# 1nc

## t

“Statutory restrictions on authority” require the Congress

Peterson, Associate Professor of Law @ George Washington University, 1991

(Todd D. Peterson,; B.A. 1973, Brown University; J.D. 1976, University of Michigan, Book Review: The Law And Politics Of Shared National Security Power -- A Review Of The National Security Constitution: Sharing Power After The Iran-Contra Affair by Harold Hongju Koh, New Haven, Conn.: Yale University Press. 1990. Pp. x, 330, March, 1991 59 Geo. Wash. L. Rev. 747)

Based on both case law and custom, it is hard to argue that Congress does not have substantial power to control the President's authority, even in the area of national security law. From the time of Little v. Barreme, n77 the Supreme Court has recognized Congress's power to regulate, through legislation, national security and foreign affairs. No Supreme Court case has struck down or limited Congress's ability to limit the President's national security power by passing a statute. n78 Although there may be some areas where the Court might not permit statutory regulation to interfere with the President's national security powers, these are relatively insignificant when compared to the broad authority granted to Congress by express provisions of the Constitution and the decisions of the Supreme Court. n79

Even in cases in which the Court has given the President a wide berth because of national security concerns, the Court has noted the absence of express statutory limitations. For example, in Department of the Navy v. Egan, n80 the Court refused to review the denial of a security clearance, but it concluded that "unless Congress specifically has provided otherwise, courts traditionally have been reluctant to intrude upon the authority of the Executive in military and national security [\*762] affairs." n81 In other cases, of course, such as Youngstown, n82 the Supreme Court has clearly stated that Congress may restrict the President's authority to act in matters related to national security.

Not even Koh's bete noire, the Curtiss-Wright case, n83 could reasonably be interpreted as a significant restriction on Congress's authority to limit the President's authority by statute. First, as Koh himself forcefully demonstrates, Curtiss-Wright involved the issue whether the President could act pursuant to a congressional delegation of authority that under the case law existing at the time of the decision might have been deemed excessively broad. n84 Thus, the question presented in Curtiss-Wright was the extent to which Congress could increase the President's authority, not decrease it. At most, the broad dicta of Curtiss-Wright could be used to restrict the scope of mandatory power sharing on the ground that the President's inherent power in the area of international relations "does not require as a basis for its exercise an act of Congress." n85

Even the dicta of Curtiss-Wright, however, give little support to those who would restrict permissive power sharing on the ground that Congress may not impose statutory restrictions on the President in the area of national security and foreign affairs. Justice Sutherland's claims with respect to exclusive presidential authority are comparatively modest when compared with his sweeping statements about the President's ability to act in the absence of any congressional prohibition. n86 He asserts that the President alone may speak for the United States, that the President alone negotiates treaties and that "[i]nto the field of negotiation the Senate cannot intrude; and Congress itself is powerless to invade it." n87 It is in this context of the President's power to be the communicator for the nation that Justice Sutherland cites John Marshall's famous statement that the President is the "sole organ of the nation" in relations with other nations. n88 This area of exclusive authority in which even permissive sharing is inappropriate is limited indeed. When he writes of the [\*763] need to "accord to the President a degree of discretion and freedom from statutory restriction which would not be admissible were domestic affairs alone involved," n89 Justice Sutherland refers to the permissibility of a broad delegation, not the constitutional impermissibility of a **statutory restriction**. **Indeed**, **the Court specifically recognized that Congress could withdraw the authority of the President to act** and prohibit him from taking the actions that were the subject of the case. n90

To be fair to Koh, he would not necessarily disagree with this reading of Curtiss-Wright; he clearly believes that Congress does have the authority to restrict the President's national security power. Nevertheless, Koh's emphasis on Curtiss-Wright still gives the case too much import. Oliver North's protestations to the contrary notwithstanding, there is no Supreme Court authority, including the dicta in Curtiss-Wright, that significantly restricts the power of Congress to participate by statutory edict in the national security area. Thus, contrary to Koh's model, Curtiss-Wright and Youngstown do not stand as polar extremes on a similar question of constitutional law. To be sure, they differ significantly in tone and in the attitude they take to presidential power, but the cases simply do not address the same issue. Therefore, it does Koh's own thesis a disservice to suggest that the cases represent different views on the scope of permissive power sharing. There simply is no Supreme Court precedent that substantially restricts Congress's authority to act if it can summon the political will.

**The absence of judicial restrictions on permissive power sharing is particularly important because** it means that **the question of statutory restrictions on the President's** national security **powers should** for the most part **be a political one**, not a constitutional one. **Congress has broad power to act**, and the Court has not restrained it from doing so. n91 The problem is that Congress has refused to take effective action.

Judicial is the courts

MacMillan Dictionary No Date

(http://www.macmillandictionary.com/us/dictionary/american/judicial)

Judicial – definition

ADJECTIVE [ONLY BEFORE NOUN]

1 relating to the judges and courts that are responsible for justice in a country or state

the judicial system

Violation – the plan claims to limit the president’s war power authority by sharing their knowledge – that’s not a statutory or judicial restriction

Vote neg –

They claim to win the debate for reasons other than the desirability of topical action. That undermines preparation and clash. Changing the question now leaves one side unprepared, resulting in shallow, uneducational debate. Requiring debate on a communal topic forces argument development and develops persuasive skills critical to any political outcome.

Simualted national security legal debates inculcate agency and decision-making skills—that enables activism and avoids cooption

Laura K. Donohue, Associate Professor of Law, Georgetown Law, 4/11/13, National Security Law Pedagogy and the Role of Simulations, http://jnslp.com/wp-content/uploads/2013/04/National-Security-Law-Pedagogy-and-the-Role-of-Simulations.pdf

The concept of simulations as an aspect of higher education, or in the law school environment, is not new.164 Moot court, after all, is a form of simulation and one of the oldest teaching devices in the law. What is new, however, is the idea of designing a civilian national security course that takes advantage of the doctrinal and experiential components of law school education and integrates the experience through a multi-day simulation. In 2009, I taught the first module based on this design at Stanford Law, which I developed the following year into a full course at Georgetown Law. It has since gone through multiple iterations. The initial concept followed on the federal full-scale Top Official (“TopOff”) exercises, used to train government officials to respond to domestic crises.165 It adapted a Tabletop Exercise, designed with the help of exercise officials at DHS and FEMA, to the law school environment. The Tabletop used one storyline to push on specific legal questions, as students, assigned roles in the discussion, sat around a table and for six hours engaged with the material. The problem with the Tabletop Exercise was that it was too static, and the rigidity of the format left little room, or time, for student agency. Unlike the government’s TopOff exercises, which gave officials the opportunity to fully engage with the many different concerns that arise in the course of a national security crisis as well as the chance to deal with externalities, the Tabletop focused on specific legal issues, even as it controlled for external chaos. The opportunity to provide a more full experience for the students came with the creation of first a one-day, and then a multi-day simulation. The course design and simulation continues to evolve. It offers a model for achieving the pedagogical goals outlined above, in the process developing a rigorous training ground for the next generation of national security lawyers.166 A. Course Design The central idea in structuring the NSL Sim 2.0 course was to bridge the gap between theory and practice by conveying doctrinal material and creating an alternative reality in which students would be forced to act upon legal concerns.167 The exercise itself is a form of problem-based learning, wherein students are given both agency and responsibility for the results. Towards this end, the structure must be at once bounded (directed and focused on certain areas of the law and legal education) and flexible (responsive to student input and decisionmaking). Perhaps the most significant weakness in the use of any constructed universe is the problem of authenticity. Efforts to replicate reality will inevitably fall short. There is simply too much uncertainty, randomness, and complexity in the real world. One way to address this shortcoming, however, is through design and agency. The scenarios with which students grapple and the structural design of the simulation must reflect the national security realm, even as students themselves must make choices that carry consequences. Indeed, to some extent, student decisions themselves must drive the evolution of events within the simulation.168 Additionally, while authenticity matters, it is worth noting that at some level the fact that the incident does not take place in a real-world setting can be a great advantage. That is, the simulation creates an environment where students can make mistakes and learn from these mistakes – without what might otherwise be devastating consequences. It also allows instructors to develop multiple points of feedback to enrich student learning in a way that would be much more difficult to do in a regular practice setting. NSL Sim 2.0 takes as its starting point the national security pedagogical goals discussed above. It works backwards to then engineer a classroom, cyber, and physical/simulation experience to delve into each of these areas. As a substantive matter, the course focuses on the constitutional, statutory, and regulatory authorities in national security law, placing particular focus on the interstices between black letter law and areas where the field is either unsettled or in flux. A key aspect of the course design is that it retains both the doctrinal and experiential components of legal education. Divorcing simulations from the doctrinal environment risks falling short on the first and third national security pedagogical goals: (1) analytical skills and substantive knowledge, and (3) critical thought. A certain amount of both can be learned in the course of a simulation; however, the national security crisis environment is not well-suited to the more thoughtful and careful analytical discussion. What I am thus proposing is a course design in which doctrine is paired with the type of experiential learning more common in a clinical realm. The former precedes the latter, giving students the opportunity to develop depth and breadth prior to the exercise. In order to capture problems related to adaptation and evolution, addressing goal [1(d)], the simulation itself takes place over a multi-day period. Because of the intensity involved in national security matters (and conflicting demands on student time), the model makes use of a multi-user virtual environment. The use of such technology is critical to creating more powerful, immersive simulations.169 It also allows for continual interaction between the players. Multi-user virtual environments have the further advantage of helping to transform the traditional teaching culture, predominantly concerned with manipulating textual and symbolic knowledge, into a culture where students learn and can then be assessed on the basis of their participation in changing practices.170 I thus worked with the Information Technology group at Georgetown Law to build the cyber portal used for NSL Sim 2.0. The twin goals of adaptation and evolution require that students be given a significant amount of agency and responsibility for decisions taken in the course of the simulation. To further this aim, I constituted a Control Team, with six professors, four attorneys from practice, a media expert, six to eight former simulation students, and a number of technology experts. Four of the professors specialize in different areas of national security law and assume roles in the course of the exercise, with the aim of pushing students towards a deeper doctrinal understanding of shifting national security law authorities. One professor plays the role of President of the United States. The sixth professor focuses on questions of professional responsibility. The attorneys from practice help to build the simulation and then, along with all the professors, assume active roles during the simulation itself. Returning students assist in the execution of the play, further developing their understanding of national security law. Throughout the simulation, the Control Team is constantly reacting to student choices. When unexpected decisions are made, professors may choose to pursue the evolution of the story to accomplish the pedagogical aims, or they may choose to cut off play in that area (there are various devices for doing so, such as denying requests, sending materials to labs to be analyzed, drawing the players back into the main storylines, and leaking information to the media). A total immersion simulation involves a number of scenarios, as well as systemic noise, to give students experience in dealing with the second pedagogical goal: factual chaos and information overload. The driving aim here is to teach students how to manage information more effectively. Five to six storylines are thus developed, each with its own arc and evolution. To this are added multiple alterations of the situation, relating to background noise. Thus, unlike hypotheticals, doctrinal problems, single-experience exercises, or even Tabletop exercises, the goal is not to eliminate external conditions, but to embrace them as part of the challenge facing national security lawyers. The simulation itself is problem-based, giving players agency in driving the evolution of the experience – thus addressing goal [2(c)]. This requires a realtime response from the professor(s) overseeing the simulation, pairing bounded storylines with flexibility to emphasize different areas of the law and the students’ practical skills. Indeed, each storyline is based on a problem facing the government, to which players must then respond, generating in turn a set of new issues that must be addressed. The written and oral components of the simulation conform to the fourth pedagogical goal – the types of situations in which national security lawyers will find themselves. Particular emphasis is placed on nontraditional modes of communication, such as legal documents in advance of the crisis itself, meetings in the midst of breaking national security concerns, multiple informal interactions, media exchanges, telephone calls, Congressional testimony, and formal briefings to senior level officials in the course of the simulation as well as during the last class session. These oral components are paired with the preparation of formal legal instruments, such as applications to the Foreign Intelligence Surveillance Court, legal memos, applications for search warrants under Title III, and administrative subpoenas for NSLs. In addition, students are required to prepare a paper outlining their legal authorities prior to the simulation – and to deliver a 90 second oral briefing after the session. To replicate the high-stakes political environment at issue in goals (1) and (5), students are divided into political and legal roles and assigned to different (and competing) institutions: the White House, DoD, DHS, HHS, DOJ, DOS, Congress, state offices, nongovernmental organizations, and the media. This requires students to acknowledge and work within the broader Washington context, even as they are cognizant of the policy implications of their decisions. They must get used to working with policymakers and to representing one of many different considerations that decisionmakers take into account in the national security domain. Scenarios are selected with high consequence events in mind, to ensure that students recognize both the domestic and international dimensions of national security law. Further alterations to the simulation provide for the broader political context – for instance, whether it is an election year, which parties control different branches, and state and local issues in related but distinct areas. The media is given a particularly prominent role. One member of the Control Team runs an AP wire service, while two student players represent print and broadcast media, respectively. The Virtual News Network (“VNN”), which performs in the second capacity, runs continuously during the exercise, in the course of which players may at times be required to appear before the camera. This media component helps to emphasize the broader political context within which national security law is practiced. Both anticipated and unanticipated decisions give rise to ethical questions and matters related to the fifth goal: professional responsibility. The way in which such issues arise stems from simulation design as well as spontaneous interjections from both the Control Team and the participants in the simulation itself. As aforementioned, professors on the Control Team, and practicing attorneys who have previously gone through a simulation, focus on raising decision points that encourage students to consider ethical and professional considerations. Throughout the simulation good judgment and leadership play a key role, determining the players’ effectiveness, with the exercise itself hitting the aim of the integration of the various pedagogical goals. Finally, there are multiple layers of feedback that players receive prior to, during, and following the simulation to help them to gauge their effectiveness. The Socratic method in the course of doctrinal studies provides immediate assessment of the students’ grasp of the law. Written assignments focused on the contours of individual players’ authorities give professors an opportunity to assess students’ level of understanding prior to the simulation. And the simulation itself provides real-time feedback from both peers and professors. The Control Team provides data points for player reflection – for instance, the Control Team member playing President may make decisions based on player input, giving students an immediate impression of their level of persuasiveness, while another Control Team member may reject a FISC application as insufficient. The simulation goes beyond this, however, focusing on teaching students how to develop (6) opportunities for learning in the future. Student meetings with mentors in the field, which take place before the simulation, allow students to work out the institutional and political relationships and the manner in which law operates in practice, even as they learn how to develop mentoring relationships. (Prior to these meetings we have a class discussion about mentoring, professionalism, and feedback). Students, assigned to simulation teams about one quarter of the way through the course, receive peer feedback in the lead-up to the simulation and during the exercise itself. Following the simulation the Control Team and observers provide comments. Judges, who are senior members of the bar in the field of national security law, observe player interactions and provide additional debriefing. The simulation, moreover, is recorded through both the cyber portal and through VNN, allowing students to go back to assess their performance. Individual meetings with the professors teaching the course similarly follow the event. Finally, students end the course with a paper reflecting on their performance and the issues that arose in the course of the simulation, develop frameworks for analyzing uncertainty, tension with colleagues, mistakes, and successes in the future. B. Substantive Areas: Interstices and Threats As a substantive matter, NSL Sim 2.0 is designed to take account of areas of the law central to national security. It focuses on specific authorities that may be brought to bear in the course of a crisis. The decision of which areas to explore is made well in advance of the course. It is particularly helpful here to think about national security authorities on a continuum, as a way to impress upon students that there are shifting standards depending upon the type of threat faced. One course, for instance, might center on the interstices between crime, drugs, terrorism and war. Another might address the intersection of pandemic disease and biological weapons. A third could examine cybercrime and cyberterrorism. This is the most important determination, because the substance of the doctrinal portion of the course and the simulation follows from this decision. For a course focused on the interstices between pandemic disease and biological weapons, for instance, preliminary inquiry would lay out which authorities apply, where the courts have weighed in on the question, and what matters are unsettled. Relevant areas might include public health law, biological weapons provisions, federal quarantine and isolation authorities, habeas corpus and due process, military enforcement and posse comitatus, eminent domain and appropriation of land/property, takings, contact tracing, thermal imaging and surveillance, electronic tagging, vaccination, and intelligence-gathering. The critical areas can then be divided according to the dominant constitutional authority, statutory authorities, regulations, key cases, general rules, and constitutional questions. This, then, becomes a guide for the doctrinal part of the course, as well as the grounds on which the specific scenarios developed for the simulation are based. The authorities, simultaneously, are included in an electronic resource library and embedded in the cyber portal (the Digital Archives) to act as a closed universe of the legal authorities needed by the students in the course of the simulation. Professional responsibility in the national security realm and the institutional relationships of those tasked with responding to biological weapons and pandemic disease also come within the doctrinal part of the course. The simulation itself is based on five to six storylines reflecting the interstices between different areas of the law. The storylines are used to present a coherent, non-linear scenario that can adapt to student responses. Each scenario is mapped out in a three to seven page document, which is then checked with scientists, government officials, and area experts for consistency with how the scenario would likely unfold in real life. For the biological weapons and pandemic disease emphasis, for example, one narrative might relate to the presentation of a patient suspected of carrying yersinia pestis at a hospital in the United States. The document would map out a daily progression of the disease consistent with epidemiological patterns and the central actors in the story: perhaps a U.S. citizen, potential connections to an international terrorist organization, intelligence on the individual’s actions overseas, etc. The scenario would be designed specifically to stress the intersection of public health and counterterrorism/biological weapons threats, and the associated (shifting) authorities, thus requiring the disease initially to look like an innocent presentation (for example, by someone who has traveled from overseas), but then for the storyline to move into the second realm (awareness that this was in fact a concerted attack). A second storyline might relate to a different disease outbreak in another part of the country, with the aim of introducing the Stafford Act/Insurrection Act line and raising federalism concerns. The role of the military here and Title 10/Title 32 questions would similarly arise – with the storyline designed to raise these questions. A third storyline might simply be well developed noise in the system: reports of suspicious activity potentially linked to radioactive material, with the actors linked to nuclear material. A fourth storyline would focus perhaps on container security concerns overseas, progressing through newspaper reports, about containers showing up in local police precincts. State politics would constitute the fifth storyline, raising question of the political pressures on the state officials in the exercise. Here, ethnic concerns, student issues, economic conditions, and community policing concerns might become the focus. The sixth storyline could be further noise in the system – loosely based on current events at the time. In addition to the storylines, a certain amount of noise is injected into the system through press releases, weather updates, private communications, and the like. The five to six storylines, prepared by the Control Team in consultation with experts, become the basis for the preparation of scenario “injects:” i.e., newspaper articles, VNN broadcasts, reports from NGOs, private communications between officials, classified information, government leaks, etc., which, when put together, constitute a linear progression. These are all written and/or filmed prior to the exercise. The progression is then mapped in an hourly chart for the unfolding events over a multi-day period. All six scenarios are placed on the same chart, in six columns, giving the Control Team a birds-eye view of the progression. C. How It Works As for the nuts and bolts of the simulation itself, it traditionally begins outside of class, in the evening, on the grounds that national security crises often occur at inconvenient times and may well involve limited sleep and competing demands.171 Typically, a phone call from a Control Team member posing in a role integral to one of the main storylines, initiates play. Students at this point have been assigned dedicated simulation email addresses and provided access to the cyber portal. The portal itself gives each team the opportunity to converse in a “classified” domain with other team members, as well as access to a public AP wire and broadcast channel, carrying the latest news and on which press releases or (for the media roles) news stories can be posted. The complete universe of legal authorities required for the simulation is located on the cyber portal in the Digital Archives, as are forms required for some of the legal instruments (saving students the time of developing these from scratch in the course of play). Additional “classified” material – both general and SCI – has been provided to the relevant student teams. The Control Team has access to the complete site. For the next two (or three) days, outside of student initiatives (which, at their prompting, may include face-to-face meetings between the players), the entire simulation takes place through the cyber portal. The Control Team, immediately active, begins responding to player decisions as they become public (and occasionally, through monitoring the “classified” communications, before they are released). This time period provides a ramp-up to the third (or fourth) day of play, allowing for the adjustment of any substantive, student, or technology concerns, while setting the stage for the breaking crisis. The third (or fourth) day of play takes place entirely at Georgetown Law. A special room is constructed for meetings between the President and principals, in the form of either the National Security Council or the Homeland Security Council, with breakout rooms assigned to each of the agencies involved in the NSC process. Congress is provided with its own physical space, in which meetings, committee hearings and legislative drafting can take place. State government officials are allotted their own area, separate from the federal domain, with the Media placed between the three major interests. The Control Team is sequestered in a different area, to which students are not admitted. At each of the major areas, the cyber portal is publicly displayed on large flat panel screens, allowing for the streaming of video updates from the media, AP wire injects, articles from the students assigned to represent leading newspapers, and press releases. Students use their own laptop computers for team decisions and communication. As the storylines unfold, the Control Team takes on a variety of roles, such as that of the President, Vice President, President’s chief of staff, governor of a state, public health officials, and foreign dignitaries. Some of the roles are adopted on the fly, depending upon player responses and queries as the storylines progress. Judges, given full access to each player domain, determine how effectively the students accomplish the national security goals. The judges are themselves well-experienced in the practice of national security law, as well as in legal education. They thus can offer a unique perspective on the scenarios confronted by the students, the manner in which the simulation unfolded, and how the students performed in their various capacities. At the end of the day, the exercise terminates and an immediate hotwash is held, in which players are first debriefed on what occurred during the simulation. Because of the players’ divergent experiences and the different roles assigned to them, the students at this point are often unaware of the complete picture. The judges and formal observers then offer reflections on the simulation and determine which teams performed most effectively. Over the next few classes, more details about the simulation emerge, as students discuss it in more depth and consider limitations created by their knowledge or institutional position, questions that arose in regard to their grasp of the law, the types of decision-making processes that occurred, and the effectiveness of their – and other students’ – performances. Reflection papers, paired with oral briefings, focus on the substantive issues raised by the simulation and introduce the opportunity for students to reflect on how to create opportunities for learning in the future. The course then formally ends.172 Learning, however, continues beyond the temporal confines of the semester. Students who perform well and who would like to continue to participate in the simulations are invited back as members of the control team, giving them a chance to deepen their understanding of national security law. Following graduation, a few students who go in to the field are then invited to continue their affiliation as National Security Law fellows, becoming increasingly involved in the evolution of the exercise itself. This system of vertical integration helps to build a mentoring environment for the students while they are enrolled in law school and to create opportunities for learning and mentorship post-graduation. It helps to keep the exercise current and reflective of emerging national security concerns. And it builds a strong community of individuals with common interests. CONCLUSION The legal academy has, of late, been swept up in concern about the economic conditions that affect the placement of law school graduates. The image being conveyed, however, does not resonate in every legal field. It is particularly inapposite to the burgeoning opportunities presented to students in national security. That the conversation about legal education is taking place now should come as little surprise. Quite apart from economic concern is the traditional introspection that follows American military engagement. It makes sense: law overlaps substantially with political power, being at once both the expression of government authority and the effort to limit the same. The one-size fits all approach currently dominating the conversation in legal education, however, appears ill-suited to address the concerns raised in the current conversation. Instead of looking at law across the board, greater insight can be gleaned by looking at the specific demands of the different fields themselves. This does not mean that the goals identified will be exclusive to, for instance, national security law, but it does suggest there will be greater nuance in the discussion of the adequacy of the current pedagogical approach. With this approach in mind, I have here suggested six pedagogical goals for national security. For following graduation, students must be able to perform in each of the areas identified – (1) understanding the law as applied, (2) dealing with factual chaos and uncertainty, (3) obtaining critical distance, (4) developing nontraditional written and oral communication skills, (5) exhibiting leadership, integrity, and good judgment in a high-stakes, highly-charged environment, and (6) creating continued opportunities for self-learning. They also must learn how to integrate these different skills into one experience, to ensure that they will be most effective when they enter the field. The problem with the current structures in legal education is that they fall short, in important ways, from helping students to meet these goals. Doctrinal courses may incorporate a range of experiential learning components, such as hypotheticals, doctrinal problems, single exercises, extended or continuing exercises, and tabletop exercises. These are important classroom devices. The amount of time required for each varies, as does the object of the exercise itself. But where they fall short is in providing a more holistic approach to national security law which will allow for the maximum conveyance of required skills. Total immersion simulations, which have not yet been addressed in the secondary literature for civilian education in national security law, may provide an important way forward. Such simulations also cure shortcomings in other areas of experiential education, such as clinics and moot court. It is in an effort to address these concerns that I developed the simulation model above. NSL Sim 2.0 certainly is not the only solution, but it does provide a starting point for moving forward. The approach draws on the strengths of doctrinal courses and embeds a total immersion simulation within a course. It makes use of technology and physical space to engage students in a multi-day exercise, in which they are given agency and responsibility for their decision making, resulting in a steep learning curve. While further adaptation of this model is undoubtedly necessary, it suggests one potential direction for the years to come.

Debate over a controversial point of action creates argumentative stasis—that’s key to avoid a devolution into competing truth claims such as making sure people know that drones have a dark side, destroys the decision-making benefits of the activity

Steinberg and Freeley ‘13

David Director of Debate at U Miami, Former President of CEDA, officer, American Forensic Association and National Communication Association. Lecturer in Communication studies and rhetoric. Advisor to Miami Urban Debate League, Masters in Communication, and Austin, JD, Suffolk University, attorney who focuses on criminal, personal injury and civil rights law, *Argumentation and Debate*

*Critical Thinking for Reasoned Decision Making*, Thirteen Edition

Debate is a means of settling differences, so there must be a controversy, a difference of opinion or a conflict of interest before there can be a debate. If everyone is in agreement on a feet or value or policy, there is no need or opportunity for debate; the matter can be settled by unanimous consent. Thus, for example, it would be pointless to attempt to debate "Resolved: That two plus two equals four,” because there is simply no controversy about this state­ment. Controversy is an essential prerequisite of debate. Where there is no clash of ideas, proposals, interests, or expressed positions of issues, there is no debate. Controversy invites decisive choice between competing positions. Debate cannot produce effective decisions without clear identification of a question or questions to be answered. For example, general argument may occur about the broad topic of illegal immigration. How many illegal immigrants live in the United States? What is the impact of illegal immigration and immigrants on our economy? What is their impact on our communities? Do they commit crimes? Do they take jobs from American workers? Do they pay taxes? Do they require social services? Is it a problem that some do not speak English? Is it the responsibility of employers to discourage illegal immigration by not hiring undocumented workers? Should they have the opportunity to gain citizenship? Does illegal immigration pose a security threat to our country? Do illegal immigrants do work that American workers are unwilling to do? Are their rights as workers and as human beings at risk due to their status? Are they abused by employers, law enforcement, housing, and businesses? How are their families impacted by their status? What is the moral and philosophical obligation of a nation state to maintain its borders? Should we build a wall on the Mexican border, establish a national identification card, or enforce existing laws against employers? Should we invite immigrants to become U.S. citizens? Surely you can think of many more concerns to be addressed by a conversation about the topic area of illegal immigration. Participation in this “debate” is likely to be emotional and intense. However, it is not likely to be productive or useful without focus on a particular question and identification of a line demarcating sides in the controversy. To be discussed and resolved effectively, controversies are best understood when seated clearly such that all parties to the debate share an understanding about the objec­tive of the debate. This enables focus on substantive and objectively identifiable issues facilitating comparison of competing argumentation leading to effective decisions. Vague understanding results in unfocused deliberation and poor deci­sions, general feelings of tension without opportunity for resolution, frustration, and emotional distress, as evidenced by the failure of the U.S. Congress to make substantial progress on the immigration debate. Of course, arguments may be presented without disagreement. For exam­ple, claims are presented and supported within speeches, editorials, and advertise­ments even without opposing or refutational response. Argumentation occurs in a range of settings from informal to formal, and may not call upon an audi­ence or judge to make a forced choice among competing claims. Informal dis­course occurs as conversation or panel discussion without demanding a decision about a dichotomous or yes/no question. However, by definition, debate requires "reasoned judgment on a proposition. The proposition is a statement about which competing advocates will offer alternative (pro or con) argumenta­tion calling upon their audience or adjudicator to decide. The proposition pro­vides focus for the discourse and guides the decision process. Even when a decision will be made through a process of compromise, it is important to iden­tify the beginning positions of competing advocates to begin negotiation and movement toward a center, or consensus position. It is frustrating and usually unproductive to attempt to make a decision when deciders are unclear as to what the decision is about. The proposition may be implicit in some applied debates (“Vote for me!”); however, when a vote or consequential decision is called for (as in the courtroom or in applied parliamentary debate) it is essential that the proposition be explicitly expressed (“the defendant is guilty!”). In aca­demic debate, the proposition provides essential guidance for the preparation of the debaters prior to the debate, the case building and discourse presented during the debate, and the decision to be made by the debate judge after the debate. Someone disturbed by the problem of a growing underclass of poorly educated, socially disenfranchised youths might observe, “Public schools are doing a terri­ble job! They' are overcrowded, and many teachers are poorly qualified in their subject areas. Even the best teachers can do little more than struggle to maintain order in their classrooms." That same concerned citizen, facing a complex range of issues, might arrive at an unhelpful decision, such as "We ought to do some­thing about this” or, worse, “It’s too complicated a problem to deal with." Groups of concerned citizens worried about the state of public education could join together to express their frustrations, anger, disillusionment, and emotions regarding the schools, but without a focus for their discussions, they could easily agree about the sorry state of education without finding points of clarity or potential solutions. A gripe session would follow. But if a precise question is posed—such as “What can be done to improve public education?”—then a more profitable area of discussion is opened up simply by placing a focus on the search for a concrete solution step. One or more judgments can be phrased in the form of debate propositions, motions for parliamentary debate, or bills for legislative assemblies, The statements "Resolved: That the federal government should implement a program of charter schools in at-risk communities” and “Resolved; That the state of Florida should adopt a school voucher program" more clearly identify specific ways of dealing with educational problems in a manageable form, suitable for debate. They provide specific policies to be investigated and aid discussants in identifying points of difference. This focus contributes to better and more informed decision making with the potential for better results. In aca­demic debate, it provides better depth of argumentation and enhanced opportu­nity for reaping the educational benefits of participation. In the next section, we will consider the challenge of framing the proposition for debate, and its role in the debate. To have a productive debate, which facilitates effective decision making by directing and placing limits on the decision to be made, the basis for argument should be clearly defined. If we merely talk about a topic, such as ‘"homeless­ness,” or “abortion,” Or “crime,” or “global warming,” we are likely to have an interesting discussion but not to establish a profitable basis for argument. For example, the statement “Resolved: That the pen is mightier than the sword” is debatable, yet by itself fails to provide much basis for dear argumen­tation. If we take this statement to mean Iliad the written word is more effec­tive than physical force for some purposes, we can identify a problem area: the comparative effectiveness of writing or physical force for a specific purpose, perhaps promoting positive social change. (Note that “loose” propositions, such as the example above, may be defined by their advocates in such a way as to facilitate a clear contrast of competing sides; through definitions and debate they “become” clearly understood statements even though they may not begin as such. There are formats for debate that often begin with this sort of proposition. However, in any debate, at some point, effective and meaningful discussion relies on identification of a clearly stated or understood proposition.) Back to the example of the written word versus physical force. Although we now have a general subject, we have not yet stated a problem. It is still too broad, too loosely worded to promote weII-organized argument. What sort of writing are we concerned with—poems, novels, government documents, web­site development, advertising, cyber-warfare, disinformation, or what? What does it mean to be “mightier" in this context? What kind of physical force is being compared—fists, dueling swords, bazookas, nuclear weapons, or what? A more specific question might be, “Would a mutual defense treaty or a visit by our fleet be more effective in assuring Laurania of our support in a certain crisis?” The basis for argument could be phrased in a debate proposition such as “Resolved: That the United States should enter into a mutual defense treaty with Laurania.” Negative advocates might oppose this proposition by arguing that fleet maneuvers would be a better solution. This is not to say that debates should completely avoid creative interpretation of the controversy by advo­cates, or that good debates cannot occur over competing interpretations of the controversy; in fact, these sorts of debates may be very engaging. The point is that debate is best facilitated by the guidance provided by focus on a particular point of difference, which will be outlined in the following discussion.

Decisionmaking is the most portable and flexible skill—key to all facets of life and advocacy

Steinberg and Freeley ‘13

David Director of Debate at U Miami, Former President of CEDA, officer, American Forensic Association and National Communication Association. Lecturer in Communication studies and rhetoric. Advisor to Miami Urban Debate League, Masters in Communication, and Austin, JD, Suffolk University, attorney who focuses on criminal, personal injury and civil rights law, *Argumentation and Debate*

*Critical Thinking for Reasoned Decision Making*, Thirteen Edition

In the spring of 2011, facing a legacy of problematic U.S, military involvement in Bosnia, Iraq, and Afghanistan, and criticism for what some saw as slow sup­port of the United States for the people of Egypt and Tunisia as citizens of those nations ousted their formerly American-backed dictators, the administration of President Barack Obama considered its options in providing support for rebels seeking to overthrow the government of Muammar el-Qaddafi in Libya. Public debate was robust as the administration sought to determine its most appropriate action. The president ultimately decided to engage in an international coalition, enforcing United Nations Security Council Resolution 1973 through a number of measures including establishment of a no-fly zone through air and missile strikes to support rebels in Libya, but stopping short of direct U.S. intervention with ground forces or any occupation of Libya. While the action seemed to achieve its immediate objectives, most notably the defeat of Qaddafi and his regime, the American president received both criticism and praise for his mea­sured yet assertive decision. In fact, the past decade has challenged American leaders to make many difficult decisions in response to potentially catastrophic problems. Public debate has raged in chaotic environment of political division and apparent animosity, The process of public decision making may have never been so consequential or difficult. Beginning in the fall of 2008, Presidents Bush and Obama faced a growing eco­nomic crisis and responded in part with '’bailouts'' of certain Wall Street financial entities, additional bailouts of Detroit automakers, and a major economic stimu­lus package. All these actions generated substantial public discourse regarding the necessity, wisdom, and consequences of acting (or not acting). In the summer of 2011, the president and the Congress participated in heated debates (and attempted negotiations) to raise the nation's debt ceiling such that the U.S. Federal Govern­ment could pay its debts and continue government operations. This discussion was linked to a debate about the size of the exponentially growing national debt, gov­ernment spending, and taxation. Further, in the spring of 2012, U.S. leaders sought to prevent Iran from developing nuclear weapon capability while gas prices in the United States rose, The United States considered its ongoing military involvement in Afghanistan in the face of nationwide protests and violence in that country1 sparked by the alleged burning of Korans by American soldiers, and Americans observed the actions of President Bashir Al-Assad and Syrian forces as they killed Syrian citizens in response to a rebel uprising in that nation and considered the role of the United States in that action. Meanwhile, public discourse, in part generated and intensified by the cam­paigns of the GOP candidates for president and consequent media coverage, addressed issues dividing Americans, including health care, women's rights to reproductive health services, the freedom of churches and church-run organiza­tions to remain true to their beliefs in providing (or electing not to provide) health care services which they oppose, the growing gap between the wealthiest 1 percent of Americans and the rest of the American population, and continued high levels of unemployment. More division among the American public would be hard to imagine. Yet through all the tension, conflict was almost entirely ver­bal in nature, aimed at discovering or advocating solutions to growing problems. Individuals also faced daunting decisions. A young couple, underwater with their mortgage and struggling to make their monthly payments, considered walking away from their loan; elsewhere a college sophomore reconsidered his major and a senior her choice of law school, graduate school, or a job and a teenager decided between an iPhone and an iPad. Each of these situations called for decisions to be made. Each decision maker worked hard to make well-reasoned decisions. Decision making is a thoughtful process of choosing among a variety of options for acting or thinking. It requires that the decider make a choice. Life demands decision making. We make countless individual decisions every day. To make some of those decisions, we work hard to employ care and consider­ation: others scorn to just happen. Couples, families, groups of friends, and co­workers come together to make choices, and decision-making bodies from committees to juries to the U.S. Congress and the United Nations make deci­sions that impact us all. Every profession requires effective and ethical decision making, as do our school, community, and social organizations. We all engage in discourse surrounding our necessary decisions every day. To refinance or sell one’s home, to buy a high-performance SUV or an eco­nomical hybrid car, what major to select, what to have for dinner, what candi­date to vote for, paper or plastic, all present us with choices. Should the president deal with an international crisis through military invasion or diplomacy? How should the U.S. Congress act to address illegal immigration? Is the defendant guilty as accused? Should we watch The Daily Show or the ball game? And upon what information should I rely to make my decision? Certainly some of these decisions are more consequential than others. Which amendment to vote for, what television program to watch, what course to take, which phone plan to purchase, and which diet to pursue—all present unique challenges. At our best, we seek out research and data to inform our decisions. Yet even the choice of which information to attend to requires decision making. In 2006, Time magazine named YOU its "Person of the Year.” Congratulations! Its selection was based on the participation not of “great men” in the creation of his­tory, but rather on the contributions of a community of anonymous participants in the evolution of information. Through blogs, online networking, YouTube, Facebook, Twitter, Wikipedia, and many other “wikis," and social networking sites, knowledge and truth are created from the bottom up, bypassing the authoritarian control of newspeople, academics, and publishers. Through a quick keyword search, we have access to infinite quantities of information, but how do we sort through it and select the best information for our needs? Much of what suffices as information is not reliable, or even ethically motivated. The ability of every decision maker to make good, reasoned, and ethical deci­sions' relies heavily upon their ability to think critically. Critical thinking enables one to break argumentation down to its component parts in order to evaluate its relative validity and strength, And, critical thinking offers tools enabling the user to better understand the' nature and relative quality of the message under consider­ation. Critical thinkers are better users of information as well as better advocates. Colleges and universities expect their students to develop their critical thinking skills and may require students to take designated courses to that end. The importance and value of such study is widely recognized. The executive order establishing California's requirement states; Instruction in critical thinking is designed to achieve an understanding of the relationship of language to logic, which would lead to the ability to analyze, criticize and advocate ideas, to reason inductively and deductively, and to reach factual or judgmental conclusions based on sound inferences drawn from unambigu­ous statements of knowledge or belief. The minimal competence to be expected at the successful conclusion of instruction in critical thinking should be the ability to distinguish fact from judgment, belief from knowledge, and skills in elementary inductive arid deductive processes, including an under­standing of die formal and informal fallacies of language and thought. Competency in critical thinking is a prerequisite to participating effectively in human affairs, pursuing higher education, and succeeding in the highly com­petitive world of business and the professions. Michael Scriven and Richard Paul for the National Council for Excellence in Critical Thinking Instruction argued that the effective critical thinker: raises vital questions and problems, formulating them clearly and precisely; gathers and assesses relevant information, using abstract ideas to interpret it effectively; comes to well-reasoned conclusions and solutions, testing them against relevant criteria and standards; thinks open-mindedly within alternative systems of thought, recognizing, and assessing, as need be, their assumptions, implications, and practical con­sequences; and communicates effectively with others in figuring our solutions to complex problems. They also observed that critical thinking entails effective communication and problem solving abilities and a commitment to overcome our native egocentrism and sociocentrism,"1 Debate as a classroom exercise and as a mode of thinking and behaving uniquely promotes development of each of these skill sets. Since classical times, debate has been one of the best methods of learning and applying the principles of critical thinking. Contemporary research confirms the value of debate. One study concluded: The impact of public communication training on the critical thinking ability of the participants is demonstrably positive. This summary of existing research reaffirms what many ex-debaters and others in forensics, public speaking, mock trial, or argumentation would support: participation improves die thinking of those involved,2 In particular, debate education improves the ability to think critically. In a com­prehensive review of the relevant research, Kent Colbert concluded, "'The debate-critical thinking literature provides presumptive proof ■favoring a positive debate-critical thinking relationship.11'1 Much of the most significant communication of our lives is conducted in the form of debates, formal or informal, These take place in intrapersonal commu­nications, with which we weigh the pros and cons of an important decision in our own minds, and in interpersonal communications, in which we listen to argu­ments intended to influence our decision or participate in exchanges to influence the decisions of others. Our success or failure in life is largely determined by our ability to make wise decisions for ourselves and to influence the decisions of’ others in ways that are beneficial to us. Much of our significant, purposeful activity is concerned with making decisions. Whether to join a campus organization, go to graduate school, accept a job offer, buy a car or house, move to another city, invest in a certain stock, or vote for Garcia—these are just a few Of the thousands of deci­sions we may have to make. Often, intelligent self-interest or a sense of respon­sibility will require us to win the support of others. We may want a scholarship or a particular job for ourselves, a customer for our product, or a vote for our favored political candidate. Some people make decision by flipping a coin. Others act on a whim or respond unconsciously to “hidden persuaders.” If the problem is trivial—such as whether to go to a concert or a film—the particular method used is unimportant. For more crucial matters, however, mature adults require a reasoned methods of decision making. Decisions should be justified by good reasons based on accurate evidence and valid reasoning.

process comes before product—inscribing a set ethical outcome at the outset destroys agency

Race and Pedagogy Project, University of California at Santa Barbara, 2005, Jay, Gregory and Gerald Graff. “A Critique of Critical Pedagogy”, http://bit.ly/11e8uXY

Jay and Graff argue that critical pedagogy is problematic because it claims to liberate students but in fact only reinforces the “banking” dynamic by forcing progressive ideologies upon students, enforcing a predetermined outcome based upon an assumed true position on the part of the teacher. Oppositional pedagogy makes the same mistake. Instead, the authors recommend a method of “teaching the conflicts,” where the unilateral teacher’s authority in the classroom is balanced by a “counterauthority,” thus opening the possibility for multiple points of view, all of which are laid open to critique. Suggestions for practical application follow. Freire’s close adherence to the Marxian-Hegelian master-slave dialectic, in which all desire on the part of the oppressed is inevitably formed by the oppressor, suffers from a double bind, giving power only to the “liberatory” teacher, who must impose liberation upon the oppressed, freeing them from false consciousness by persuading them of his (tacitly correct) point of view. In other words, only students persuaded to the radical point of view of the teacher can be expressing an authentic desire. “This assumption spares Freire from ever having to consider an unpleasant possibility: that what ‘the people’ authentically prefer might conflict with the pedagogy of the oppressed. The assumption is that, deep down, in our most authentic selves, we are all Christian or existentialist Marxists. According to Freire’s model, the resistance of students to the pedagogy of the oppressed would be taken seriously only as a symptom of their woefully mystified consciousness. The teacher would treat their ideas as the suspect products of their political unconscious, not as arguments that might have their own rationality, persuasiveness, and basis in experience. Needless to say, the possibility never arises that the radical teacher might have his or her mind seriously challenged by the conservative student.” (203) The authors are careful to state that they are both progressives themselves; their opposition to critical pedagogy rises not from a desire to maintain conservative systems, but rather to avoid the reinscription of oppression that they believe critical and oppositional pedagogies promote by silencing and denying authentic agency to the student who has an alternative point of view. “The failure to take seriously the objections of the unpersuaded seems to us a serious limitation of critical pedagogy both on ethical and strategic grounds.” (204) The authors further attack critical pedagogy by noting a contextual problem: “Freire’s assumption of a student body that will readily accept a description of themselves as the oppressed is understandable in the original context of Freire’s work with Latin American peasants. But Freire’s model encounters serious problems when it is transplanted to a North American campus, where not all students are obviously members of an oppressed class, and where even many of those who might plausibly fit that designation refuse to accept it.” (204) And later, “In our view, the definition of categories such as the disenfranchised and the dominant, oppressed and oppressor, should be a product of the pedagogical process, not its unquestioned premise.” (207) In contrast, “teaching the conflicts” allows for the autonomy and freedom of the subject through the building of discourse communities which go outside the tacit authority of the teacher, and even outside of the traditional boundaries of the classroom. “To be sure, there is a useful place for the ‘collaborative learning’ strategy of decentering authority by breaking the class into small groups. To decenter authority in a fully useful way, however, and transcend the double bind of radical pedagogy, our classrooms need not just to diffuse authority, but to introduce counterauthorities. And this for us means moving beyond the limitations of the isolated course, a model that unwittingly echoes the myth of the unified subject.” (210) Students should be presented with multiple viewpoints in any given classroom and invited to support or contest all of them. This does not remove politics from the classroom, but in fact makes it truly possible. “Real political opposition and change cannot be accomplished by isolated individuals or random acts of critique. Unlike critique, politics is a social enterprise. It requires that persons form communities based on some degree of trust and faith and. mutual respect – even for those with whom one is ideologically at odds.” (208)

Engagement with technocracy is key to decisionmaking—it doesn’t turn us into passive consumers—rejection fails to change the system

Jiménez-Aleixandre, professor of education – University of Santiago de Compostela, and Pereiro-Muñoz High School Castelao, Vigo (Spain), ‘2

(Maria-Pilar and Cristina, “Knowledge producers or knowledge consumers? Argumentation and decision making about environmental management,” International Journal of Science Education Vol. 24, No. 11, p. 1171–1190)

If science education and environmental education have as a goal to develop critical thinking and to promote decision making, it seems that the acknowledgement of a variety of experts and expertise is of relevance to both. Otherwise citizens could be unable to challenge a common view that places economical issues and technical features over other types of values or concerns. As McGinn and Roth (1999) argue, citizens should be prepared to participate in scientific practice, to be involved in situations where science is, if not created, at least used. The assessment of environmental management is, in our opinion, one of these, and citizens do not need to possess all the technical knowledge to be able to examine the positive and negative impacts and to weigh them up.

The identification of instances of scientific practice in classroom discourse is difficult especially if this practice is viewed as a complex process, not as fixed ‘steps’. Several instances were identified when it could be said that students acted as a knowledge-producing community in spite of the fact that the students, particularly at the beginning of the sequence, expressed doubts about their capacities to assess a project written by experts and endorsed by a government office. Perhaps these doubts relate to the nature of the project, a ‘real life’ object that made its way into the classroom, into the ‘school life’. As Brown et al. (1989) point out, there is usually a difference between practitioners’ tasks and stereotyped school tasks and, it could be added, students are not used to being confronted with the complexity of ‘life-size’ problems. However, as the sequence proceeded, the students assumed the role of experts, exposing inconsistencies in the project, offering alternatives and discussing it with one of its authors. The issue of expertise is worthy of attention and it needs to be explored in different contexts where the relationships among technical expertise, values hierarchies and possible biases caused by the subject matter could be unravelled. One of the objectives of environmental education is to empower people with the capacity of decision making; for this purpose the acknowledging of multiple expertise is crucial.

## k

Resistance via the ballot can only instill an adaptive politics of being and effaces the institutional constraints that reproduce structural violence

Brown 95—prof at UC Berkeley (Wendy, States of Injury, 21-3)

For some, fueled by opprobrium toward regulatory norms or other mo- dalities of domination, the language of "resistance" has taken up the ground vacated by a more expansive practice of freedom. For others, it is the discourse of “empowerment” that carries the ghost of freedom's valence ¶ 22¶. Yet as many have noted, insofar as resistance is an effect of the regime it opposes on the one hand, and insofar as its practitioners often seek to void it of normativity to differentiate it from the (regulatory) nature of what it opposes on the other, it is at best politically rebellious; at worst, politically amorphous. Resistance stands against, not for; it is re-action to domination, rarely willing to admit to a desire for it, and it is **neutral with regard to possible political direction**. Resistance is in no way constrained to a radical or emancipatory aim. a fact that emerges clearly as soon as one analogizes Foucault's notion of resistance to its companion terms in Freud or Nietzsche. Yet in some ways this point is less a critique of Foucault, who especially in his later years made clear that his political commitments were not identical with his theoretical ones (and un- apologetically revised the latter), than a sign of his misappropriation. For Foucault, resistance marks the presence of power and expands our under- standing of its mechanics, but it is in this regard an analytical strategy rather than an expressly political one. "Where there is power, there is resistance, and yet. or rather consequently, this resistance is never in a position of exteriority to power. . . . (T]he strictly relational character of power relationships . . . depends upon a multiplicity of points of resis- tance: these play the role of adversary, target, support, or handle in power relations.\*39 This appreciation of the extent to which resistance is by no means inherently subversive of power also reminds us that it is only by recourse to a very non-Foucaultian moral evaluation of power as bad or that which is to be overcome that it is possible to equate resistance with that which is good, progressive, or seeking an end to domination. ¶ If popular and academic notions of resistance attach, however weakly at times, to a tradition of protest, the other contemporary substitute for a discourse of freedom—“empowerment”—would seem to correspond more closely to a tradition of idealist reconciliation. The language of resistance implicitly acknowledges the extent to which protest always transpires inside the regime; “empowerment,” in contrast, registers the possibility of generating one’s capacities, one’s “self-esteem,” one’s life course, without capitulating to constraints by particular regimes of power. But in so doing, contemporary discourses of empowerment too often signal an oddly adaptive and harmonious relationship with domination insofar as they locate an individual’s sense of worth and capacity in the register of individual feelings, a register implicitly located on some- thing of an other worldly plane vis-a-vis social and political power. In this regard, despite its apparent locution of resistance to subjection, contem- porary discourses of empowerment partake strongly of liberal solipsism—the radical decontextualization of the subject characteristic of¶ 23¶ liberal discourse that is key to the fictional sovereign individualism of liberalism. Moreover, in its almost exclusive focus on subjects’ emotionalbearing and self-regard, empowerment is a formulation that converges with a regime’s own legitimacy needs in masking the power of the regime.¶ This is not to suggest that talk of empowerment is always only illusion or delusion. It is to argue, rather, that while the notion of empowerment articulates that feature of freedom concerned with action, with being more than the consumer subject figured in discourses of rights and eco- nomic democracy, contemporary deployments of that notion also draw so heavily on an undeconstructed subjectivity that they risk establishing a wide chasm between the (experience of) empowerment and an actual capacity to shape the terms of political, social, or economic life. Indeed, the possibility that one can “feel empowered” without being so forms an important element of legitimacy for the antidemocratic dimensions of liberalism.

Body politics are only ever reactionary—their politics collapses into crude biologism and violent micropolitics on the basis of purity.

Ireland ‘4

Craig Ireland, Assistant Professor, Dept. Of American Culture and Literature Bilkent University, 2004, The Subaltern Appeal to Experience: Self-Identity, Late Modernity, and the Politics of Immediacy, p. 13-22

This Thompsonian notion of experience has found its way into numerous strands of histories of difference and subaltern studies, and rooted as it is in prediscursive materiality, it is hardly surprising that it should have lately migrated to what is considered by many to be the last enclave of resistance against ideological contamination — the perceived material immediacy of the body itself. Certain North American feminists propose "experience, qua women's experience of alienation from their own bodies, as the evidence of difference," while others, by contend disruptive fissure within dominant discursive regimes, have retreated, as Joan W. Scott notes, to "the biological or physical 'experience' of the body" itself.27 Others still have gone so far as to see the body as the last enclave of resistance where the nonmediated specificity of experience is "registered" or "inscribed," in the manner of Kafka's penal colony, as so many body piercings testifying to the irreducibly singular, telling us that "our body is becoming a new locus of struggle, which lays claim to its difference through actions such as body piercing."28 Such a stance is of course beset by numerous epistemological problems that have already been repeatedly pointed out by others and that need not be rehearsed here. Suffice to say, as does Fredric Jameson, that "we must be very suspicious of the reference to the body as an appeal to immediacy (the warning goes back to the very first chapter of Hegel's Phenomenology); even Foucault's medical and penal work can be read as an account of the construction of the body which rebukes premature immediacy."29 The recent obsession with the material body, moreover, is hardly in a position to vindicate the historical materialism with which, as if to appease Bourdieu, it often fancies itself allied.3° But at stake in the recent obsession with the materiality of immediate bodily experience is not just an attempt to redeem historical, let alone dialectical, materialism — something that an exclusive reliance on immediate experience, bodily or otherwise, is hardly in a position to accomplish anyway; at stake instead is the condition of possibility of an active subject and of a ground from which can be erected strategies of resistance (to use the jargon of the ig8os) and a politics of identity (to use the slogan of the 199os) that might evade the hegemony, as current parlance phrases it, of dominant discursive formations. And to this day, it is in the name of agency and cultural specificity that appeals are made to immediate experience by those currents in subaltern studies that presuppose a non-mediated homology or correlation between one's structural position, one's socioeconomic interests, one's propensity for certain types of experiences, and certain forms of consciousness or awareness. It is of course unlikely that Thompson would endorse some of the uses to which his notion of experience has been put. But that is beside the point. Regardless of Thompson's motivations, this turn to the material immediacy of bodily experiences is but the logical unfolding of his argument, which, for all its cautious disclaimers, attempts to ground group specificity and agency in the nondiscursive and the immediate. Since for the Thompsonian notion of experience all forms of mediation are considered fair game for ideological penetration, the turn to the immediate is to be expected, and the migration towards material immediacy is but an extrapolation of such a turn. But what are the potential consequences of such a turn? More is involved here than some epistemological blunder. In their bid to circumvent ideological mediation by turning to the immediacy of experience, Thompsonian experience-oriented theories advance an argument that is not so much specious as it is potentially dangerous: there is nothing within the logic of such an argument that precludes the hypostatization of other nondiscursive bases for group membership and specificity — bases that can as readily be those of a group's immediate experiences as they can be those, say, of a group's presumed materially immediate biological characteristics or physical markers of ethnicity and sexuality. If, indeed, the criterion for the disruptive antihegemonic potential of experience is its immediacy and if, as we have just seen, such a criterion can readily lead to a fetishization of the material body itself, then what starts out as an attempt to account for a nonmediated locus of resistance and agency can end up as a surenchere of immediacy that a mere nudge by a cluster of circumstances can propel towards what Michael Piore has termed "biologism"3' — an increasingly common trend whereby "a person's entire identity resides in a single physical characteristic, whether it be of blackness, of deafness or of homosexuality."32 Blut and Boden seems but a step away. THE INSISTENCE ON EXPERIENCE: THE SPECTRE OF NEO-ETHNIC TRIBALISM For theories hoping to account for agency and for groups struggling for cultural recognition, such a step from a wager on immediate experience to rabid neo-ethnic fundamentalisms is only a possible step and not a necessary one, and any link between appeals to immediate experience and neo-ethnic tribalism is certainly not one of affinity and still less one of causality. What the parallelism between the two does suggest, however, is that in spite of their divergent motivations and means, they both attempt to ground group specificity by appealing to immediacy — by appealing, in other words, to something that is less a historical product or a mediated construct than it is an immediately given natural entity, whether it be the essence of a Volk, as in current tribalisms, or the essence of material experiences specific to groups, as in strains of Alltagsgeschichte and certain other subaltern endeavours.33 If a potential for biologism and the spectre of neo-ethnic tribalism seem close at hand in certain cultural theories and social movements, it is because the recourse to immediate experience opens the back door to what was booted out the front door — it inadvertently naturalizes what it initially set out to historicize. The tendency in appeals to experience towards naturalizing the historical have already been repeatedly pointed out precisely by those most sympathetic to the motivations behind such appeals. Joan W. Scott — hardly an antisubaltern historian — has indeed argued, as have Nancy Fraser, Rita Felski, and others, that it is by predicating identity and agency on shared nonmediated experiences that certain historians of difference and cultural theorists in fact "locate resistance outside its discursive construction and reify agency as an inherent attribute of individuals" — a move that, when pushed to its logical conclusion, "naturalizes categories such as woman, black, white, heterosexual and homosexual by treating them as given characteristics of individuals."34 Although such a tendency within experience-oriented theories is of course rarely thematized, and more rarely still is it intended, it nevertheless logically follows from the argument according to which group identity, specificity, and concerted political action have as their condition of possibility the nonmediated experiences that bind or are shared by their members. On the basis of such a stance, it is hardly surprising that currents of gayidentity politics (to take but one of the more recent examples) should treat homosexuality, as Nancy Fraser has noted, "as a substantive, cultural, identificatory positivity, much like an ethnicity."35 It may seem unfair to impute to certain experience-oriented theories an argument that, when pushed to its logical conclusion, can as readily foster an "emancipatory" politics of identity as it can neo-ethnic tribalism.36 The potential for biologism hardly represents the intentions of experience-oriented theories — after all, such theories focus on the immediacy of experience, rather than on the essence of a group, in order to avoid both strong structural determination and the naturalizing of class or subaltern groups. But if, as these theories tell us, the counterhegemonic potential of experience resides in its prediscursive immediacy and if mediation is thus relegated to a parasitical, supplemental, and retrospective operation and if, finally, a nondiscursive or ideologically uncontaminated common ground constitutes a guarantee of group authenticity, it then inevitably follows that experiences cannot be discursively differentiated from one another and, as a result, the criteria for group specificity end up being those elements that unite groups in non-discursive ways. And such nondiscursive elements, in turn, can as readily be those of a group's shared nonmediated experience, say, of oppression, as they can be those of a group's biological characteristics. At best, "the evidence of experience," Scott notes, "becomes the evidence for the fact of difference, rather than a way of exploring how differences are established;"37 at its worst, the wager on immediate experience fosters tribalistic reflexes that need but a little prodding before turning into those rabid neo-ethnic "micro fascisms" against which Felix Guattari warned in his last essay before his death.38

The idea that winning the game can resist it is incoherent and masks root causes—it puts the ballot on a pedestal that distracts from pragmatic solutions

Brown 95—prof at UC Berkeley (Wendy, States of Injury, 21-3)

For some, fueled by **opprobrium toward** **regulatory norms** or other mo- dalities of domination, the language of "resistance" has taken up the ground vacated by a more expansive practice of freedom. For others, it is the discourse of “empowerment” that carries the ghost of freedom's valence ¶ 22¶. Yet as many have noted, insofar as resistance is an effect of the regime it opposes on the one hand, and insofar as its **practitioners often seek to void it of normativity to differentiate it** from the (regulatory) nature of what it opposes on the other, it is **at best** politically rebellious; **at worst**, politically amorphous. Resistance stands **against**, **not for**; it is re-action to domination, rarely willing to admit to a desire for it, and it is **neutral** with regard to possible political direction. Resistance is in no way constrained to a radical or emancipatory aim. a fact that emerges clearly as soon as one analogizes Foucault's notion of resistance to its companion terms in Freud or Nietzsche. Yet in some ways this point is less a critique of Foucault, who especially in his later years made clear that his political commitments were not identical with his theoretical ones (and un- apologetically revised the latter), than a sign of his misappropriation. For Foucault, resistance **marks the presence of power** and expands our under- standing of its mechanics, but it is in this regard an analytical strategy rather than an expressly political one. "Where there is power, there is resistance, and yet. or rather consequently, **this resistance is never in a position of exteriority to power**. . . . (T]he strictly relational character of power relationships . . . depends upon a multiplicity of points of resis- tance: these play the role of adversary, target, support, or handle in power relations.\*39 This appreciation of the extent to which resistance is by no means inherently subversive of power also reminds us that it is only by recourse to a very non-Foucaultian moral evaluation of power as bad or that which is to be overcome that it is possible to equate resistance with that which is good, progressive, or seeking an end to domination. ¶ If popular and academic notions of resistance attach, however weakly at times, to a tradition of protest, the other contemporary substitute for a discourse of freedom—“empowerment”—would seem to correspond more closely to a tradition of **idealist reconciliation**. The language of resistance implicitly acknowledges the extent to which protest always transpires inside the regime; “empowerment,” in contrast, registers the possibility of generating one’s capacities, one’s “self-esteem,” one’s life course, without capitulating to constraints by particular regimes of power. But in so doing, contemporary discourses of empowerment **too often signal** **an oddly adaptive** **and harmonious relationship with domination** insofar as they locate an individual’s sense of worth and capacity in the register of individual feelings, a register implicitly **located on some- thing of an other worldly plane** **vis-a-vis** social and **political power**. In this regard, despite its apparent locution of resistance to subjection, contem- porary discourses of empowerment partake strongly of liberal solipsism—the radical decontextualization of the subject characteristic of¶ 23¶ liberal discourse that is **key to the fictional sovereign individualism of liberalism**. Moreover, in its almost exclusive focus on subjects’ emotional bearing and self-regard, empowerment is a formulation that **converges with a regime’s own legitimacy needs** in masking the power of the regime.¶ This is not to suggest that talk of empowerment is always only illusion or delusion. It is to argue, rather, that while the notion of empowerment articulates that feature of freedom concerned with action, with being more than the consumer subject figured in discourses of rights and eco- nomic democracy, contemporary deployments of that notion also **draw so heavily on an undeconstructed subjectivity** that they risk establishing a wide chasm between the (experience of) empowerment and an actual **capacity to shape the terms of political, social, or economic life**. Indeed, the possibility that one can “feel empowered” without being so **forms an important element of** **legitimacy** for the antidemocratic dimensions of liberalism.

This reactionary impulse is the condition of possibility for all violence—we must transcend exclusive identities and victimization.

Enns 12

Dianne, Professor of Philosophy at McMaster University, The Violence of Victimhood

These are responses to suffering that may at the same time prevent the conditions that lead to further suffering, opening **possibilities rather than burning bridges,** crossing over to the other, like the acrobat refusing to look at "the separation." These individuals and groups reject the worldview of the victim, literally or figuratively laying down their arms. This is not a passive refusal but an act of political will, ignited by the very pragmatic need for a bearable life. To lay down our arms means **to refuse the dictated terms of the fight**, **exit the ring**, **reject the means of defense provided**. While this appears to leave us powerless or defenseless—the other cheek turned in a display of utter passivity—it only does so if we haven't rejected the binary terms on which the power struggle is waged. **It is not the power of the sword that the victimized need**, **or the power of a moral authority** granted to the victim, but the power of political will—a power that can arise spontaneously out of shared vulnerability. It may be an act of civil disobedience, dissent, or the slow, patient work of changing attitudes—of "reviving the person inside the suit of armor"°7—in any case, the operative principle is a refusal to march blindly to the drummer's beat without reflection**, collective deliberation**, or judgment. This is the political work that we must never "neutralize": the cultivation of civil coexistence—**of communities** of fate—**that refuse violent solutions to conflict. To prevent the conditions that lead to war**—**and** the **normalization of** politics as **violence**—we need to elaborate alternatives that embrace neither consensus and unity as **Utopian peace nor dissensus and conflict** as violence. As Balibar puts it, we have to defend politics against "the twin enemies of extreme violence and consensus."00 Obedience could be worse than intolerance in situations of rising political unrest, and disobedience more important than reconciliation. In a discussion of what peoples of the former Yugoslavia need, for example, Boris Buden states unequivocally that it isn't truth commissions or reconciliation programs. The region has undergone a "depoliticization” that no truth of the past will eradicate. To repoliticize would mean to "invent a new form of political solidarity" that transcends their national, ethnic, and religious identities—a public life that includes political argument and contestation,43 not merely, as Buruma puts it, "the soothing rhetoric of healing.'"11 Disagreement, disobedience, conflict— these are indispensable ingredients in the practical work of politics and its necessary conditions. This claim does not contradict the demand to lay down one's arms. Conflict need not lead to violence. But to be vigilant against the incursion of a politics defined by the terms of war requires above all a vigilance against becoming immune to empathy and its effects. For Remarque's Paul Baumer, restoring his enemy to humanity occurs too late. We need to ward off the process of dehumanizing one's enemy before it begins. **We are already too late** **when identities are formed on the basis of** political **ideologies and** when **victims are granted an unquestioned moral authority**. To prevent the conditions of war, we must learn to see ourselves through the eyes of others.

Identity is only ever a confirmation of contingent relationships, not metaphysics. A politics that places a shared commitment to remedying injustice can avoid securitizing difference and reactionary politics that culminate in passivity.

Bhambra ‘10

Gurminder K Bhambra, University of Warwick, and Victoria Margree, University of Brighton, “Identity Politics and the Need for a ‘Tomorrow”

1 Exclusionary Politics

It is **inexcusable** to build analyses of historical experience around exclusions, exclusions that stipulate, for instance, that only women can understand feminine experience, only Jews can understand Jewish suffering, only formerly colonial subjects can understand colonial experience (Said 1993: 35). The idea of a politics underpinned by solidarities based on “sameness” has a long history in the critical tradition. Marx’s initial conceptualisation of the standpoint of the proletariat (albeit, significantly different from those of subsequent developments of standpoint epistemology) has been used by feminist theorists as well as those arguing for a post-colonial perspective in terms of the subaltern, and, more recently, for a dalit standpoint (Hartsock 1984, Guha 1983, Rege 1998, 2000). However, while using identity as the basis of political action has been seen to be powerful (and effective), it has also increasingly become seen as problematic. The exclusionary politics of movements such as **black** **power**, much **radical and lesbian feminism**, and latterly, movements for **ethnic purity** and/or religious integrity, for example, have yielded a deep concern with the programme of separation and isolationism that such movements are often seen to be based upon. For many critics, more troubling still has been the usually accompanying claim that only women can be feminists, or only black people can work against racism, or only dalits against caste oppression, and so on. A position which states that **only those who have experienced an injustice can understand and thus act effectively** up**on** **it** seems to rest upon an **essentialist theory of identity** which assumes that the possibility of knowledge about particular situations is restricted to one’s possession of the relevant (seemingly) irreducible traits (being female, black, dalit, and so forth). Arguably, one consequence of these separatist tendencies is that they perpetuate the individualist fallacy that oppressive social relationships can be reformed **by particular subjects** **without** the **broader** **agreement** of others who, together, constitute the **social relations** within which the injustices are embedded. But even where the limitations of a purely exclusionary form of identity politics are recognised, many theorists continue, nevertheless, to argue for a form of “strategic essentialism” (Fuss 1989, Spivak 2003) suggesting that where structures of inequality overlap with categories of identity, then a politics based on those identities is both liberatory and necessary (Bramen 2002). In our view, however, the claim for a “strategic essentialism” remains fraught with problems, for at least three reasons. First, it establishes an epistemological division between those who assert a particular identity in advancing political claims and the observer who is sympathetic to those claims but “recognises” the limitations of basing such claims on a putative identity.1 There is something highly problematic in claiming to support a political movement from the basis of being able to “see” something that the individuals constituting the movement do not see, and in then not engaging with them with regard to this. This sets the observer up in a privileged position vis-à-vis other members of the movement and thus makes solidarity difficult to achieve.2 Second, the claim for “strategic essentialism” posits solidarity, that is, collective identification around a particular standpoint, as a prerequisite for collective action to address perceived injustices. This is as against recognising that solidarities can also emerge through the actions taken to correct particular injustices and can include those who recognise the injustice as the reason for action while not directly being disadvantaged themselves. Third, the assertion of “strategic essentialism” generally occurs in the context of claiming justice through an appeal to the wider community but with no explanation as to why the wider community ought to honour this claim for justice, especially when it is often not deemed possible for them to constitute a part of the movement itself. There is a requirement of inclusivity then – in terms of demanding acceptance of the validity of the claims made – at the same time, as an assertion of its impossibility across what are posited as irreducible, essential traits (for a fuller discussion see Holmwood 1995). The arguments of this paper start out from a broad agreement that developing a politics from the basis of occupying a **particular social position** or having a **specific** (singular) **identity** is problematic for the reasons identified above, as well as for covertly legitimating – “absolving and forgiving”, in Said’s (1993: 35) words – the **ignorance of those whose understanding and actions are** necessary **for countering social injustices**. It has to be recognised that issues exist between people and are not in people: that is, problems of social injustice occur in the relationships through which subjectivities are produced and thus, all those implicated in those relationships are involved in their address. For example, sexism is not a problem for women to deal with alone, but is a problem situated in the contemporary relationships of **social and material inequalities** and requires mutual engagement for its address. This is an address which we consider is best served by the solidarities generated as a consequence of the activities around perceived injustices (that is, solidarities generated through the political movements of people working towards equality, justice) as opposed to those activities having to rely on **assumed preexisting solidarities** (that is, being female, gay, black, dalit, etc). This is **not** an argument for movements against specific injustices or inequalities to be subsumed within a wider (say, socialist) movement but, rather, an argument for movements to be **conceived** inclusively as movements where membership is not restricted to those presumed to suffer the injustice or inequality. As such, a question arises as to what would happen if the “identity” in “identity politics” were rethought along the lines of the solidarities that are generated around the address of injustices rather than the solidarity that is presumed to ensue from being the victim of an injustice. Defending “identity” against a variety of critiques from the academic left, Bramen (2002) asserts that identity can also be productive in its construction of moral and other communities. Our question, however, would be why such communities – sites of resistance and the discovery of political agency – need to be constructed around **essentialising rhetoric and restricted** (this is the implication) to those who suffer the injustice. Indeed, Bramen herself recognises that “identity politics certainly has its limitations, primarily in terms of prescribing modes of behaviour that pressure individuals to conform to certain standards of authenticity” (2002: 7-8). And this surely is a real problem; that essentialist rhetoric establishes belonging to a community, and thus identity, on the basis of presumed shared attributes or experiences that are imagined to be irreducible. As such, not only may the **community itself become oppressive** to those who do not share those attributes, or who wish to articulate experiences that differ from those expressed by the majority, but the community itself may be weakened in its resistance to **other forms of oppression** by the distraction of its **internal policing against difference.** We suggest that **alternative models of identity and community are required** from those put forward by essentialist theories, and that these are offered by the work of two theorists, Satya M ohanty and Lynn Hankinson Nelson. Mohanty’s ([1993] 2000) post-positivist, realist theorisation of identity suggests a way through the impasses of essentialism, while avoiding the excesses of the postmodernism that Bramen, among others, derides as a proposed alternative to identity politics. For Mohanty ([1993] 2000), identities must be understood as **theoretical constructions** that enable subjects to read the world in particular ways; as such, substantial claims about identity are, in fact, implicit explanations of the social world and its constitutive relations of power. Experience – that from which identity is usually thought to derive – **is not something that simply occurs**, or announces its meaning and signifi cance in a self-evident fashion: rather, experience is always a work of interpretation that is collectively produced

 (Scott 1991). Mohanty’s work resonates with that of Nelson (1993), who similarly insists upon the communal nature of meaning or knowledge-making. Rejecting both foundationalist views of knowledge and the postmodern alternative which announces the “death of the subject” and the impossibility of epistemology, Nelson argues instead that, it is not individuals who are the agents of epistemology, but **communities**. Since it is not possible for an individual to know something that another individual could not also (possibly) know, it must be that the ability to make sense of the world proceeds from shared conceptual frameworks and practices. Thus, it is the community that is the generator and repository of knowledge. Bringing Mohanty’s work on identity as theoretical construction together with Nelson’s work on epistemological communities therefore suggests that, “identity” is one of the knowledges that is produced and enabled for and by individuals in the context of the communities within which they exist. The post-positivist reformulation of “experience” is necessary here as it privileges understandings that emerge through the processing of experience in the context of **negotiated premises** about the world, over experience itself producing self-evident knowledge (self-evident, however, only to the one who has “had” the experience). This distinction is crucial for, if it is not the experience of, for example, sexual discrimination that “makes” one a feminist, but rather, the paradigm through which one attempts to **understand acts of sexual discrimination**, then it is not necessary to have actually had the experience oneself in order **to make the identification “feminist”**. If being a “feminist” is not a given fact of a particular social (and/or biological) location – that is, being designated “female” – but is, in Mohanty’s terms, an “achievement” – that is, something worked towards through a process of analysis and interpretation – then two implications follow. First, that not all women are feminists. Second, that feminism is something that is “achievable” by men.3 While it is accepted that experiences are not merely theoretical or conceptual constructs which can be transferred from one person to another with transparency, we think that there is something **politically self-defeating** about insisting that one can only understand an experience (or then comment upon it) if one has actually had the experience oneself. As Rege (1998) argues, to privilege knowledge claims on the basis of direct experience, or then on claims of authenticity, can lead to a **narrow identity politics** that **limits** the **emancipatory potential** of the movements or organisations making such claims. Further, if it is not possible to understand an experience one has not had, then **what point is there in listening to each other?** Following Said, such a view seems to authorise privileged groups to **ignore** the **discourses of disadvantaged ones, or,** we would add, to **place exclusive responsibility for addressing injustice with the oppressed themselves**. Indeed, as Rege suggests, reluctance to speak about the experience of others has led to an assumption on the part of some white feminists that “confronting racism is the sole responsibility of black feminists”, just as today “issues of caste become the sole responsibility of the dalit women’s organisations” (Rege 1998). Her argument for a dalit feminist standpoint, then, is not made in terms solely of the experiences of dalit women, but rather a call for others to “educate themselves about the histories, the preferred social relations and utopias and the struggles of the marginalised” (Rege 1998). This, she argues, allows “**their cause**” to become “**our cause**”, not as a form of appropriation of “their” struggle, but through the transformation of subjectivities that enables a recognition that **“their” struggle is also “our” struggle**. Following Rege, we suggest that social processes can facilitate the understanding of experiences, thus making those experiences the possible object of analysis and action for all, while recognising that they are not **equally** available or **powerful for all subjects**.4 Understandings of identity as **given and essential**, then, we suggest, need to give way to understandings which accept them as **socially constructed** and **contingent** on the work of particular, overlapping, epistemological communities that agree that this or that is a viable and recognised identity. Such an understanding avoids what Bramen identifi es as the postmodern excesses of “post-racial” theory, where in this “world without borders (“racism is real, but race is not”) one can be anything one wants to be: a black kid in Harlem can be Croatian-American, if that is what he chooses, and a white kid from Iowa can be Korean-American” (2002: 6). Unconstrained choice is not possible to the extent that, as Nelson (1993) argues, the concept of the epistemological community requires any individual knowledge claim to sustain itself in relation to standards of evaluation that already exist and that are social. Any claim to identity, then, would have to be recognised by particular communities as valid in order to be successful. This further shifts the discussion beyond the limitations of essentialist accounts of identity by recognising that the communities that confer identity are constituted through their shared epistemological frameworks and not necessarily by shared characteristics of their members conceived of as irreducible.5 Hence, the epistemological community that enables us to identify ourselves as feminists is one that is built up out of a broadly agreed upon paradigm for interpreting the world and the relations between the sexes: it is not one that is premised upon possessing the physical attribute of being a woman or upon sharing the same experiences. Since at least the 1970s, a key aspect of black and/or postcolonial feminism has been to identify the problems associated with such assumptions (see, for discussion, Rege 1998, 2000). We believe that it is the identification of injustice which calls forth action and thus allows for the construction of healthy solidarities. 6 While it is accepted that there may be important differences between those who recognise the injustice of disadvantage while being, in some respects, its beneficiary (for example, men, white people, brahmins), and those who recognise the injustice from the position of being at its effect (women, ethnic minorities, dalits), we would privilege the importance of a **shared political commitment to equality** as the basis for negotiating such differences. Our argument here is that thinking through identity claims from the basis of understanding them as epistemological communities **militates against exclusionary politics** (and its associated problems) since the emphasis comes to be on participation in a shared epistemological and political project as **opposed to** notions of **fixed characteristics** – the focus is on the activities individuals participate in rather than the characteristics they are deemed to possess. Identity is thus defined further as a function of activity located in particular social locations (understood as the complex of objective forces that influence the conditions in which one lives) rather than of nature or origin (Mohanty 1995: 109-10). As such, the communities that enable identity should not be conceived of as “imagined” since they are produced by very real actions, practices and projects.

Our alternative is to recognize debate as a site of contingent commonality in which we can forge bonds of argumentation beyond identity---the affirmative’s focus on subjectivity abdicates the flux of politics and debate for the incontestable truth of identity

Brown ‘95

Wendy, professor at Berkeley, *States of Injury POWER AND FREEDOM IN LATE MODERNITY, 47-51*

The postmodern exposure of the imposed and created rather than dis- covered character of all knowledges—of the power-surtuscd, struggle-¶48¶produced quality of all truths, including reigning political and scientific ones—simultaneously exposes the groundlessness of discovered norms or visions. It also reveals the exclusionary and regulatory function of these norms: white women who cannot locate themselves in Nancy Hartsock’s account of women’s experience or women s desires, African American women who do not identify with Patricia Hill Collinss account of black women’s ways of knowing, **are once again excluded from** the Party of **Humanism**—this time in its feminist variant. ¶**Our** **alternative to reliance** up**on** such **normative claims** **would seem to be engagement in political struggles in which there are no trump cards** such as “morality” or “truth."Our alternative, in other words, is to struggle within an amoral political habitat for temporally bound and fully contestable visions of who we are and how we ought to live. Put still another way, postmodernity unnerves feminist theory not merely because it deprives us of uncomplicated subject standing, as Christine Di Stefano suggests, or of settled ground for knowledge and norms, as Nancy Hartsock argues, or of "centered selves and “emancipatory knowledge," as Seyla Bcnhabib avers. Postmodernity unsettles feminism because it erodes the moral ground that the subject, truth, and normativity coproduce in modernity. When contemporary feminist political theorists or analysts complain about the antipolitical or unpolitical nature of postmodern thought—thought that apprehends and responds to this erosion—they are protesting, inter' aha, a Nietzschean analysis of truth and morality as fully implicated in and by power, and thereby delegitimated qua Truth and Morality Politics, including politics with passion- ate purpose and vision, can thrive without a strong theory of the subject, without Truth, and without scientifically derived norms—one only need reread Machiavelli, Gramsci, or Emma Goldman to see such a politics flourish without these things. The question is whether feminist politics can prosper without a moral apparatus, whether feminist theorists and activists will give up substituting Truth and Morality for politics. Are we willing to engage in struggle rather than recrimination, to develop our faculties rather than avenge our subordination with moral and epistemological gestures, to fight for a world rather than conduct process on the existing one? Nietzsche insisted that extraordinary strengths of character and mind would be necessary to operate in the domain of epistemological and religious nakedness he heralded. But in this he excessively individualized a challenge that more importantly requires the deliberate development of postmoral and antirelativist political spaces, practices of deliberation, and modes of adjudication.¶49¶The only way through a crisis of space is to invent a **new space** —Fredric Jameson. “Postmodernism"¶ Precisely because of its incessant revelation of settled practices and identities as contingent, its acceleration of the tendency to melt all that is solid into air. What is called postmodernity poses the opportunity to radically sever the problem of the good from the problem of the true, **to decide “what we** **want”** rather than derive it from assumptions or arguments about “who we are.” Our capacity to exploit this opportunity positively will be hinged to our success in developing new modes and criteria for political judgment. It will also depend upon our willingness to break certain modernist radical attachments, particularly to Marxism’s promise (however failed) of meticulously articulated connections between a comprehensive critique of the present and norms for a transformed future—a science of revolution rather than a politics of one. Resistance, the practice most widely associated with postmodern political discourse, **responds to** **without fully meeting the** normativity challenge of postmodernity. A vital tactic in much political work as well as for mere survival, resistance by itself **does not contain a critique, a vision, or grounds for organized collective efforts to enact either**. Contemporary affection for the politics of resistance issues from postmodern criticism’s perennial authority problem: our heightened consciousncss of the will to power in all political “positions” and our weariness about totalizing analyses and visions. Insofar as it eschews rather than revises these problematic practices, **resistance-as-politics does not raise the dilemmas of responsibility and justification entailed in “affirming” political projects** and norms. In this respect, like identity politics, and indeed sharing with identity politics an **excessively local viewpoint** and tendency toward **positioning without mapping**, the contemporary vogue of resistance is more a symptom of postmodernity’s crisis of political space than a coherent response to it. **Resistance goes nowhere in particular,** **has no inherent attachments**, **and hails no particular vision**;

 as Foucault makes clear, resistance is an effect of and reaction to power, not an arrogation of it.¶ What postmodernity disperses and postmodern feminist politics requires are cultivated political spaces for posing and questioning feminist political norms, for discussing the nature of “**the good”** for women. Democratic political space is quite undertheorized in contemporary feminist thinking, as it is everywhere in late-twentieth-century political theory, primarily because it is so little in evidence. Dissipated by the increasing technologizing of would-be political conversations and processes, by the erosion of boundaries around specifically political domains¶50¶and activities, and by the decline of movement politics, **political spaces are scarcer and thinner today than even in most immediately prior epochs of Western history**. In this regard, their condition mirrors the splayed and centrifuged characteristics of postmodern political power. Yet precisely because of postmodernity’s disarming tendencies toward political disorientation, fragmentation, and technologizing, the creation of spaces where political analyses and norms can be proffered and contested is **supremely important**.¶ Political space is an old theme in Western political theory, incarnated by the polis practices of Socrates, harshly opposed by Plato in the Republic, redeemed and elaborated as metaphysics by Aristotle, resuscitated as salvation for modernity by Hannah Arendt, and given contemporary spin in Jurgen Habermas's theories of ideal speech situations and communicative rationality. The project of developing feminist postmodern political spaces, while enriched by pieces of this tradition, necessarily also departs from it. In contrast with Aristotle’s formulation, feminist political spaces cannot define themselves against the private sphere, bodies, reproduction and production, mortality, and all the populations and is- sues implicated in these categories. Unlike Arendt’s, these spaces cannot be pristine, ratified, and policed at their boundaries but are necessarily cluttered, attuned to earthly concerns and visions, incessantly disrupted, invaded, and reconfigured. Unlike Habermas, we can harbor no dreams of nondistorted communication unsullied by power, or even of a ‘com- mon language,’\* but we recognize as a permanent political condition partiality of understanding and expression, cultural chasms whose nature may be vigilantly identified but rarely “resolved,” and the powers of words and images that evoke, suggest, and connote rather than transmit meanings.42 Our spaces, while requiring some definition and protection, cannot be clean, sharply bounded, disembodied, or permanent: to engage postmodern modes of power and honor specifically feminist knowledges, they must be **heterogenous, roving**, **relatively noninstitutionalized**, **and democratic** to the point of exhaustion. ¶Such spaces are **crucial for developing the skills and practices** of post- modern judgment, addressing the problem of “how **to produce** a discourse on **justice** . . . when one no longer relies on ontology or epistemology.”43 Postmodemity’s dismantling of metaphysical foundations for justice renders us quite vulnerable to domination by technical reason ¶51¶unless we seize the opportunity this erosion also creates to develop democratic processes for formulating postepistemelogical and postontological judgments. Such judgements require learning how to have public conversations with each other, arguing from a vision about the common (“what I want for us") rather than from identity (“who I am”), and from explicitly postulated norms and potential **common values** rather than **false essentialism** **or unreconstructed private interest**.44 Paradoxically, such public and comparatively impersonal arguments carry potential for **greater accountability** **than arguments from identity** or interest. While the former may be interrogated to the ground by others, the latter are **insulated from such inquiry** with the mantle of truth worn by identity-based speech. Moreover, post identity political positions and conversations potentially replace a politics of **difference** with a politics of **diversity**—differences grasped from a perspective larger than simply one point in an ensemble. Postidentity public positioning **requires** an outlook that discerns structures of dominance within diffused and disorienting orders of power, thereby stretching toward a more politically potent analysis than that which our individuated and fragmented existences can generate. In contrast to Di Stefano's claim that 'shared identity” may constitute a more psychologically and politically reliable basis for “attachment and motivation on the part of potential activists,” I am suggesting that **political conversation oriented toward diversity and the common**, **toward world rather than self**, and involving a conversion of ones knowledge of the world from a situated (subject) position into a public idiom, offers us the greatest possibility of countering postmodern social fragmentations and political disintegrations.¶ Feminists have learned well to identify and articulate our "subject positions —we have become experts at politicizing the “I” that is produced through multiple sites of power and subordination. **But the very practice so crucial to making these elements of power visible** **and subjectivity political** may be partly at odds with the requisites for developing political conversation **among a complex and diverse “we.”** We may need to learn public speaking and the pleasures of public argument not to overcome our situatedness, but in order **to assume responsibility for our situations and to mobilize a collective discourse that will expand them**. For the political making of a feminist future that does not reproach the history on which it is borne, we may need to loosen our attachments to subjectivity, identity, and morality and to redress our underdeveloped taste for political argument.

# 2nc T

## at: roleplaying bad

Their grosfoguel evidence gives reasons why western male thinkers dominate the source of our knowledge production – that’s not a reason why critiquing the law in the 1ac is bad or is dependent on only drawing on western male thinkers

Their Grosfoguel evidence is a criticism of the setup of ethnic studies departments in universities - there is still value to western learning

Grosfoguel, Professor of Diversity Studies at UC Berkeley, 2012

(Ramon,"The Dilemmas of Ethnic Studies in the United States: Between Liberal Multiculturalism, Identity Politics, Disciplinary Colonization, and Decolonial Epistemologies," Human Architecture: Journal of the Sociology of Self-Knowledge: Vol. 10: Iss. 1, Article 9, pg 82-83 ,MR)

V. CONCLUSION

My point is not to dismiss the important and useful critical work produced from within the disciplinary fields of Western academia. I am simply questioning the colonial Eurocentric nature of mainstream disciplines and, thus, the appropriateness of creating ethnic studies departments/ programs, if these are reduced merely to studying the sociology of race, the anthropology of ethno/racial identities, the history “of” (not “from” or “with”) blacks, the economics of the insertion of indigenous labor, etc. To colonize ethnic studies through the Western disciplines does not constitute an innovation in the field of knowledge production. It was already possible to do so through the respective academic disciplines of the human sciences, and it requires neither ethnic studies departments nor programs.

Advocating for a restriction on presidential war power authority does not mean we’re pretending to be the federal government or embodying a structurally oppressive institution – debate process comes before product – we should focus on cultivating skills that creates change – that’s fox

Critiquing the law can be revolutionary – particularly true in regards to legal reform

Orly Lobel, University of San Diego Assistant Professor of Law, 2007, The Paradox of Extralegal Activism: Critical Legal Consciousness and Transformative Politics,” 120 HARV. L. REV. 937, http://www.harvardlawreview.org/media/pdf/lobel.pdf

V. RESTORING CRITICAL OPTIMISM IN THE LEGAL FIELD

“La critique est aisée; l’art difficile.”

A critique of cooptation often takes an uneasy path. Critique has always been and remains not simply an intellectual exercise but a political and moral act. The question we must constantly pose is how critical accounts of social reform models contribute to our ability to produce scholarship and action that will be constructive. To critique the ability of law to produce social change is inevitably to raise the question of alternatives. In and of itself, the exploration of the limits of law and the search for new possibilities is an insightful field of inquiry. However, the contemporary message that emerges from critical legal consciousness analysis has often resulted in the distortion of the critical arguments themselves. This distortion denies the potential of legal change in order to illuminate what has yet to be achieved or even imagined. Most importantly, cooptation analysis is not unique to legal reform but can be extended to any process of social action and engagement. When claims of legal cooptation are compared to possible alternative forms of activism, the false necessity embedded in the contemporary story emerges — a story that privileges informal extralegal forms as transformative while assuming that a conservative tilt exists in formal legal paths. In the triangular conundrum of “law and social change,” law is regularly the first to be questioned, deconstructed, and then critically dismissed. The other two components of the equation — social and change — are often presumed to be immutable and unambiguous. Understanding the limits of legal change reveals the dangers of absolute reliance on one system and the need, in any effort for social reform, to contextualize the discourse, to avoid evasive, open-ended slogans, and to develop greater sensitivity to indirect effects and multiple courses of action. **Despite its weaknesses, however, law is an optimistic discipline**. It operates both in the present and in the future. **Order without law is often the privilege of the strong**. Marginalized groups have used legal reform precisely because they lacked power. Despite limitations, these groups have often successfully secured their interests through legislative and judicial victories. **Rather than experiencing a** disabling disenchantment **with the legal system, we can learn from both the successes and failures of past models, with the aim of** constantly redefining the boundaries of legal reform **and making visible law’s broad reach**.

T version of the aff—end signature strikes because they’re racist.

Zenko ‘13

Micah, Douglas Dillon fellow with the Center for Preventive Action at the Council on Foreign Relations, “If Trayvon Were Pakistani…,” <http://www.foreignpolicy.com/articles/2013/07/22/if_trayvon_were_pakistani_signature_strikes_profiling?page=0,1>

The day before Obama spoke about Trayvon Martin, Nasser al-Awlaki -- a former Fulbright scholar and Yemeni minister of agriculture and fisheries -- published a powerful op-ed in the New York Times titled "The Drone That Killed My Grandson." His 16-year-old grandson, an American citizen named Abdulrahman, was killed, along with six other individuals, by a U.S. drone strike in October 2011. A State Department spokesperson initially absolved the United States of any responsibility, claiming: "We have not received confirmation of his death from the government of Yemen. We have no additional information at this time." In May, Attorney General Eric Holder sent a letter to the Senate Judiciary Committee that finally acknowledged that, since 2009, al-Awlaki and two other American citizens had died in U.S. counterterrorism operations, in which they "were not specifically targeted by the United States." Over time, other officials acknowledged -- always anonymously -- that Abdulrahman al-Awlaki had been either inadvertently targeted or was collateral damage. Princeton University doctoral candidate and Yemen expert Gregory Johnsen wrote that the missile that killed al-Awlaki was actually intended for Ibrahim al-Banna, an Egyptian member of al Qaeda in the Arabian Peninsula. Whatever the reason, the available evidence suggests that a 16-year-old U.S. citizen was the unintended casualty of a signature strike. Nasser al-Awlaki closed his Times op-ed by asking: "The government has killed a 16-year-old American boy. Shouldn't it at least have to explain why?" For a president invested in showing leadership by setting the tone for discussions of race at home, he should answer that question directly. He should then announce an end to signature strikes, since nobody should ever be killed based on how they look or for being in the wrong place at the wrong time.

Sotomayor

They link to their roleplaying bad arguments more, forcing us to solely negate their identities in the debate space creates more hostility towards their project

Mitchell, 1998[Gordon, University of Pennsylvania at Pittsburgh, “Pedagogical Possibilities for Argumentative Agency in Academic Debate,” Argumentation and Advocacy, Fall]

Academic debaters nourished on an exclusive diet of competitive contest round experience often come to see politics like a picturesque landscape whirring by through the window of a speeding train. They study this political landscape in great detail, rarely (if ever) entertaining the idea of stopping the train and exiting to alter the course of unfolding events. The resulting spectator mentality deflects attention away from roads that could carry their arguments to wider spheres of public argumentation. However, on the occasions when students and teachers set aside this spectator mentality by directly engaging broader public audiences, key aspects of the political landscape change, because the point of reference for experiencing the landscape shifts fundamentally.¶ In the Truman Show, the lead character is born into a "hyperreal" (see Baudrillard 1983) life of pure simulation, where thousands of tiny hidden cameras record his every move for a world-wide, live television audience. Truman can only break through the illusion that his life is a staged event by realizing eventually that he has the power to change the set, and thereby disrupt the carefully scripted storyline of the "show." Likewise, academic debaters possess considerable latent agency to change the set that serves as the backdrop for their discussions in policy debate tournaments. They can accomplish this by turning their attention beyond a narrow exclusive focus on competitive success in tournament contest rounds and toward possible roles they might play in broader fields of social action. The resulting shift in perspective changes fundamentally the dynamics of academic debate by foregrounding the central purpose of the activity: to serve as a medium of democratic empowerment.¶ The notion of argumentative agency is not only important for the task of lending weight to projects in debate oriented toward the telos of democratic empowerment. The pursuit of action research carries intrinsic transformative benefits in the form of concrete political change. Building on Felski's argument that "it is not tenable to assume that hermetically sealed forums for discussion and debate can function as truly oppositional spaces of discourse" (1989, p. 171), Giroux points to Foucault and Gramsci as scholars who have made engagement with broader public spheres a matter of academic responsibility.¶ Academics can no longer retreat into their careers, classrooms, or symposiums as if they were the only public spheres available for engaging the power of ideas and the relations of power. Foucault's (1977) notion of the specific intellectual taking up struggles connected to particular issues and contexts must be combined with Gramsci's (1971) notion of the engaged intellectual who connects his or her work to broader social concerns that deeply affect how people live, work, and survive (Giroux 1991, p. 57; see also Giroux 1988, p. 35).¶ Within the limited horizon of zero-sum competition in the contest round framework for academic debate, questions of purpose, strategy, and practice tend to collapse into formulaic axioms for competitive success under the crushing weight of tournament pressure. The purpose of debate becomes unrelenting pursuit of victory at a zero-sum game. Strategies are developed to gain competitive edges that translate into contest round success. Debate practice involves debaters "spewing" a highly technical, specialized discourse at expert judges trained to understand enough of the speeches to render decisions. Even in "kritik rounds," where the political status and meaning of the participants' own discourse is up for grabs, (see Shanahan¶ 1993) the contest round framework tends to freeze the discussion into bipolar, zero-sum terms that highlight competitive payoffs at the expense of opportunities for co-operative "rethinking."¶ When the cultivation of argumentative agency is pursued as a central pedagogical goal in academic debate, questions of purpose, strategy, and practice take on much broader meanings. The purpose of participating in debate gets extended beyond just winning contest rounds (although that purpose does not need to be abandoned completely), as debaters intervene in public affairs directly to affect social change, and in the process, bolster their own senses of political agency. In this approach, debate strategy begins to bear a resemblance to social movement strategizing, with questions of timing, coalition-building, and publicity taking on increasing importance. Finally, debate practice itself becomes dynamic as debaters invent new forms of argumentative expression tailored specifically to support particular projects of political intervention into fields of social action.

Analysis of policy is particularly empowering, even if we’re not the USFG

**Shulock 99**

Nancy, PROFESSOR OF PUBLIC POLICY --- professor of Public Policy and Administration and director of the Institute for Higher Education Leadership & Policy (IHELP) at Sacramento State University, The Paradox of Policy Analysis: If It Is Not Used, Why Do We Produce So Much of It?, Journal of Policy Analysis and Management, Vol. 18, No. 2, 226–244 (1999)

In my view, none of these radical changes is necessary. **As interesting as our politics might be with the kinds of changes outlined by proponents of** participatory and **critical policy analysis,** **we do not need these changes to justify our investment in policy analysis.** **Policy analysis already involves discourse, introduces ideas** into politics, **and affects policy outcomes**. The problem is not that policymakers refuse to understand the value of traditional policy analysis or that policy analysts have not learned to be properly interactive with stakeholders and reflective of multiple and nontechnocratic perspectives. The problem, in my view, is only that policy analysts, policymakers, and observers alike do not recognize policy analysis for what it is. **Policy analysis has changed**, right along with the policy process, to become the provider of ideas and frames, to help sustain the discourse that shapes citizen preferences, and to provide the appearance of rationality in an increasingly complex political environment. Regardless of what the textbooks say, there does not need to be a client in order for ideas from policy analysis to resonate through the policy environment.10¶ Certainly there is room to make our politics more inclusive. But **those critics who see policy analysis as a tool of the power elite might be less concerned if they understood that analysts are only adding to the debate**—they are unlikely to be handing ready-made policy solutions to elite decisionmakers for implementation. Analysts themselves might be more contented if they started appreciating the appropriation of their ideas by the whole gamut of policy participants and stopped counting the number of times their clients acted upon their proposed solutions. And **the cynics disdainful of the purported objectivism of analysis might relax if analysts themselves would acknowledge that they are seeking not truth**, **but to elevate the level of debate with a compelling, evidence-based presentation of their perspectives. Whereas critics call**, **unrealistically** in my view, **for analysts to** present competing perspectives on an issue or to “**design a discourse among multiple perspectives,” I see no reason why an individual analyst must do this** when multiple perspectives are already in abundance, brought by multiple analysts. If we would acknowledge that policy analysis does not occur under a private, contractual process whereby hired hands advise only their clients, we would not worry that clients get only one perspective.¶ **Policy analysis is used, far more extensively than is commonly believed**. Its **use could be appreciated and expanded if policymakers, citizens, and analysts themselves began to present it more accuratel**y, not as a comprehensive, problem-solving, scientific enterprise, but **as a contributor to informed discourse**. For years Lindblom [1965, 1968, 1979, 1986, 1990] has argued that we should understand policy analysis for the limited tool that it is—just one of several routes to social problem solving, and an inferior route at that. Although I have learned much from Lindblom on this odyssey from traditional to interpretive policy analysis, my point is different. Lindblom sees analysis as having a very limited impact on policy change due to its ill-conceived reliance on science and its deluded attempts to impose comprehensive rationality on an incremental policy process. I, with the benefit of recent insights of Baumgartner, Jones, and others into the dynamics of policy change, see that **even with** these **limitations, policy analysis can have a major impact on policy. Ideas, aided by institutions and embraced by citizens, can reshape the policy landscape. Policy analysis can supply the ideas.**

## turns oppression

Turns the case—only dialogue and decision-making allows long-term challenges to black oppression

Gooding-Williams 3

 Race, Multiculturalism and Democracy

Robert Gooding-Wiliams

 Robert Gooding-Williams (Ph.D., Yale, 1982) is the Ralph and Mary Otis Isham Professor of Political Science and the College. He is also a Faculty Associate of the Chicago Center for Contemporary Theory and an affiliate of the Center for the Study of Race, Politics and Culture. His areas of interest include Du Bois, Critical Race Theory, the History of African-American Political Thought, 19th Century German Philosophy (especially Nietzsche), Existentialism, and Aesthetics (including literature and philosophy, representations of race in film, and the literary theory and criticism of African-American literature). Before coming to the University of Chicago he taught at Northwestern University (1998-2005), where he was Professor of Philosophy, Director of the Alice Berline Kaplan Center for the Humanities (2003-2005), Adjunct Professor of African American Studies, and an affiliate of the Program in Critical Theory. Before coming to Northwestern he taught at Amherst College (1988-98), where he was Professor of Black Studies and the George Lyman Crosby 1896 Professor of Philosophy, and at Simmons College (1983-88), where he taught philosophy and directed the program in Afro-American Studies.

 Issue

Constellations

Volume 5, Issue 1, pages 18–41, March 1998

 Consider, for example, the view held by many (though not all) African Americans that the (comparatively) low, average socioeconomic status of African-Americans, because it is due to the cumulative effects of racial slavery and antiblack racism, is an injustice for which African Americans deserve compensation. Some white Americans will dismiss this assertion of injustice, largely because they are "reluctant to see the present social plight of blacks as the result of American slavery."65 Still, were these whites to learn something of American racial slavery and of its impact 011 African-American life, they could begin to see that the argument for reparations is plausible, and begin to share with the African-Americans who advance that argument a common moral ground for further deliberations, hi other words, through the study of African American social history, they could begin to acknowledge the cogency of the considerations in light of which many African-American black persons, in reflecting on that history, have insisted that being black in America involves collective injustice. Supposing that they augmented this study with inquiry into the central themes of African-American political thought66 (as it has evolved, say from the writings of Martin Delaney to those of Martin King), they could enlarge the common ground by beginning to recognize the range and force of African-American perspectives oil other race-related issues.

It would be a mistake, of course, to think that multiculturalism needs to be race-conscious only when addressing the self-understandings of black persons or, by analogy the self-understandings of racially classified but non-black "persons of color." America is also a nation of racially classified whites and white persons; and white personliood, we know, cuts across ethnic lines. Again, by analogy to blacks who become black persons, whites who become white persons let their descriptions of themselves as white matter to the ways in which they live their lives. David Roediger's work on the racial formation of Irish-American workers is relevant here, as it provides a model for historical inquiry that illuminates the social construction and etlmic cultural significance of white racial identities.67 Also important, in this context, is Toni Morrison's book. Playing in the Dark. Reflecting 011 the nature of American literature, Morrison writes: that cultural identities are formed and informed by a nation's literature, and... what seemed to be 011 the 'mind' of the literature of the United States was the selfconscious construction of the American as a new white man. Emerson's call for this new man 111 'The American Scholar" indicates the deliberateness of the construction the conscious necessity for establishing the difference. But the writers who responded to this call, accepting or rejecting it. did not look solely to Europe to establish a reference for difference. There was a very theatrical difference underfoot. Writers were able to celebrate and deplore an identity already existing or rapidly taking a form that was elaborated through racial difference. That difference provided a huge payout of sign, symbol, and agency in the process of organizing, separating, and consolidating identity . . .6S

 For Morrison, reading American writers after Emerson (e.g.. Poe and Twain) is a matter of engaging complicated constructions of white racial identities implicated in a racial ideology ("American Africanism" is Morrison's phrase) that assigns multiple meanings to the African presence in America. Self-consciously constructing a literature in light of descriptions of themselves as white, the "founding writers of young America" were white persons (in my sense of the term) for whom the figure of the black African became a "staging ground and arena for the elaboration of the quintessential American identity."® For my purposes, Morrison's short study is valuable, because it affords some excellent examples of the ways multicultural inquiry can explore the cultural construction of white racial identities and their connection to the promotion of racial ideologies. In America, multicultural education cannot avoid race, because socially constructed racial identities - those of black persons and white persons alike come into view 110 matter what class or ethnic perpsective one occupies in crosscultural deliberations. And while one ought not to conflate multiculturalism with struggles against racism and economic injustice, or promote it as a substitute for such straggles, multicultural education, by being race conscious, can contribute to an understanding of the issues posed by these struggles.70

Lack of preparation turns debate into a monologue, which doesn’t have emancipatory potential—a balanced debate is crucial to combat white supremacy

Walsh, University of Wisconsin-Madison political science professor, ‘8

[Katherine Cramer, *Talking about Race : Community Dialogues and the Politics of Difference*, elibrary, 197-199, ISBN: 9780226869070, accessed 2-19-10, mss/ras]

 The investigations of intergroup dialogue in this study nevertheless present reasons to be cautious about how useful deliberative approaches can be in the realm of race relations. Even in these dialogues, not all participants are scrutinized to the same degree. These dialogues are a site in which conventional notions of authority are contested, but they seem at times to confer legitimacy on people of color without simultaneously requiring whites to assume an equal role in the exchange. In order for these dialogues to serve as a site in which motives and perceptions are open to scrutiny by listeners, everyone needs to contribute—people of dominant racial categories as well as people from marginalized racial groups. As suggested in the previous chapter, if whites mainly listen and only people of color speak, then the dialogues are not actually an exchange or a collective attempt to move a community forward.24 If only members of marginalized racial groups take on the role of speaker and are seldom in the role of listener, this may not constitute power over the conversation so much as a peculiar status. In such a situation, only their views—not the views of members of dominant racial groups—are subject to scrutiny. This reduces the potential of this public talk to serve as community- and actionproducing discussion. As Susan Bickford explains, Exempting some from listening (either implicitly or explicitly) can stifle the vitality of political interaction, and could also result in a kind of patronizing hierarchy of citizenship: certain citizens cannot be expected to exercise certain responsibilities and thus are somehow lacking, not wholly mature citizens. ... If I regard you as exempted from listening because of your oppression, I certainly am not regarding you as a partner in political action. It is as though I am doing something for you, rather than our acting together—or on a collective level, as though we are letting them into our public, rather than creating one together through speaking and listening.25 Intergroup dialogue needs to be civil enough for people to talk and share views. But for it to constitute a joint project, a credible joint attempt by people to understand their community and take steps to improve it, it has to involve the scrutiny of all participants.

# 1NR K

## 1nr ov

Their Grosfoguel evidence goes neg - it's a criticism of the way ethnic studies programs are implemented in universities - they're too focused on individualized, ethnic understandings of fixed identity - advocates an opening studies to a wider understanding of opposition to the system - means we turn their epistemicide claims

Grosfoguel, Professor of Diversity Studies at UC Berkeley, 2012

(Ramon,"The Dilemmas of Ethnic Studies in the United States: Between Liberal Multiculturalism, Identity Politics, Disciplinary Colonization, and Decolonial Epistemologies," Human Architecture: Journal of the Sociology of Self-Knowledge: Vol. 10: Iss. 1, Article 9, pg 82-83 ,MR)

V. CONCLUSION

My point is not to dismiss the important and useful critical work produced from within the disciplinary fields of Western academia. I am simply questioning the colonial Eurocentric nature of mainstream disciplines and, thus, the appropriateness of creating ethnic studies departments/ programs, if these are reduced merely to studying the sociology of race, the anthropology of ethno/racial identities, the history “of” (not “from” or “with”) blacks, the economics of the insertion of indigenous labor, etc. To colonize ethnic studies through the Western disciplines does not constitute an innovation in the field of knowledge production. It was already possible to do so through the respective academic disciplines of the human sciences, and it requires neither ethnic studies departments nor programs.

It would be a different story if ethnic studies departments or programs proposed to open themselves up to transmodernity, that is, to the epistemic diversity of the world, and redefine themselves as “transmodern decolonial studies,” offering to think “from” and “with” those “others” subalternized and inferiorized by Eurocentered modernity, offering to define their questions, their problems, and their intellectual dilemmas “from” and “with” those same racialized groups. This would give rise to a decolonial methodology very different from the colonial methodology of the social sciences and the humanities (Smith 1999). It would also imply a transmodern dialogue between diverse ethicoepistemic political projects and a thematic internal organization within ethnic studies departments/programs, one based on problems (racism, sexism, xenophobia, Christian-centrism, “other” epistemologies, Eurocentrism, etc.) rather than either ethnic/racial identities (Blacks, Indigenous, Asians, etc.) or Western colonial disciplines (sociology, anthropology, history, political science, philosophy, arts, economics, etc.).3

## 2nc link—ballot—must read

The claim that oppression should be the basis for winning a debate round is our link argument—the ballot becomes a vengeful tool that can only serving as a palliative that denies their investment in oppression to win.

Enns 12

Professor of Philosophy at McMaster University (Dianne, The Violence of Victimhood, 28-30)

Guilt and Ressentiment We need to think carefully about what is at stake here. Why is this perspective appealing, and what are its effects? At first glance, the argument appears simple: white, privileged women, in their theoretical and practical interventions, must take into account the experiences and conceptual work of women who are less fortunate and less powerful, have fewer resources, and are therefore more subject to systemic oppression. The lesson of feminism's mistakes in the civil rights era is that this “mainstream” group must not speak for other women. But such a view must be interrogated. Its effects, as I have argued, include a veneration of the other, moral currency for the victim, and an insidious competition for victimhood. We will see in later chapters that these effects are also common in situations of conflict where the stakes are much higher. ¶ We witness here a twofold appeal: otherness discourse in feminism appeals both to the guilt of the privileged and to the resentment, or ressentiment, of the other. Suleri's allusion to “embarrassed privilege” exposes the operation of guilt in the misunderstanding that often divides Western feminists from women in the developing world, or white women from women of color. The guilt of those who feel themselves deeply implicated in and responsible for imperialism merely reinforces an imperialist benevolence, polarizes us unambiguously by locking us into the categories of victim and perpetrator, and blinds us to the power and agency of the other. Many fail to see that it is embarrassing and insulting for those identified as victimized others not to be subjected to the same critical intervention and held to the same demands of moral and political responsibility. Though we are by no means equal in power and ability, wealth and advantage, we are all collectively responsible for the world we inhabit in common. The condition of victimhood does not absolve one of moral responsibility. I will return to this point repeatedly throughout this book.¶ Mohanty's perspective ignores the possibility that one can become attached to one's subordinated status, which introduces the concept of ressentiment, the focus of much recent interest in the injury caused by racism and colonization. Nietzsche describes ressentiment as the overwhelming sentiment of “slave morality,” the revolt that begins when ressentiment itself becomes creative and gives birth to values. 19 The sufferer in this schema seeks out a cause for his suffering—“ a guilty agent who is susceptible to suffering”— someone on whom he can vent his affects and so procure the anesthesia necessary to ease the pain of injury. The motivation behind ressentiment, according to Nietzsche, is the desire “to deaden, by means of a more violent emotion of any kind, a tormenting, secret pain that is becoming unendurable, and to drive it out of consciousness at least for the moment: for that one requires an affect, as savage an affect as possible, and, in order to excite that, any pretext at all.” 20 In its contemporary manifestation, Wendy Brown argues that ressentiment acts as the “righteous critique of power from the perspective of the injured,” which “delimits a specific site of blame for suffering by constituting sovereign subjects and events as responsible for the ‘injury’ of social subordination.” Identities are fixed in an economy of perpetrator and victim, in which revenge, rather than power or emancipation, is sought for the injured, making the perpetrator hurt as the sufferer does. 21¶ 30¶ Such a concept is useful for understanding why an ethics of absolute responsibility to the other appeals to the victimized. Brown remarks that, for Nietzsche, the source of the triumph of a morality rooted in ressentiment is the denial that it has any access to power or contains a will to power. Politicized identities arise as both product of and reaction to this condition; the reaction is a substitute for action— an “imaginary revenge,” Nietzsche calls it. Suffering then becomes a social virtue at the same time that the sufferer attempts to displace his suffering onto another. The identity created by ressentiment, Brown explains, becomes invested in its own subjection not only through its discovery of someone to blame, and a new recognition and revaluation of that subjection, but also through the satisfaction of revenge. 22¶ The outcome of feminism's attraction to theories of difference and otherness is thus deeply contentious. First, we witness the further reification reification of the very oppositions in question and a simple reversal of the focus from the same to the other. This observation is not new and has been made by many critics of feminism, but it seems to have made no serious impact on mainstream feminist scholarship or teaching practices in women's studies programs. Second, in the eagerness to rectify the mistakes of “white, middle-class, liberal, western” feminism, the other has been uncritically exalted, which has led in turn to simplistic designations of marginal, “othered” status and, ultimately, a competition for victimhood. Ultimately, this approach has led to a new moral code in which ethics is equated with the responsibility of the privileged Western woman, while moral immunity is granted to the victimized other. Ranjana Khanna describes this operation aptly when she writes that in the field of transnational feminism, the reification of the other has produced “separate ethical universes” in which the privileged experience paralyzing guilt and the neocolonized, crippling resentment. The only “overarching imperative” is that one does not comment on another's ethical context. An ethical response turns out to be a nonresponse. 23 Let us turn now to an exploration of this third outcome.

## 2nc turns exclusion

Assigning political value to the ballot makes debate a site for exclusion

Scott Harris, Director of Debate, Kansas University, 2013, This Ballot, http://www.cedadebate.org/forum/index.php?topic=4762.0

This ballot has concerns about the messages this debate sends about what it means to be welcomed into the home of debate. Northwestern made an argument that spoke to this concern that could have been more developed in the debate itself. This debate seemed to suggest that the sign that debate can be your home is entirely wrapped up in winning debates. The message seems to be that the winner is accepted and the loser is rejected. I believe that the arguments Northwestern advanced in the debate that being voted against is not a sign of personal rejection and that voting against an argument should not be perceived as an act of psychic violence are important arguments to reflect on. **To me one of the most important lessons that debate teaches is that there is a difference between our arguments and our personhood**. One of the problems in out contemporary society is that people have trouble differentiating between arguments and the identity of the person making the argument. If you hate the argument you must hate the person making the argument because we have trouble differentiating people from their arguments. The reason many arguments end up in violent fights in society is the inability to separate people from their arguments. People outside of debate (or the law) are often confused by how debaters (or lawyers) can argue passionately with one another and then be friends after the argument. It is because we generally separate our disagreements over arguments from our opinions about each other as people. There are two concerns this ballot has about the implications of where this debate has positioned us as a community. First, the explosion of arguments centered in identity makes it difficult to separate arguments from people. If I argue that a vote for me is a vote for my ability to express my Quare identity it by definition constructs a reality that a vote against me is a rejection of my identity. The nature of arguments centered in identity puts the other team in a fairly precarious position in debates and places the judges in uncomfortable positions as well. While discomfort may not necessarily be a bad thing it has significant implications for what debating and deciding debates means or is perceived to mean in socially constructed realities. I hope we can get beyond a point where the only perceived route to victory for some minority debaters is to rail against exclusion in debate. The second concern is the emphasis on winning as the sign evidence of debate being a home. The reality is that many debaters do not win the majority of their debates. The majority of debaters will never win the NDT. The majority of debaters will never attend the NDT. **Every debate has a loser**. Losing should not be a sign of expulsion from the home. Years ago on van trips we used to play a game which we called the green weenie award. We would take the results packet and have everyone in the van guess who was the team that was the bottom seed of the tournament. The game may have had a certain amount of arrogant cruelty in it. I would sometimes wonder what it was that made the teams who didn’t win debates, who didn’t ever clear, come back the next week. As a community we get so caught up sometimes in defining our wins as successes and our losses as failures that we have lost sight of what it is that makes debate a special home in the first place. Debate cannot only be a home for the winner or it would by definition have become **not a home** **for the majority** of its participants. This ballot hopes that we can learn to recognize that the experience of losing debates is part of being welcomed in debate as well. Getting the opportunity to debate itself has tremendous value. The value is not contained in the win but is contained in the experience itself. As a coach I have to remember sometimes that my failures are only failures if I view them as failures. I need to make sure that I value all of my debaters equally whether they win their debates or lose them. When my teams lose I need to not view them as losers or the judges who voted against them as villains. Debate is an educational process. We often learn more when we lose than when we win. Debate tends to attract hyper-competitive people who hate to lose. I hate to lose. I do not want to lose at anything. Losing is an inevitable part of life. Debate needs to feel like a home for both the winners and the losers because all of us experience losing in debate. Learning how to win with class and lose with dignity is an important life lesson that I need to constantly work on myself. Learning to value the losses as much as the wins is the hardest part for me but I believe it is vital if debate is really going to be a home for all of its participants.

The alternative’s method creates a politics of never-ending reform—a ceaseless commitment to transforming dominant structures that create oppression and thus identity. The permutation is impossible because the affirmative is premised on an internally coherent identity which forecloses engagement with others and changing and locks in a reactionary identity.

Bhambra ‘10

Gurminder K Bhambra, University of Warwick, and Victoria Margree, University of Brighton, “Identity Politics and the Need for a ‘Tomorrow,” academia.edu

Conclusion: The Need for a Tomorrow

Social constructionist understandings of identity are often taken to be antithetical to forms of essentialism. However, to the extent that identities, even on the social constructionist account, are understood to be self-referential, they are therefore, posited in terms of a supposed **internal coherence,** rather than being about **engaging with others, learning, and potentially changing.** In this case, we would argue, coherence can then be seen as a form of **essentialism**. Brown’s understanding of identity as obtaining “a unifying coherence” (1995: 65), for example, does not acknowledge that it is the very attempt to create coherence that can lead to the removal of opportunities for dialogue within and across communities. If something is coherent, in its own terms, there is no overlap with others and no engagement with what is present or missing. Lack of integration, or dissension, can then appear to the identity group as **an external “threat”** to the identity in question, as opposed to being a measure of dialogue within and between communities making particular identity claims. This is, we believe, an unacknowledged danger haunting Brown’s account, since the “us” that she identifies in her examination of politicised identities is the specific “us” which is directly suffering. This focus on the specific “us” does not acknowledge the wider “us” who might potentially be engaged with the relief of that suffering; that is, Brown does not recognise here the overlapping epistemological communities that make up any “us”. The absence of such recognition is logically contradictory, since any claim to suffering is always implicitly an appeal to others to recognise their implication in its conditions. Political mobilisation around suffering engenders solidarities between those who are suffering and those who afford recognition of (and then action around) that suffering. Those who suffer generally claim their common humanity with others in asking for people to look beyond the specific circumstances of their suffering, and in doing so, the request is to address those specific circumstances on the basis of a humanity not bound to the circumstances. The mistake of some forms of identity politics, then, **is to associate identity with suffering.** While a recognition of historical (and contemporary) suffering is an important aspect of the political process of seeking redress for the conditions of suffering, it does not constitute identity singularly. “Wounded attachments”, we would argue, do not represent the general condition of politicised identities, but rather, are **problematic constructions of identities which fail to recognise** (or accept) **the processes of change associated with movements.** The accumulation of different sorts of challenges around similar issues generally leads to the gradual amelioration of the conditions which generated the identity (and the associated movement) in the first instance. If the emphasis in the movement is on identity then successful reform (even partial reform) reduces the injury and thus diminishes the power of the identity claim based upon that injury. This is because reform is necessarily uneven in terms of the impact it has. This then poses a problem for those within the movement who would wish the reforms to go further and who see in the reforms a weakening of the identity that they believe is a necessary prerequisite for political action. As they can no longer mobilise the injured identity – and the associated suffering – as common to all (and thus requiring address because of its generalised effect), there is often, then, a perceived need to privilege that suffering as particular and to institute a **politics of guilt** with regard to addressing it – truly the politics of ressentiment. The problems arise by insisting on the necessity of political action being constituted through **pre-existing identities and solidarities** (for example, those of being a woman). If, instead, it was recognised that equality for women is not separable from (or achievable separated from) wider issues of justice and equality within society then **reforms could be seen as steps towards equality**. A movement concerned with issues of social justice (of which gender justice is an integral aspect) would allow for **provisional reforms** to prevailing conditions of injustice without calling into question the basis for the movement – for there would always be more to be achieved.8 **Each achievement would** itself **necessitate further revision of what equality would look like**. And it would also necessitate revision of the particular aims that constitute the “identity” afforded by participating in that movement. In this way, identity becomes more appropriately understood as being, in part at least, about participating in a series of dialogues about what is desired **for the future** **in terms of** understandings of social **justice**. **Focusing on the future**, on how we would like things to be tomorrow, based on an understanding of where we are today, would allow for partial **reforms to be seen as** gains and not threats. It is only if one believes that political action can only occur in the context of identification of past injustices as opposed to future justice that one has a problem with (partial) reforms in the present. Political identity which exists only through an enunciation of its injury and does not seek to dissolve itself as an identity can lead to the **ossification of injured relations**. The “wounded attachment” occurs when the politicised identity can see no future without the injury **also constituting** an aspect of **that future**. Developing on the work of Brown, we would argue that not only does a “reformed” identity politics need to be based upon desire for the future, but that that desire should actually be a desire for the dissolution (in the future) of the identity claim. The complete success of the feminist movement, for instance, would mean that feminists no longer existed, as the conditions that caused people to become feminist had been addressed. Similarly, with the dalit movement, its success would be measured by the dissolution of the identity of “dalit” as a salient political category. There would be no loss here, only a gain. As we have argued, following Mohanty ([1993] 2000) and N elson (1993), it is participation in the processing of one’s own and other’s experiences into knowledge about the world, in the context of communities that negotiate epistemological premises, which confers a notion of politicised identity. Since it is an understanding of “tomorrow” (what that would be, and how it is to be achieved) that establishes one as, for example, a feminist, such an identity claim does not **exclude others** **from participation**, and it does not solicit the reification of identity around the fact of historical or contemporary suffering. By removing these obstacles to progress, the **“tomorrow**” that is the goal, is more readily achievable. Identity politics, then, “needs a tomorrow” in this sense: that the raison d’être of any politicised identity is the bringing about of a tomorrow in which the social injustices of the present have been overcome. But identity politics also needs that tomorrow – today – in the sense that politicised identities need to inscribe that tomorrow into their self-definition in the present, in order to avoid consolidating activity around the **maintenance of** the **identity** rather than the overcoming of the conditions that generated it. That the tomorrow to be inscribed – today – in the selfdefi nition of one’s political identity, is one in which that identity will no longer be required, is not a situation to be regretted, since it is rather the promise of success for any movement for justice.

## 2nc alt solves institutions

Any risk of a link means progressivism/institutionalism from T/case is offense against the aff—reactionary identity politics collapse into solipsism and investment in inaction—that’s Brown/Bhambra—

## link—identity

Starting politics from the standpoint of an excluded identity-group is a vengeful politics of resentment—it can only position itself reactively against a universal like [ ], inevitably re-instantiating the terms of oppression.

Bhambra ‘10

Gurminder K Bhambra, University of Warwick, and Victoria Margree, University of Brighton, “Identity Politics and the Need for a ‘Tomorrow,” academia.edu

2 The Reification of Identity

We wish to turn now to a related problem within identity politics that can be best described as the problem of the reification of politicised identities. Brown (1995) positions herself within the debate about identity politics by seeking to elaborate on “the wounded character of politicised identity’s desire” (ibid: 55); that is, the problem of “wounded attachments” whereby a claim to identity becomes over-invested in its own historical suffering and perpetuates its injury through its refusal to give up its identity claim. Brown’s argument is that where politicised identity is founded upon an experience of exclusion, for example, **exclusion** itself **becomes perversely valorised** in the continuance of that identity. In such cases, group activity operates to **maintain and reproduce** the identity created by injury (exclusion) **rather than** – and indeed, often in opposition to – **resolving the injurious** **social relations** **that generated claims around that identity in the first place**. If things have to have a history in order to have a future, then the problem becomes that of how history is constructed in order to make the future. To the extent that, for Brown, identity is associated primarily with (historical) injury, the future for that identity is then **already determined by the injury “as both bound to the history that produced it and as a reproach to the present which embodies that history**” (ibid 1995: 73). Brown’s suggestion that as it is not possible to undo the past, the focus backwards entraps the identity in reactionary practices, is, we believe, too stark and we will pursue this later in the article. Politicised identity, Brown maintains, “emerges and obtains its unifying coherence through the politicisation of exclusion from an ostensible universal, as a protest against exclusion” (ibid: 65). Its continuing existence **requires** both **a belief in** the **legitimacy of the universal ideal** (for example, ideals of opportunity, and reward in proportion to effort) and enduring exclusion from those ideals. Brown draws upon Nietzsche in arguing that such identities, produced in **reaction** to conditions of disempowerment and inequality, then **become invested in their own impotence through practices of**, for example, **reproach, complaint, and revenge**. These are “reactions” in the Nietzschean sense since they are s ubstitutes for actions or can be seen as negative forms of action. Rather than acting to remove the cause(s) of suffering, that suffering is instead ameliorated (to some extent) through “the **establishment of suffering** as the measure of social virtue” (ibid 1995: 70), and is compensated for by the **vengeful pleasures of recrimination**. Such practices, she argues, stand in sharp distinction to – in fact, provide obstacles to – **practices that would seek to dispel the conditions of exclusion.** Brown casts the dilemma discussed above in terms of a choice between past and future, and adapting Nietzsche, exhorts the adoption of a (collective) will that would become **the “redeemer of history”** (ibid: 72) through its focus on the possibilities of creating different futures. As Brown reads Nietzsche, the one thing that the will cannot exert its power over is the past, the “it was”. Confronted with its impotence with respect to the events of the past, the will is threatened with becoming simply **an “angry spectator”** mired in bitter recognition of its own helplessness. The one hope for the will is that it may, instead, achieve a kind of mastery over that past such that, although “what has happened” cannot be altered, the past can be denied **the power** of continuing to determine the present and future. It is only this **focus on the future**, Brown continues, and the capacity to make a future in the face of human frailties and injustices that **spares us** **from** a rancorous **decline into despair**. Identity politics structured by ressentiment – that is, by suffering caused by past events – can **only** break out of the cycle of “slave morality” by remaking the present **against the terms of the past**, a remaking that requires a “forgetting” of that past. An act of liberation, of self-affi rmation, this “forgetting of the past” requires an “overcoming” of the past that offers identity in relationship to suffering, in favour of a future in which identity is to be defi ned differently. In arguing thus, Brown’s work becomes aligned with a position that sees the way forward for emancipatory politics as residing in a movement away from a “politics of memory” (Kilby 2002: 203) that is committed to articulating past injustices and suffering. While we agree that investment in identities premised upon suffering can function as an obstacle to alleviating the causes of that suffering, we believe that Brown’s argument as outlined is problematic. First, following Kilby (2002), we share a concern about any turn to the future that is fi gured as a complete abandonment of the past. This is because for those who have suffered oppression and exclusion, the injunction to give up articulating a pain that is still felt may seem cruel and impossible to meet. We would argue instead that the “turn to the future” that theorists such as Brown and Grosz call for, to revitalise feminism and other emancipatory politics, need not be conceived of as a brute rejection of the past. Indeed, Brown herself recognises the problems involved here, stating that [since] erased histories and historical invisibility are themselves such integral elements of the pain inscribed in most subjugated identities [then] the counsel of forgetting, at least in its unreconstructed Nietzschean form, seems inappropriate if not cruel (1995: 74). She implies, in fact, that the demand exerted by those in pain may be no more than the demand to exorcise that pain through recognition: “all that such pain may long for – more than revenge – is the chance to be heard into a certain release, recognised into self-overcoming, incited into possibilities for triumphing over, and hence, losing itself” (1995: 74-75). Brown wishes to establish the political importance of remembering “painful” historical events but **with a crucial caveat**: that the purpose of remembering pain is to enable its release. The challenge then, according to her, is to create a political culture in which this project does not mutate into one of **remembering pain for its own sake**. Indeed, if Brown feels that this may be “a pass where we ought to part with Nietzsche” (1995: 74), then Freud may be a more suitable companion. Since his early work with Breuer, Freud’s writings have suggested the (only apparent) paradox that remembering is often a condition of forgetting. The hysterical patient, who is doomed to repeat in symptoms and compulsive actions a past she cannot adequately recall, is helped to remember that traumatic past in order then to move beyond it: she must remember in order to forget and to forget in order to be able to live in the present.7 This model seems to us to be particularly helpful for the dilemma articulated by both Brown (1995) and Kilby (2002), i nsisting as it does that “forgetting” (at least, loosening the hold of the past, in order to enable the future) cannot be achieved without first remembering the traumatic past. Indeed, this would seem to be similar to the message of Beloved, whose central motif of haunting (is the adult woman, “Beloved”, Sethe’s murdered child returned in spectral form?) dramatises the tendency of the unanalysed traumatic past to keep on returning, constraining, as it does so, the present to be like the past, and thereby, disallowing the possibility of a future different from that past. As Sarah Ahmed argues in her response to Brown, “in order to break the seal of the past, in order to move away from attachments that are hurtful, we must first bring them into the realm of political action” (2004: 33). We would add that the task of analysing the traumatic past, and thus opening up the possibility of political action, is unlikely to be achievable by individuals on their own, but that this, instead, **requires** **a “community” of participants** dedicated to the serious epistemic work of remembering and interpreting the objective social conditions that made up that past and continue in the present. The “pain” of historical injury is not simply an individual psychological issue, but stems from **objective social conditions which perpetuate**, for the most part, forms of **injustice and inequality into the present.**