black masculinity Ellis Cose ponders why black males are more violent in romantic relationships without providing answers. He suggests that “most of the bad things many black men are accused of doing to black women they seem also to do to other women.”

Misogynist rap music and the white male dominated patriarchal infrastructure that produces it encourages male contempt and disregard for females. **It is the plantation economy, where black males labor in the field of gender and come out ready to defend their patriarchal manhood by all manner of violence against women and men whom they perceive to be weak and like women**. Although it intensifies the problem of black male violence against women and children, misogynist rap did not create the problem. Patriarchy put in place the logic and patriarchal socialization that lets men take it to the level of practice. Hence the failure of men in power to intervene on O.J.Simpson’s abuse of his wife.

Oftentimes the sexism in black communities, though intense, is so common that no one takes violence against females seriously. Violent actions by a black male may be explained as his response to racism and economic oppression (if that were the case black women would be gunning each other down and being equally violent to black males). In actuality there are powerful black males with “good” jobs who make lots of money who still act out violently toward women and children. **Whatever the roots of black male rage,** it is sexist thinking and practice that teaches them that it is acceptable to express that rage violently. Black male abuse of black females, both psychological and physical, is similarly present in black male relationships with each other. Black-on-black homicide is one of the leading causes of death in black life. It reminds us all that the violent black male has no real sense of agency, no real will to live. Analyzing black male violence from his experience, Ice T has come to understand violence this way: “Whenever somebody gets power, it’s inevitable it will get abused…. Frustration builds into aggressive behavior and it causes people to lash out and hurt somebody else. Anybody who suffers some kind of pain is searching to reach out. If you grow up in an aggressive environment, your threshold for pain grows higher and you’re gonna do one of two things: You’re gonna become extremely gentle or you’re gonna become extremely violent.” He sees the enraged black male as having a “mechanism in him he’s trying to control” because he is “frustrated” he is “almost on the brink of insanity.”

**In imperialist white-supremacist capitalist patriarchy black males are socialized to be rage-oholics**. As long as they are venting rage against other black people, no one really cares. Rage addiction will go unchecked until it becomes increasingly violent. This rage often has it roots in childhoods with no healthy caretaking, where abuse was the norm. Death row inmate Jarvis Jay Masters writes that he was taught in childhood to see violence as normal: “My stepfather tried to teach me how to hate as a child. He said it was for my own protection. He used to lock me between his legs and slap me on the head and face until rage filled my body. He’d say, ‘Get mad…fight, son, fight,’ and I would. Afterward, I’d be in pain, though more saddened for him. Once I contemplated stabbing him with a kitchen knife as he slept, but I couldn’t do it.” But clearly this indoctrination set Masters up for the violent actions that would take him into prison. Almost all violent black males have been abused as children. Yet they still believe that violence is an acceptable way to exert power, to influence a situation, to maintain control. **Until there is a nationwide program against male violence** that begins not with an examination of the violence men do to women and children, but with the violence men to do to themselves and other males, **we will not end male violence**.