# 1NC

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#### A. Interpretation – debate is a game that requires the aff to have a defense of the USFG increasing restrictions on the war powers authority of the President in one of the following: targeted killing, indefinite detention, offensive cyber operations, and introduction of US armed forces in hostilities

#### --‘resolved’ means to enact a policy by law.

Words and Phrases 64 (Permanent Edition)

Definition of the word “resolve,” given by Webster is “to express an opinion or determination by resolution or vote; as ‘it was resolved by the legislature;” It is of similar force to the word “enact,” which is defined by Bouvier as meaning “to establish by law”.

#### --“United States Federal Government should” means the debate is solely about the outcome of a policy established by governmental means

Ericson 3 (Jon M., Dean Emeritus of the College of Liberal Arts – California Polytechnic U., et al., The Debater’s Guide, Third Edition, p. 4)

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

#### Statutory restrictions prohibit actions

Lamont 5 (Michael, Legal Analyst @ Occupational health, "Legal: Staying on the right side of the law," http://www.personneltoday.com/articles/01/04/2005/29005/legal-staying-on-the-right-side-of-the-law.htm#.UgFe\_o3qnoI)

It will be obvious what 'conduct' and 'redundancy' dismissals are. A statutory restriction means that the employee is prevented by law from doing the job - for example, a driver who loses his driving licence. 'Some other substantial reason' means "Parliament can't be expected to think of everything".

#### B. They don’t meet – they claim to win for reasons other than the desirability of that action and do not prohibit a USFG action

#### C. Reasons to prefer:

#### Debate games open up dialogue which fosters information processing – they open up infinite frameworks making the game impossible

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Debate games are often based on pre-designed scenarios that include descriptions of issues to be debated, educational goals, game goals, roles, rules, time frames etc. In this way, debate games differ from textbooks and everyday classroom instruction as debate scenarios allow teachers and students to actively imagine, interact and communicate within a domain-specific game space. However, instead of mystifying debate games as a “magic circle” (Huizinga, 1950), I will try to overcome the epistemological dichotomy between “gaming” and “teaching” that tends to dominate discussions of educational games. In short, educational gaming is a form of teaching. As mentioned, education and games represent two different semiotic domains that both embody the three faces of knowledge: assertions, modes of representation and social forms of organisation (Gee, 2003; Barth, 2002; cf. chapter 2). In order to understand the interplay between these different domains and their interrelated knowledge forms, I will draw attention to a central assumption in Bakhtin’s dialogical philosophy. According to Bakhtin, all forms of communication and culture are subject to centripetal and centrifugal forces (Bakhtin, 1981). A centripetal force is the drive to impose one version of the truth, while a centrifugal force involves a range of possible truths and interpretations. This means that any form of expression involves a duality of centripetal and centrifugal forces: “Every concrete utterance of a speaking subject serves as a point where centrifugal as well as centripetal forces are brought to bear” (Bakhtin, 1981: 272). If we take teaching as an example, it is always affected by centripetal and centrifugal forces in the on-going negotiation of “truths” between teachers and students. In the words of Bakhtin: “Truth is not born nor is it to be found inside the head of an individual person, it is born between people collectively searching for truth, in the process of their dialogic interaction” (Bakhtin, 1984a: 110). Similarly, the dialogical space of debate games also embodies centrifugal and centripetal forces. Thus, the election scenario of The Power Game involves centripetal elements that are mainly determined by the rules and outcomes of the game, i.e. the election is based on a limited time frame and a fixed voting procedure. Similarly, the open-ended goals, roles and resources represent centrifugal elements and create virtually endless possibilities for researching, preparing, 51 presenting, debating and evaluating a variety of key political issues. Consequently, the actual process of enacting a game scenario involves a complex negotiation between these centrifugal/centripetal forces that are inextricably linked with the teachers and students’ game activities. In this way, the enactment of The Power Game is a form of teaching that combines different pedagogical practices (i.e. group work, web quests, student presentations) and learning resources (i.e. websites, handouts, spoken language) within the interpretive frame of the election scenario. Obviously, tensions may arise if there is too much divergence between educational goals and game goals. This means that game facilitation requires a balance between focusing too narrowly on the rules or “facts” of a game (centripetal orientation) and a focusing too broadly on the contingent possibilities and interpretations of the game scenario (centrifugal orientation). For Bakhtin, the duality of centripetal/centrifugal forces often manifests itself as a dynamic between “monological” and “dialogical” forms of discourse. Bakhtin illustrates this point with the monological discourse of the Socrates/Plato dialogues in which the teacher never learns anything new from the students, despite Socrates’ ideological claims to the contrary (Bakhtin, 1984a). Thus, discourse becomes monologised when “someone who knows and possesses the truth instructs someone who is ignorant of it and in error”, where “a thought is either affirmed or repudiated” by the authority of the teacher (Bakhtin, 1984a: 81). In contrast to this, dialogical pedagogy fosters inclusive learning environments that are able to expand upon students’ existing knowledge and collaborative construction of “truths” (Dysthe, 1996). At this point, I should clarify that Bakhtin’s term “dialogic” is both a descriptive term (all utterances are per definition dialogic as they address other utterances as parts of a chain of communication) and a normative term as dialogue is an ideal to be worked for against the forces of “monologism” (Lillis, 2003: 197-8). In this project, I am mainly interested in describing the dialogical space of debate games. At the same time, I agree with Wegerif that “one of the goals of education, perhaps the most important goal, should be dialogue as an end in itself” (Wegerif, 2006: 61).

#### The opening of infinite frameworks destroys stasis – agreement on the topic as the starting point for debate creates a platform of argumentative stability that is the crucial foundation for deliberation and makes debate meaningful

O’Donnell 4 (Dr. Tim, Director of Debate – Mary Washington U., “And the Twain Shall Meet: Affirmative Framework Choice and the Future of Debate”, Debater’s Research Guide, http://groups.wfu.edu/debate/MiscSites/ DRGArticles/Framework%20article%20for%20the%20DRG%20final2.doc)

According to the *Oxford English Dictionary,* a framework consists of “a set of standards, beliefs, or assumptions” that govern behavior. When we speak of frameworks in competitive academic debate we are talking about the set of standards, beliefs, or assumptions that generate the question that the judge ought to answer at the end of the debate. Given that there is no agreement among participants about which standards, beliefs, or assumptions ought to be universally accepted, it seems that we will never be able to arrive at an agreeable normative assumption about what the question ought to be. So the issue before us is how we preserve community while agreeing to disagree about the question in a way that recognizes that there is richness in answering many different questions that would not otherwise exist if we all adhered to a “rule” which stated that there is one and only one question to be answered. More importantly, how do we stop talking past each other so that we can have a genuine conversation about the substantive merits of any one question? The answer, I believe, resides deep in the rhetorical tradition in the often overlooked notion of stasis.[[1]](#endnote-1) Although the concept can be traced to Aristotle’s *Rhetoric*, it was later expanded by Hermagoras whose thinking has come down to us through the Roman rhetoricians Cicero and Quintillian. Stasis is a Greek word meaning to “stand still.” It has generally been considered by argumentation scholars to be the point of clash where two opposing sides meet in argument. Stasis recognizes the fact that interlocutors engaged in a conversation, discussion, or debate need to have some level of expectation regarding what the focus of their encounter ought to be. To reach stasis, participants need to arrive at a decision about what the issue is prior to the start of their conversation. Put another way, they need to mutually acknowledge the point about which they disagree. What happens when participants fail to reach agreement about what it is that they are arguing about? They talk past each other with little or no awareness of what the other is saying. The oft used cliché of two ships passing in the night, where both are in the dark about what the other is doing and neither stands still long enough to call out to the other, is the image most commonly used to describe what happens when participants in an argument fail to achieve stasis. In such situations, genuine engagement is not possible because participants have not reached agreement about what is in dispute. For example, when one advocate says that the United States should increase international involvement in the reconstruction of Iraq and their opponent replies that the United States should abandon its policy of preemptive military engagement, they are talking past each other. When such a situation prevails, it is hard to see how a productive conversation can ensue. I do not mean to suggest that dialogic engagement always unfolds along an ideal plain where participants always can or even ought to agree on a mutual starting point. The reality is that many do not. In fact, refusing to acknowledge an adversary’s starting point is itself a powerful strategic move. However, it must be acknowledged that when such situations arise, and participants cannot agree on the issue about which they disagree, the chances that their exchange will result in a productive outcome are diminished significantly. In an enterprise like academic debate, where the goals of the encounter are cast along both educational and competitive lines, the need to reach accommodation on the starting point is urgent. This is especially the case when time is limited and there is no possibility of extending the clock. The sooner such agreement is achieved, the better. Stasis helps us understand that we stand to lose a great deal when we refuse a genuine starting point.[[2]](#endnote-2) How can stasis inform the issue before us regarding contemporary debate practice? Whether we recognize it or not, it already has. The idea that the affirmative begins the debate by using the resolution as a starting point for their opening speech act is nearly universally accepted by all members of the debate community. This is born out by the fact that affirmative teams that have ignored the resolution altogether have not gotten very far. Even teams that use the resolution as a metaphorical condensation or that “affirm the resolution as such” use the resolution as their starting point. The significance of this insight warrants repeating. Despite the numerous differences about what types of arguments ought to have a place in competitive debate we all seemingly agree on at least one point – the vital necessity of a starting point. This common starting point, or topic, is what separates debate from other forms of communication and gives the exchange a directed focus.[[3]](#endnote-3)

#### A limited topic of discussion that provides for equitable ground is key to productive teaching of decision-making and advocacy skills in every and all facets of life---even if their position is contestable that’s distinct from it being valuably debatable---this still provides room for flexibility, creativity, and innovation, but targets the discussion to avoid mere statements of fact

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Debate is a means of settling differences, so there must be a difference of opinion or a conflict of interest before there can be a debate. If everyone is in agreement on a tact or value or policy, there is no need 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 on issues, there is no debate. In addition, 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 are 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? Docs 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? I low 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 can!, 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 must be stated clearly. Vague understanding results in unfocused deliberation and poor decisions, frustration, and emotional distress, as evidenced by the failure of the United States Congress to make progress on the immigration debate during the summer of 2007.

Someone disturbed by the problem of the 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.

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 "homelessness" or "abortion" or "crime'\* or "global warming" we are likely to have an interesting discussion but not to establish profitable basis for argument. For example, the statement "Resolved: That the pen is mightier than the sword" is debatable, yet fails to provide much basis for clear argumentation. If we take this statement to mean that 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.

Although we now have a general subject, we have not yet stated a problem. It is still too broad, too loosely worded to promote well-organized argument. What sort of writing are we concerned with—poems, novels, government documents, website development, advertising, or what? What does "effectiveness" mean 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 Liurania 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 treatv 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.

#### Switch-side is key---Effective deliberation is crucial to the activation of personal agency and is only possible in a switch-side debate format where debaters divorce themselves from ideology to engage in political contestation

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Totalitarianism and the Competitive Space of Agonism

Arendt is probably most famous for her analysis of totalitarianism (especially her The Origins of Totalitarianism andEichmann in Jerusa¬lem), but the recent attention has been on her criticism of mass culture (The Human Condition). Arendt's main criticism of the current human condition is that the common world of deliberate and joint action is fragmented into **solipsistic and unreflective behavior**. In an especially lovely passage, she says that in mass society people are all **imprisoned in the subjectivity of their own singular experience**, which does not cease to be singular if the same experience is multiplied innumerable times. The end of the common world has come when it is seen only under one aspect and is permitted to present itself in only one perspective. (Human 58)

What Arendt so beautifully describes is that isolation and individualism are not corollaries, and may even be antithetical because obsession with one's own self and the particularities of one's life prevents one from engaging in conscious, deliberate, collective action. Individuality, unlike isolation, depends upon a collective with whom one argues in order to direct the common life. Self-obsession, even (especially?) when coupled with isolation from one' s community is far from apolitical; it has political consequences. Perhaps a better way to put it is that **it is political precisely because it aspires to be apolitical**. This fragmented world in which many people live simultaneously and even similarly but not exactly together is what Arendt calls the "social."

Arendt does not mean that group behavior is impossible in the realm of the social, but that social behavior consists "in some way of isolated individuals, incapable of solidarity or mutuality, who **abdicate their human capacities** and responsibilities to a projected 'they' or 'it,' with **disastrous consequences**, **both for other people and eventually for themselves**" (Pitkin 79). One can behave, butnot act. For someone like Arendt, a German-assimilated Jew, one of the most frightening aspects of the Holocaust was the ease with which a **people who had not been extraordinarily anti-Semitic could be put to work industriously and efficiently on the genocide of the Jews**. And what was striking about the perpetrators of the genocide, ranging from minor functionaries who facilitated the murder transports up to major figures on trial at Nuremberg, was their **constant and apparently sincere insistence that they were not responsible**. For Arendt, this was not a peculiarity of the German people, but of the current human and heavily bureaucratic condition of twentieth-century culture: we do not consciously choose to engage in life's activities; we drift into them, or we do them out of a desire to conform. Even while we do them, we do not acknowledge an active, willed choice to do them; instead, we attribute our behavior to necessity, and we perceive ourselves as determined—determined by circumstance, by accident, by what "they" tell us to do. We do something from within the anonymity of a mob that we would never do as an individual; we do things for which we will not take responsibility. Yet, whether or not people acknowledge responsibil¬ity for the consequences of their actions, those consequences exist. Refusing to accept responsibility can even make those consequences worse, in that the people who enact the actions in question, because they do not admit their own agency, cannot be persuaded to stop those actions. They are simply doing their jobs. In a **totalitarian system**, however, everyone is simply doing his or her job; **there never seems to be anyone who can explain, defend, and change the policies**. Thus, it is, as Arendt says, rule by nobody.

It is illustrative to contrast Arendt's attitude toward discourse to Habermas'. While both are critical of modern bureaucratic and totalitar¬ian systems, Arendt's solution is the **playful and competitive space of agonism**; it is not the rational-critical public sphere. The "actual content of political life" is "the joy and the gratification that arise out of being in company with our peers, out of acting together and appearing in public, out of inserting ourselves into the world by word and deed, thus acquiring and sustaining our personal identity and beginning something entirely new" ("Truth" 263). According to Seyla Benhabib, Arendt's public realm emphasizes the **assumption of competition,** and it "represents that space of appearances in which moral and political greatness, heroism, and preeminence are revealed, displayed, shared with others. This is a competitive space in which one competes for recognition, precedence, and acclaim" (78). These qualities are displayed, but not entirely for purposes of acclamation; they are **not displays of one's self, but of ideas and arguments**, **of one's thought**. When Arendt discusses Socrates' thinking in public, she emphasizes his performance: "He performed in the marketplace the way the flute-player performed at a banquet. It is sheer performance, sheer activity"; nevertheless, it was thinking: "What he actually did was to make public, in discourse, the thinking process" {Lectures 37). Pitkin summarizes this point: "Arendt says that the heroism associated with politics is not the mythical machismo of ancient Greece but something more like the existential leap into action and public exposure" (175-76). Just as it is not machismo, although it does have considerable ego involved, so it is not instrumental rationality; Arendt's discussion of the kinds of discourse involved in public action include myths, stories, and personal narratives.

Furthermore, the competition is not ruthless; it does not imply a willingness to triumph at all costs. Instead, it involves something like having such a passion for ideas and politics that one is willing to take risks. One tries to **articulate the best argument, propose the best policy, design the best laws, make the best response**. This is a risk in that one might lose; advancing an argument means that **one must be open to the criticisms others will make of it**. The situation is agonistic **not because the participants manufacture or seek conflict**, but because **conflict is a necessary consequence of difference**. This attitude is reminiscent of Kenneth Burke, who did not try to find a language free of domination but who instead theorized a way that the very tendency toward hierarchy in language might be used against itself (for more on this argument, see Kastely). Similarly, Arendt does not propose a public realm of neutral, rational beings who escape differences to live in the discourse of universals; she envisions one of different people who argue with passion, vehemence, and integrity.

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Eichmann perfectly exemplified what Arendt famously called the "banal¬ity of evil" but that might be better thought of as the bureaucratization of evil (or, as a friend once aptly put it, the evil of banality). That is, he was able to **engage in mass murder** **because he was able not to think about it,** especially **not from the perspective of the victims**, and he was able to **exempt himself from personal responsibility** by telling himself (and anyone else who would listen) that he was just following orders. It was the bureaucratic system that enabled him to do both. He was not exactly passive; he was, on the contrary, very aggressive in trying to do his duty. He behaved with the "ruthless, competitive exploitation" and "inauthen-tic, self-disparaging conformism" that characterizes those who people totalitarian systems (Pitkin 87).

Arendt's theorizing of totalitarianism has been justly noted as one of her strongest contributions to philosophy. She saw that a situation like Nazi Germany is different from the conventional understanding of a tyranny. Pitkin writes,

Totalitarianism cannot be understood, like earlier forms of domination, as the ruthless exploitation of some people by others, whether the motive be selfish calculation, irrational passion, or devotion to some cause. Understanding totalitarianism's essential nature requires solving the **central mystery of the holocaust**—the objectively useless and indeed dysfunctional, **fanatical pursuit of a purely ideological policy**, a pointless process to which the people enacting it have fallen captive. (87)

Totalitarianism is closely connected to bureaucracy; it is oppression by rules, rather than by people who have willfully chosen to establish certain rules. It is the triumph of the social.

Critics (both friendly and hostile) have paid considerable attention to Arendt's category of the "social," largely because, despite spending so much time on the notion, Arendt remains vague on certain aspects of it. Pitkin appropriately compares Arendt's concept of the social to the Blob, the type of monster that figured in so many post-war horror movies. That Blob was "an evil monster from outer space, entirely external to and separate from us [that] had fallen upon us intent on debilitating, absorb¬ing, and ultimately destroying us, gobbling up our distinct individuality and turning us into robots that mechanically serve its purposes" (4).

Pitkin is critical of this version of the "social" and suggests that Arendt meant (or perhaps should have meant) something much more complicated. The simplistic version of the social-as-Blob can itself be an instance of Blob thinking; Pitkin's criticism is that Arendt talks at times as though the social comes from outside of us and has fallen upon us, turning us into robots. Yet, Arendt's major criticism of the social is that it involves seeing ourselves as victimized by something that comes from outside our own behavior. I agree with Pitkin that Arendt's most powerful descriptions of the social (and the other concepts similar to it, such as her discussion of totalitarianism, imperialism, Eichmann, and parvenus) emphasize that these processes are not entirely out of our control but that they happen to us when, and because, we keep refusing to make active choices. We create the social through negligence. It is not the sort of force in a Sorcerer's Apprentice, which once let loose cannot be stopped; on the contrary, it continues to exist because we structure our world to reward social behavior. Pitkin writes, "From childhood on, in virtually all our institutions, we reward euphemism, salesmanship, slo¬gans, and we punish and suppress truth-telling, originality, thoughtful-ness. So we continually cultivate ways of (not) thinking that induce the social" (274). I want to emphasize this point, as it is important for thinking about criticisms of some forms of the social construction of knowledge: **denying our own agency is what enables the social to thrive**. To put it another way, **theories of powerlessness are self-fulfilling prophecies**.

Arendt grants that there are people who willed the Holocaust, but she insists that totalitarian systems result not so much from the Hitlers or Stalins as from the bureaucrats who may or may not agree with the established ideology but who enforce the rules for no stronger motive than a desire to avoid trouble with their superiors (see Eichmann and Life). They do not think about what they do. One might prevent such occurrences—or, at least, resist the modern tendency toward totalitarian¬ism—by thought: "critical thought is in principle anti-authoritarian" (Lectures 38).

By "thought" Arendt does not mean eremitic contemplation; in fact, she has great contempt for what she calls "professional thinkers," refusing herself to become a philosopher or to call her work philosophy. Young-Bruehl, Benhabib, and Pitkin have each said that Heidegger represented just such a professional thinker for Arendt, and his embrace of Nazism epitomized the genuine dangers such "thinking" can pose (see Arendt's "Heidegger"). "Thinking" is not typified by the isolated con¬templation of philosophers; it requires the arguments of others and close attention to the truth. It is easy to overstate either part of that harmony. One must consider carefully the arguments and viewpoints of others:

Political thought is representative. I form an opinion by considering a given issue from different viewpoints, by making present to my mind the standpoints of those who are absent; that is, I represent them. This process of representation does not blindly adopt the actual views of those who stand somewhere else, and hence look upon the world from a different perspective; this is a question neither of empathy, as though I tried to be or to feel like somebody else, nor of counting noses and joining a majority but of being and thinking in my own identity where actually I am not. The more people's standpoints I have present in my mind while I am ponder¬ing a given issue, and the better I can imagine how I would feel and think if I were in their place, the stronger will be my capacity for represen¬tative thinking and the more valid my final conclusions, my opinion. ("Truth" 241)

There are two points to emphasize in this wonderful passage. First, one does not get these standpoints in one's mind through imagining them, but through listening to them; thus, good thinking requires that one hear the arguments of other people. Hence, as Arendt says, "**critical thinking**, while still a solitary business, does not cut itself off from' all others.'" Thinking is, in this view, **necessarily public discourse**: critical thinking is possible "**only where the standpoints of all others are open to inspection**" (Lectures 43). Yet, it is not a discourse in which one simply announces one's stance; **participants are interlocutors** and not just speakers; they must listen. Unlike many current versions of public discourse, this view presumes that speech matters. It is not asymmetric manipulation of others, nor merely an economic exchange; it must **be a world into which one enters and by which one might be changed.**

Second, passages like the above make some readers think that Arendt puts too much faith in discourse and too little in truth (see Habermas). But Arendt is no crude relativist; she believes in truth, and she believes that there are facts that can be more or less distorted. She does not believe that reality is constructed by discourse, or that truth is indistinguishable from falsehood. She insists tha^ the truth has a different pull on us and, consequently, that it has a difficult place in the world of the political. Facts are different from falsehood because, while they can be distorted or denied, especially when they are inconvenient for the powerful, they also have a certain positive force that falsehood lacks: "Truth, though powerless and always defe ated in a head-on clash with the powers that be, possesses a strength of its own: whatever those in power may contrive, they are unable to discover or invent a viable substitute for it. Persuasion and violence can destroy truth, but they cannot replace it" ("Truth" 259).

Facts have a strangely resilient quality partially because a lie "tears, as it were, a hole in the fabric of factuality. As every historian knows, one can spot a lie by noticing incongruities, holes, or the j unctures of patched-up places" ("Truth" 253). While she is sometimes discouraging about our ability to see the tears in the fabric, citing the capacity of totalitarian governments to create the whole cloth (see "Truth" 252-54), she is also sometimes optimistic. InEichmann in Jerusalem, she repeats the story of Anton Schmidt—a man who saved the lives of Jews—and concludes that such stories cannot be silenced (230-32). For facts to exert power in the common world, however, these stories must be told. Rational truth (such as principles of mathematics) might be perceptible and demonstrable through individual contemplation, but "factual truth, on the contrary, is always related to other people: it concerns events and circumstances in which many are involved; it is established by witnesses and depends upon testimony; it exists only to the extent that it is spoken about, even if it occurs in the domain of privacy. It is political by nature" (23 8). Arendt is neither a positivist who posits an autonomous individual who can correctly perceive truth, nor a relativist who positively asserts the inherent relativism of all perception. Her description of how truth functions does not fall anywhere in the three-part expeditio so prevalent in bothrhetoric and philosophy: it is not expressivist, positivist, or social constructivist. Good thinking depends upon good public argument, and good public argument depends upon access to facts: "Freedom of opinion is a farce unless factual information is guaranteed" (238).

The sort of thinking that Arendt propounds takes the form of action only when it is public argument, and, as such, it is particularly precious: "For if no other test but the experience of being active, no other measure but the extent of sheer activity were to be applied to the various activities within the vita activa, it might well be that thinking as such would surpass them all" (Human 325). Arendt insists that it is "the same general rule— Do not contradict yourself (not your self but your thinking ego)—that determines both thinking and acting" (Lectures 3 7). In place of the mildly resentful conformism that fuels totalitarianism, Arendt proposes what Pitkin calls "a tough-minded, open-eyed readiness to perceive and judge reality for oneself, in terms of concrete experience and independent, critical theorizing" (274). **The paradoxical nature of agonism** (that it must involve both individuality and commonality) makes it difficult to maintain, as the temptation is great either to think one's own thoughts without reference to anyone else or to let others do one's thinking.

Arendt's Polemical Agonism

As I said, agonism does have its advocates within rhetoric—Burke, Ong, Sloane, Gage, and Jarratt, for instance—but while each of these theorists proposes a form of conflictual argument, not one of these is as adversarial as Arendt's. Agonism can emphasize persuasion, as does John Gage's textbook The Shape of Reason or William Brandt et al.'s The Craft of Writing. That is, the goal of the argument is to identify the disagreement and then construct a text that gains the assent of the audience. This is not the same as what Gage (citing Thomas Conley) calls "asymmetrical theories of rhetoric": theories that "presuppose an active speaker and a passive audience, a speaker whose rhetorical task is therefore to do something to that audience" ("Reasoned" 6). Asymmetric rhetoric is not and cannot be agonistic. Persuasive agonism still **values conflict, disagreement, and equality** among interlocutors, but it **has the goal of reaching agreement,** as when Gage says that the process of argument should enable one's reasons to be "understood and believed" by others (Shape 5; emphasis added).

Arendt's version is what one might call polemical agonism: it puts less emphasis on gaining assent, and it is exemplified both in Arendt's own writing and in Donald Lazere's "Ground Rules for Polemicists" and "Teaching the Political Conflicts." Both forms of agonism (persuasive and polemical) require substantive debate at two points in a long and recursive process. First, one engages in debate in order to invent one's argument; even silent thinking is a "dialogue of myself with myself (Lectures 40). The difference between the two approaches to agonism is clearest when one presents an argument to an audience assumed to be an opposition. In persuasive agonism, one plays down conflict and moves through reasons to try to persuade one's audience. In polemical agonism, however, one's intention is not necessarily to prove one's case, but to make public one' s thought in order to test it. In this way, communicability serves the same function in philosophy that replicability serves in the sciences; it **is how one tests the validity of one's thought**. In persuasive agonism, success is achieved through persuasion; in polemical agonism, success may be marked through the quality of subsequent controversy.

Arendt quotes from a letter Kant wrote on this point:

You know that I do not approach reasonable objections with the intention merely of refuting them, but that in thinking them over I always weave them into my judgments, and afford them the opportunity of overturning all my most cherished beliefs. I entertain the hope that by thus viewing my judgments impartially from the standpoint of others some third view that will improve upon my previous insight may be obtainable. {Lectures 42)

Kant's use of "impartial" here is interesting: he is not describing a stance that is free of all perspective; it is impartial only in the sense that it is not his own view. This is the same way that Arendt uses the term; she does not advocate any kind of positivistic rationality, but instead a "universal interdependence" ("Truth" 242). She does not place the origin of the "disinterested pursuit of truth" in science, but at "the moment when Homer chose to sing the deeds of the Trojans no less than those of the Achaeans, and to praise the glory of Hector, the foe and the defeated man, no less than the glory of Achilles, the hero of his kinfolk" ("Truth" 262¬63). It is useful to note that Arendt tends not to use the term "universal," opting more often for "common," by which she means both what is shared and what is ordinary, a usage that evades many of the problems associated with universalism while preserving its virtues (for a brief butprovocative application of Arendt's notion of common, see Hauser 100-03).

In polemical agonism, there is a sense in which one' s main goal is not to persuade one's readers; persuading one's readers, if this means that they fail to see errors and flaws in one' s argument, might actually be a sort of failure. It means that one wishes to put forward an argument that makes clear what one's stance is and why one holds it, but with the intention of provoking critique and counterargument. Arendt describes Kant's "hope" for his writings not that the number of people who agree with him would increase but "that the circle of his examiners would gradually be en¬larged" {Lectures 39); he wanted interlocutors, not acolytes.

This is not consensus-based argument, nor is it what is sometimes called "consociational argument," nor is this argument as mediation or conflict resolution. Arendt (and her commentators) use the term "fight," and they mean it. When Arendt describes the values that are necessary in our world, she says, "They are a sense of honor, desire for fame and glory, the spirit of fighting without hatred and 'without the spirit of revenge,' and indifference to material advantages" {Crises 167). Pitkin summarizes Arendt's argument: "Free citizenship presupposes the ability to fight— openly, seriously, with commitment, and about things that really mat¬ter—without fanaticism, without seeking to exterminate one's oppo¬nents" (266). My point here is two-fold: first, there is not a simple binary opposition between persuasive discourse and eristic discourse, the conflictual versus the collaborative, or argument as opposed to debate.

Second, while polemical agonismrequires diversity among interlocutors, and thus seems an extraordinarily appropriate notion, and while it may be a useful corrective to too much emphasis on persuasion, it seems to me that polemical agonism could easily slide into the kind of wrangling that is simply frustrating. Arendt does not describe just how one is to keep the conflict useful. Although she rejects the notion that politics is "no more than a battlefield of partial, conflicting interests, where nothing countfs] but pleasure and profit, partisanship, and the lust for dominion," she does not say exactly how we are to know when we are engaging in the existential leap of argument versus when we are lusting for dominion ("Truth" 263).

Like other proponents of agonism, Arendt argues that rhetoric does **not lead individuals or communities to ultimate Truth**; **it leads to decisions that will necessarily have to be reconsidered.** Even Arendt, who tends to express a greater faith than many agonists (such as Burke, Sloane, or Kastely) in the ability of individuals to perceive truth, insists that self-deception is always a danger, so public discourse is necessary as a form of testing (see especially Lectures and "Truth"). She remarks that it is difficult to think beyond one's self-interest and that "nothing, indeed, is more common, even among highly sophisticated people, than the blind obstinacy that becomes manifest in lack of imagination and failure to judge" ("Truth" 242).

Agonism demands that one **simultaneously trust and doubt one' s own perceptions**, **rely on one's own judgment and consider the judgments of others, think for oneself and imagine how others think.** The question remains whether this is a kind of thought in which everyone can engage. Is the agonistic public sphere (whether political, academic, or scientific) only available to the few? Benhabib puts this criticism in the form of a question: "That is, is the 'recovery of the public space' under conditions of modernity necessarily an elitist and antidemocratic project that can hardly be reconciled with the demand for universal political emancipa¬tion and the universal extension of citizenship rights that have accompa¬nied modernity since the American and French Revolutions?" (75). This is an especially troubling question not only because Arendt's examples of agonistic rhetoric are from elitist cultures, but also because of com¬ments she makes, such as this one from The Human Condition: "As a living experience, thought has always been assumed, perhaps wrongly, to be known only to the few. It may not be presumptuous to believe that these few have not become fewer in our time" {Human 324).

Yet, there are **important positive political consequences of agonism.**

Arendt' s own promotion of the agonistic sphere helps to explain how **the system could be actively moral**. It is not an overstatement to say that a central theme in Arendt's work is the **evil of conformity**—the fact that the modern bureaucratic state **makes possible extraordinary evil** carried out by people who do not even have any ill will toward their victims. It does so by "imposing innumerable and various rules, all of which tend to 'normalize' its members, to make them behave, to exclude spontaneous action or outstanding achievement" (Human 40). It keeps people from thinking, and it keeps them behaving. The agonistic model's celebration of achievement and verbal skill **undermines the political force of conformity**, so it is **a force against the bureaucratizing of evil.** If people think for themselves, **they will resist dogma**; if people think of themselves as one of many, they will empathize; if people can do both, **they will resist totalitarianism**. And if they talk about what they see, tell their stories, argue about their perceptions, and listen to one another—that is, engage in rhetoric—then they are engaging in antitotalitarian action.

In post-Ramistic rhetoric, it is a convention to have a thesis, and one might well wonder just what mine is—whether I am arguing for or against Arendt's agonism. Arendt does not lay out a pedagogy for us to follow (although one might argue that, if she had, it would lookmuch like the one Lazere describes in "Teaching"), so I am not claiming that greater attention to Arendt would untangle various pedagogical problems that teachers of writing face. Nor am I claiming that applying Arendt's views will resolve theoretical arguments that occupy scholarly journals. I am saying, on the one hand, that Arendt's connection of argument and thinking, as well as her perception that both serve to thwart totalitarian¬ism, suggest that agonal rhetoric (despite the current preference for collaborative rhetoric) is the **best discourse for a diverse and inclusive public sphere**. On the other hand, Arendt's advocacy of agonal rhetoric is troubling (and, given her own admiration for Kant, this may be intentional), especially in regard to its potential elitism, masculinism, failure to describe just how to keep argument from collapsing into wrangling, and apparently cheerful acceptance of hierarchy. Even with these flaws, Arendt describes something we would do well to consider thoughtfully: a fact-based but not positivist, communally grounded but not relativist, adversarial but not violent, independent but not expressivist rhetoric.

#### Effective decision-making outweighs---

#### Key to social improvements in every and all facets of life

Steinberg & Freeley 8 \*Austin J. Freeley is a Boston based attorney who focuses on criminal, personal injury and civil rights law, AND \*\*David L. Steinberg , Lecturer of Communication Studies @ U Miami, Argumentation and Debate: Critical Thinking for Reasoned Decision Making pp9-10

If we assume it to be possible without recourse to violence to reach agreement on all the problems implied in the employment of the idea of justice we are granting the possibility of formulating an ideal of man and society, valid for all beings endowed with reason and accepted by what we have called elsewhere the universal audience.14

I think that the only discursive methods available to us stem from techniques that are not demonstrative—that is, conclusive and rational in the narrow sense of the term—but from argumentative techniques which are not conclusive but which may tend to demonstrate the reasonable character of the conceptions put forward. It is this recourse to the rational and reasonable for the realization of the ideal of universal communion that characterizes the age-long endeavor of all philosophies in their aspiration for a city of man in which violence may progressively give way to wisdom.13

Whenever an individual controls the dimensions of" a problem, he or she can solve the problem through a personal decision. For example, if the problem is whether to go to the basketball game tonight, if tickets are not too expensive and if transportation is available, the decision can be made individually. But if a friend's car is needed to get to the game, then that person's decision to furnish the transportation must be obtained.

Complex problems, too, are subject to individual decision making. American business offers many examples of small companies that grew into major corporations while still under the individual control of the founder. Some computer companies that began in the 1970s as one-person operations burgeoned into multimillion-dollar corporations with the original inventor still making all the major decisions. And some of the multibillion-dollar leveraged buyouts of the 1980s were put together by daring—some would say greedy—financiers who made the day-to-day and even hour-to-hour decisions individually.

When President George H. W. Bush launched Operation Desert Storm, when President Bill Clinton sent troops into Somalia and Haiti and authorized Operation Desert Fox, and when President George W. Bush authorized Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq, they each used different methods of decision making, but in each case the ultimate decision was an individual one. In fact, many government decisions can be made only by the president. As Walter Lippmann pointed out, debate is the only satisfactory way the exact issues can be decided:

A president, whoever he is, has to find a way of understanding the novel and changing issues which he must, under the Constitution, decide. Broadly speaking ... the president has two ways of making up his mind. The one is to turn to his subordinates—to his chiefs of staff and his cabinet officers and undersecretaries and the like—and to direct them to argue out the issues and to bring him an agreed decision…

The other way is to sit like a judge at a hearing where the issues to be decided are debated. After he has heard the debate, after he has examined the evidence, after he has heard the debaters cross-examine one another, after he has questioned them himself he makes his decision…

It is a much harder method in that it subjects the president to the stress of feeling the full impact of conflicting views, and then to the strain of making his decision, fully aware of how momentous it Is. But there is no other satisfactory way by which momentous and complex issues can be decided.16

John F. Kennedy used Cabinet sessions and National Security Council meetings to provide debate to illuminate diverse points of view, expose errors, and challenge assumptions before he reached decisions.17 As he gained experience in office, he placed greater emphasis on debate. One historian points out: "One reason for the difference between the Bay of Pigs and the missile crisis was that [the Bay of Pig\*] fiasco instructed Kennedy in the importance of uninhibited debate in advance of major decision."18 All presidents, to varying degrees, encourage debate among their advisors.

We may never be called on to render the final decision on great issues of national policy, but we are constantly concerned with decisions important to ourselves for which debate can be applied in similar ways. That is, this debate may take place in our minds as we weigh the pros and cons of the problem, or we may arrange for others to debate the problem for us. Because we all are increasingly involved in the decisions of the campus, community, and society in general, it is in our intelligent self-interest to reach these decisions through reasoned debate.

#### Only portable skill---means our framework turns case

Steinberg & Freeley 8 \*Austin J. Freeley is a Boston based attorney who focuses on criminal, personal injury and civil rights law, AND \*\*David L. Steinberg , Lecturer of Communication Studies @ U Miami, Argumentation and Debate: Critical Thinking for Reasoned Decision Making pp9-10

After several days of intense debate, first the United States House of Representatives and then the U.S. Senate voted to authorize President George W. Bush to attack Iraq if Saddam Hussein refused to give up weapons of mass destruction as required by United Nations's resolutions. Debate about a possible military\* action against Iraq continued in various governmental bodies and in the public for six months, until President Bush ordered an attack on Baghdad, beginning Operation Iraqi Freedom, the military campaign against the Iraqi regime of Saddam Hussein. He did so despite the unwillingness of the U.N. Security Council to support the military action, and in the face of significant international opposition.

Meanwhile, and perhaps equally difficult for the parties involved, a young couple deliberated over whether they should purchase a large home to accommodate their growing family or should sacrifice living space to reside in an area with better public schools; elsewhere a college sophomore reconsidered his major and a senior her choice of law school, graduate school, or a job. 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 seem to just happen. Couples, families, groups of friends, and coworkers come together to make choices, and decision-making homes 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 make many decisions even- 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 CO vote for. paper or plastic, all present lis 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? Tlie 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, TIMI: 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. You Tube. Facebook, MySpace, Wikipedia, and many other "wikis," knowledge and "truth" are created from the bottom up, bypassing the authoritarian control of newspeople. academics, and publishers. We have access to infinite quantities of information, but how do we sort through it and select the best information for our needs?

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. 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.

Much of the most significant communication of our lives is conducted in the form of debates. These may take place in intrapersonal communications, in which we weigh the pros and cons of an important decision in our own minds, or they may take place 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 oiler, 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 out product, or a vote for our favored political candidate.

### 1NC

#### Focus on the unique nature of the Black experience marginalizes other minority groups and reifies the Black/White binary. Their discursive approach shapes scholarship and practice.

**Luna**, Fall **2003** (Eduardo – J.D. from the University of California, Berkeley, How the Black/White Paradigm Renders Mexicans/Mexican Americans and Discrimination Against Them Invisible, Berkeley La Raza Law Journal, p. Lexis-Nexis)

Thomas Kuhn, in The Structure of Scientific Revolutions, details the manner in which paradigms influence the structure and interpretation of knowledge. n6 While there are limits to what we can know, paradigms are commonly used in the sciences. They influence our understanding of all knowledge and fields of study; interpretations of race and ethnic relations are no exception. n7 Scholars of race/ethnic relations in the United States frequently employ paradigms to structure their arguments. n8 Paradigms determine what information is relevant and establish intellectual boundaries. However, because they limit the field of relevant information, paradigms necessarily render scholarship incomplete. Because the [\*227] Black/White binary paradigm limits analysis concerning race/ethnic relations almost exclusively to Black contributions and experiences, scholarship utilizing the paradigm is also incomplete. Although others exist, today the Black/White paradigm is the most pervasive and influential in shaping our understanding of race/ethnicity in the United States. n9 Scholars of race/ethnic relations, and mainstream Americans in general, have focused almost exclusively on Black experiences in, and contributions to, civil rights struggles. The common thread of the Black/White paradigm is that race/ethnicity consists, either exclusively or primarily, of Whites and Blacks. n10 The Black/White paradigm limits the relevancy of race/ethnic relations to include only the experiences of Blacks; it omits the experiences of other minority communities. n11 This omission is not problematic in and of itself. After all, if Blacks were the only significant contributors to civil rights or public school desegregation, then scholarship utilizing the Black/White paradigm would accurately reflect those contributions. However, this is not the case. Despite common misconceptions, Mexicans/Mexican Americans have contributed significantly to general civil rights struggles and specifically to public school desegregation. n12 B. How the Black/White Paradigm Renders Latinos Invisible As this Article will discuss, Mexicans/Mexican Americans have not only struggled to end segregation for their own community, but have also contributed to similar efforts to promote the civil rights of Blacks. n13 Furthermore, it is worth noting that Mexicans'/Mexican Americans' contributions were neither sporadic nor insignificant. Rather, these contributions have contributed to civil rights efforts generally, and desegregation specifically, for as long as their Black counterparts. n14 This fact is worth noting because it more completely describes the civil rights history of the United States. Lamentably, scholars all too often overlook this chapter in the book of legal history. Furthermore, discussion of Mexican/Mexican American contributions to civil rights is particularly important because some legal scholars, including several of the most eminent, have characterized non-Black minorities' contributions to civil rights as secondary to those of Blacks at best, and at worst, have omitted their contributions altogether. For instance, Cornell West describes non-Black minorities' contributions to civil rights as "slight though significant." n15 [\*228] West's description of Latino, Asian, and Native American contributions is important for a number of reasons. First, despite the context of West's characterization, a brief paragraph where he argues that "a prophetic framework encourages a coalition strategy," n16 his statement exemplifies the misconception that Latino civil rights struggles are minimal. Students of civil rights history read scholarship by renowned authors like West to guide them through their study of the subject. With this in mind, it is no mystery that students' understanding of the subject frequently mirrors the incomplete texts from which they read. If the history of civil rights is inaccurately written, then how can we expect students to understand it any differently? As long as civil rights scholarship is incompletely written, students and their scholarship will reflect the aforementioned flaws and fail to include the continuing civil rights struggles of Mexicans/Mexican Americans and other communities of color. Second, for better or worse, the scholarship of renowned authors limits what is considered relevant in a field of study. n17 Scholarship by well-known authors tends to be regarded as definitive. As a result, laypersons and students alike often fail to discern the scholarships' omissions. Because race/ethnicity scholarship is heavily influenced by the Black/White paradigm, it often fails to include the history of non-Black communities of color. Therefore, whether they like it or not, celebrated civil rights authors cannot afford to omit or marginalize the contributions of Mexicans/Mexican Americans and other non-Black communities of color. Current race/ethnicity scholarship is embarrassingly incomplete and does a disservice to the many people who struggled in the Civil Rights Movement and to those who study it today. Having accepted the adulation and economic benefits that come with academic celebrity, it is appropriate to hold such authors to the highest standards of accuracy and completeness. n18 Despite a rich legal history, race/ethnicity scholarship is virtually void of descriptions of the struggles of Mexicans/Mexican Americans. Perhaps the most unsettling aspect of this omission is that it is deliberate. C. Justifications for the Black/White Paradigm: The Deliberate Omission of Mexican/Mexican American Civil Rights History Among the common justifications scholars offer for deliberately omitting Mexican/Mexican American civil rights history is that Mexicans/Mexican Americans do not suffer from discrimination. If Mexicans/Mexican Americans are not omitted completely, they are often only marginally covered as compared to the treatment afforded to Blacks. For instance, Andrew Hacker in his celebrated book Two Nations: Black and White, Separate, Hostile, Unequal describes Mexicans/Mexican Americans, Asians/Asian Americans and other immigrant groups as less affected by discrimination because, "none of the presumptions of inferiority associated with Africa and slavery are imposed on these other ethnicities." n19 [\*229] Hacker's assertion is flawed. True, immigrant communities do not have the same association with slavery that Blacks do, but a history of slavery exists nonetheless. n20 Mexicans/Mexican Americans and other immigrants do not suffer any less from discrimination than Blacks do. In fact, socioeconomic indicators suggest that racial/ethnic discrimination has currently waged a greater toll on Mexicans/Mexican Americans than Blacks. Latinos are the largest minority group in the United States. n21 Additionally, socioeconomic indicators, such as poverty, median household income, school segregation and access to universities suggest that Mexicans/Mexican Americans currently suffer most from discrimination. n22 While immigrant groups may not be subject to the presumptions of inferiority based on an association with slavery, they suffer from discrimination nonetheless. Their position at the bottom of the socioeconomic hierarchy makes this evident. n23 The omission of Mexicans'/Mexican Americans' civil rights struggles suggests that they have not suffered from discrimination, or even worse, that Mexicans/Mexican Americans never resisted discrimination. Neither is true. Another justification for the Black/White paradigm is "black exceptionalism." Describing this claim, Angela Harris, a professor of law at the University of California, Berkeley, School of Law (Boalt Hall), writes, "African Americans play a unique and central role in American social, political, cultural, and economic life, and have done so since the nation's founding." n24 I do not dispute that Black exceptionalism presents a strong justification for the Black/White paradigm. The Black community has uniquely shaped contemporary understandings of race. Additionally, I agree with both Harris's and Hacker's assertions that Blacks' unique association with slavery has influenced subsequent discrimination based on race/ethnicity in the United States like no other community. However, the claim becomes dangerous where it exclusively focuses on the Black experience at the expense of omitting the experiences of others.

#### This paradigm actively places non-black minorities as aliens within society – that results in racial exclusion and socially constructs multiple threats

Lugay 5 (Arvin – J.D., University of California, Berkeley School of Law, “Book Review: "In Defense of Internment": Why Some Americans Are More "Equal" than Others”, 2005, 12 Asian L.J. 209, lexis)

**This black/white paradigm** is further complicated **by other racial groups**; the paradigm deals with those who are neither black nor white by construing them as aliens. One of the critical features of the legal status and racial identity of non-black racial minorities is **the notion of "**foreignness." n119 This previously underexamined dimension of the relationship between race and law sheds light not only on the Japanese American internment, but on contemporary debate as well. n120 "Most important in this development has been the persistence of the view **that even American-born non-Whites** were somehow "foreign.'" n121 Natsu Tailor Saito explains that, The Japanese American internment cases could not be explained merely by race or, alternately, by alienage. Acts that could not be justified in the name of race **were done in the name of alienage** and vice versa. There was overlap and slippage, a legalistic sleight of hand. The racialized identification of Japanese Americans as foreign - regardless of their citizenship - allowed for otherwise **unlawful actions to be taken** against United States citizens. n122 Michelle Malkin relies heavily on the racialization of Japanese Americans (in the context of the internment) and Arab Americans (in the context of the "War on Terror") as disloyal foreigners to justify her dismissal of civil liberties. Malkin and American legal history share a larger racial ideology that defines American national identity through the exclusion of people who do not fit a certain white racial paradigm. Critical race theory teaches that the law not only reflects social institutions such as race, **but also actively constructs them**. n123 The law has helped define the boundaries of racial groups. n124 Far from being a matter of skin color or biology, critical race theory defines race as a social construct. Professor Ian F. Haney Lopez lists four important facets to the social construction of race: First, humans rather than abstract social forces produce races. Second, as human constructs, races constitute an integral part of a whole social fabric that includes gender and class relations. Third, the meaning-systems [\*223] surrounding race change quickly rather than slowly. Finally, races are constructed relationally, against one another, rather than in isolation. n125 In the American legal context, racial differences are societal creations that justify the retention of power by one group - whites - over other groups, **those who are not white**. n126 Courts have struggled to define race and have not successfully done so because they have ignored the historical significance of the social creation of racial difference as a hegemonic device. n127 Historically, our government and legal system have often officially approved of the presumption that non-white immigrants are disloyal. n128 This has helped to inscribe disloyalty as a racial characteristic. n129 This presumption of disloyalty is an underlying rationale for the creation of laws that **ensured the exclusion of non-white immigrant** out-groups. These laws kept such groups from becoming legally and socially integrated into the predominantly white American social fabric. Such laws include the Chinese Exclusion Act of 1882 (which barred entry of Chinese laborers into the United States), n130 citizenship laws that prevented many non-white immigrants from gaining U.S. citizenship, n131 and the Alien Land Laws (which prevented people incapable of proving loyalty through citizenship from owning land). n132 In the case of the Japanese internment, federal law denied Japanese naturalization and prevented their immigration; state law prevented property ownership and intermarriage with Whites; and economic discrimination limited professional and employment opportunities. n133 Courts used these exclusionary laws to justify further oppression. For example, the Supreme Court in Hirabayashi reasoned that Japanese Americans posed an even greater security threat precisely because they had been historically excluded and oppressed by the United States. n134 As Jerry [\*224] Kang described, "the Court said: because America has treated you badly, you have reason to be disloyal; therefore, America now has reason to treat you still more badly, by restricting your civil rights." n135 Kang labels this phenomenon the "vicious cycle" in which "tomorrow's burdens will be justified by the resentment caused by today's burdens." n136 The boundaries of the nation continue to be constructed through excluding certain groups. n137 Discourses of democracy used to support the U.S. war effort against terrorism rests on an image of anti-democracy, in the form of those who seek to destroy the "American way of life." n138 The "imagined community" of the American nation, constituted by loyal citizens, relies on separating itself from the "Middle Eastern terrorist" or the "Yellow Peril" to fuse its identity at moments of crisis. n139 Yet this policy of **continued exclusion merely generates a** "vicious cycle" that **fails to increase security** by breeding additional resentment among communities of non-white immigrants and naturalized citizens. A more effective way to increase national security would be to decrease resentment among immigrants and naturalized citizens of color by breaking the "vicious cycle" of exclusion and unequal burden sharing of the cost of national security. If traditionally excluded groups are allowed to share the benefits of American citizenship that are granted to white citizens, they would have the same incentive as white citizens to protect national security. Arguments for the continued exclusion of outgroups must rest on an assumption of deep, inherent difference. This assumption ignores that people of color have as much to lose from poor national security as do White Americans. Such assumptions rely on a white supremacist paradigm that subordinates and denies the inherent dignity of people of color. The only way to break the "vicious cycle" is to eliminate the underlying paradigm of white supremacy. One way this dominant white racial paradigm subordinates people of color is by racializing them as perpetual foreigners who are presumptively disloyal to America. This subordination creates white citizen "insiders," as opposed to colored immigrant "foreigners/outsiders**." The paradigm can be challenged** by acknowledging its existence in American laws and social norms while **simultaneously asserting the dignity of people of color**. Once this has been achieved, we can begin to effectively bring exclusionary laws into compliance with the Fifth and Fourteenth Amendments.

#### The inevitable result is extermination – the process of otherization necessitates global destruction

Stein 7 (Howard, PhD and Full Professor in the Department of Family and Preventive Medicine – University of Oklahoma Health Sciences Center, Journal of Organizational Psychodynamics, Spring, (1)1)

Despite the fact that the federal government had been abundantly warned about the precarious condition of the levees, federal officials insisted on their innocence, ignorance, and goodness, while vilifying the New Orleans government and the Louisiana government for a delayed and incompetent response to the disaster. “Mother” Nature, too, became labeled as the unpredictable enemy. In this national scenario, as in organizational life, leaders often resort to psychological splitting between us/them, good/bad, and count on frightened loyalty from followers. Allcorn writes of the critical role of corporate ideology in establishing this either/or process: Ideology aimed at destroying all opposing views to maintain the certainty of its [that is, the reified organization’s] righteousness and correctness, is a sign of simplicity triumphing over complexity and the regressive withdrawal into a primitive state of oneness and homogeneity. (2006) Through ideology, leaders psychologically “bind” workers to the organization, whereby all opposing views are rejected and doubt is eliminated. For psychoanalyst Christopher Bollas, in the fascist state of mind, “The mind ceases to be complex, achieving a simplicity held together initially by bindings around the signs of ideology” (1992, p. 201). Followers are recruited and subsequently “bound” to the ideology by the promise of alleviating intense anxiety and radically splitting the perceptual world into “good” people (us, insiders) and “bad” people (them, others). Organizational leaders’ appeal to grave danger and their offer of a magical solution, is illustrated by the following story from Seth Allcorn: I recall hearing of a meeting in a large teaching hospital that was called to formally announce that downsizing was about to ensue with the help of a notorious downsizing consulting group. The hospital CEO was speaking to all of upper and middle management, approximately 150 people. He explained the downsizing process this way. “You are standing on a train station platform. You have three choices. You can get on the train that is going where I want to go. You can wait just a little bit before deciding what you want to do. Or, you can get on the second train that is leaving the hospital.” Since I studied downsizing in depth as a researcher…I can bear witness to the fact that the metaphorical trains both lead to a man-made hell on earth. (1998, p. xii) 10 As I have described elsewhere (Stein, 1998; 2001), Nazi Holocaust-era trains are a widespread metaphor used by leaders, victims, and survivors to describe the harrowing experience of downsizing, reductions in force, rightsizing, and other forms of “managed social change.” The CEO offers Captain Ahab’s choice: follow me and you live; don’t follow me and you’re dead. The irony, of course, is that to follow Ahab is to doom oneself to death. Firm belief in the totalitarian ideology and the cause that it champions becomes more vital than life itself. Before continuing, let me say a few words about the psychodynamics of what is “total” in the ideology and practice of totalitarianism. The work of a number of psychoanalytic writers converges to help us understand the psychodynamics of organizational and political totalitarianism, and hence the appeal of its ideology and its ability to mobilize people in its service. In his pioneering work on the adolescent quality of the either/or, inside/outside thinking that characterizes totalitarian ideologies, Erik Erikson distinguished between exclusivistic “totalistic” thinking and inclusivistic “wholism” in identity formation (1968, pp. 74–90). In “totalistic” thinking, an ideology is created and embraced that radically simplifies the world, repudiates if not destroys all opposing views, and is intolerant of all doubt. Erikson described the universal process of dividing the world into what he called “pseudospecies” (pp. 41–42), by which all peoples to some degree describe themselves as THE human beings, and others as lesser and lower life forms. That is, there is a split in affect such that affiliative “good” feelings are associated with one’s own group, and disaffiliative “bad” feelings are associated with Others. “Inside” is idealized and “outside” is demonized. The Others “were at least useful as a screen of projection for the negative identities which were the necessary, if most uncomfortable, counterpart of the positive ones” (p. 41). Erikson continues: “The pseudospecies…is one of the more sinister aspects of all group identity” (p. 42). This process becomes exaggerated and ossified in times of crisis, anxiety, and massive large group regression, as Vamik Volkan (1997; 2002) and Howard Stein (2004) have described. Under such circumstances, people come to rely on emergency psychological measures to protect themselves. What George Devereux (1955) called “catastrophic” thinking tends to seize the group, and the reduction of (psychotic) anxiety becomes the central obsession of the group and its leaders. Great effort is mobilized to revitalize the loss- and death-obsessed group (see La Barre, 1972). Under these simultaneously inner and outer circumstances, people come to re-experience annihilation anxiety, against which they defend themselves by the use of some of the earliest developmental defense mechanisms such as splitting, massive projective identification, and externalization. Identity rigidity replaces continuous identity development. “Total immersion in a synthetic identity” goes hand in glove with “a totally stereotyped enemy of the new identity” (Erikson, 1968, p. 89). Erikson continues: The fear of loss of identity which fosters such indoctrination contributes significantly to that mixture of righteousness and criminality which, under totalitarian conditions, becomes available for organized terror and for the establishment of major industries of extermination. (ibid.)

#### Reject their description of race in terms of the Black/White binary paradigm – scrutinizing critical scholarship on race is key to contest the broader and more multi-faceted operations of diverse forms of racial oppression.

Perea 97 (Juan F., Professor of Law, University of Florida College of Law, California Law Review, 85 Calif. L. Rev. 1213, “The Black/White Binary Paradigm of Race,” October, Lexis)

The point of critical theory generally is to demonstrate shortcomings in our current understandings of legal and social structures and perhaps to suggest alternatives that improve upon these shortcomings. One implication of this Article is that, to the extent that critical theory has focused on questions of race, it is still tightly bound by the Black/White binary paradigm. Although this is much less true of critical race theory in particular, as some writers have focused on the points of view and histories of many racialized American groups, a true paradigm shift away from the Black/White paradigm will only occur when such scholarship is more widely promulgated and accepted than is currently the case. My review of important literature on race establishes the existence of the Black/White binary paradigm and its structuring of writing on race. The "normal science" of race scholarship specifies inquiry into the relationship between Blacks and Whites as the exclusive aspect of race relations that needs to be explored and elaborated. As a result, much relevant legal history and information concerning Latinos/as and other racialized groups is simply omitted from books on race and constitutional law. The omission of this history is extraordinarily damaging to Mexican Americans and other Latinos/as. By omitting this history, students get no understanding that Mexican Americans have long struggled for equality. The absence of Latinos/as from histories of racism and the struggle against it enables people to maintain existing stereotypes of Mexican Americans. These stereotypes are perpetuated even by America's leading thinkers on race. Ignorance of Mexican-American history allows Andrew Hacker to proclaim that Hispanics are passive "spectators" in social struggle, n212 and allows Cornel West to imply that Latino/a struggles against racism have been "slight though significant." n213 To the extent that the legitimacy of claims for civil rights depends on a public perception of having engaged in struggle for them, the omission of this legal history also undermines the legitimacy of Latino/a claims for civil rights. This may explain why courts treat Latino/a claims of discrimination with such indifference. Paradigmatic descriptions and study of White racism against Blacks, with only cursory mention of "other people of color," marginalizes all people of color by grouping them, without particularity, as somehow [\*1258] analogous to Blacks. "Other people of color" are deemed to exist only as unexplained analogies to Blacks. Thus, scholars encourage uncritical readers to continue to assume the paradigmatic importance of the Black/White relationship and to ignore the experiences of other Americans who also are subject to racism in profound ways. Critical readers are left with many important questions: Beyond the most superficial understanding of aversion to non-White skin color, in what ways is White racism against Blacks explanatory of or analogous to White racism against Latinos/as, Asian Americans, Native Americans, and others? Given the unique historical legacy of slavery, what does a deep understanding of White-Black racism contribute to understanding racisms against other "Others?" Why are "other people of color" consistently relegated to parenthetical status and near-nonexistence in treatises purporting to cover their fields comprehensively? It is time to ask hard questions of our leading writers on race. It is also time to demand better answers to these questions about inclusion, exclusion, and racial presence, than perfunctory references to "other people of color." In the midst of profound demographic changes, it is time to question whether the Black/White binary paradigm of race fits our highly variegated current and future population. Our "normal science" of writing on race, at odds with both history and demographic reality, needs reworking.

## Case

### A2 Daulatzai: 1NC

#### Daultzai provides no concrete proof for any of the claims that he make, he conflate Black Muslims and immigrant Muslims, demonstrating the flaws in his methodology

Bowen 13 (Patrick D. Bowen, University of Denver-Iliff School of Theology, Denver, CO, USA, Review of Sohail Daulatzai, Black Star, Crescent Moon: The Muslim International and Black Freedom beyond America,

Minneapolis: University of Minnesota Press, *Contemporary Islam*, June 2013)

While the writing in Black Star, Crescent Moon is sometimes cumbersome and repetitious, the principal limitation of this book is that on a number of occasions Daulatzai makes claims about certain cultural productions, U.S. political actions, or cultural dynamics—claims that, if they were found to be true, would provide great support for his theories—without giving sufficient or clear evidence. In chapter two, for instance, Daulatzai spends a great deal of time discussing the film Sweet Sweetback’s Baadasssss Song, which he claims is representative of the Muslim International. However, while he shows that it shared some thematic and artistic similarities with the classic anti-colonial movie The Battle of Algiers (1965), he fails to demonstrate not only that the latter film had a direct influence, but also that filmmakers of Sweet Sweetback’s had any influence from or interest in Islamic culture. A direct connection with some aspect of Islamic culture would have made Daulatzai’s inclusion of this film in a book about the Muslim International much more compelling. Later, in chapter five, Daulatzai makes the claim that since 9/11 Black Islam has been increasingly seen as representative of both the stereotyped ‘Muslim terrorist’ and the ‘Black criminal,’ and that this has resulted in ‘the crackdown on Black Muslims in U.S. prisons’ (p. 174). However, the only clear evidence he brings out in support of this theory is a collection of statements from U.S. politicians about their beliefs that African-American Muslim prisoners are a community that has a high potential for terrorist violence (p. 183–84). He offers almost no evidence that this rhetoric has actually led to any measurable change in the way African-American Muslims are treated in prisons. In fact, the only discussion of increased harsh treatment for Muslims in U.S. prisons (outside of Guantanamo) deals primarily with immigrant Muslims (p. 179–80). Chapter four’s discussion suffers from a similar, but much more significant, failure to produce evidence. Daulatzai insists, first of all, that When We Were Kings’ portrayal of Ali and its winning of an Oscar were the result of the influence of a vaguely defined ‘United States,’ which is said to be heavily influenced by the fallacious ‘color-blind’ concept. But Daulatzai’s explanation for how the ‘United States’ directly had a hand in the events related to the movie is neither straightforward nor supported with strong evidence. He attributes the initial rise of the notion of a post-racial America to the influence of New Right (p. 150–52), but then the only explanation he offers for why the rest of the American public supposedly bought into this idea is because of‘a deep-seated white fear that [multiculturalism, feminism, queer politics, Black Radicalism, and Black Islam] would undo the work of the New Right and fracture the social cement that has made America what it is’ (p. 152). What Daulatzai does here is imply—without either explicitly stating it or presenting any evidence—that the majority of the white American public—which he identifies as‘the American mainstream’(p. 163)—supports the New Right and has this vague ‘deep-seated white fear.’ Daulatzai accepts these ideas as so fundamentally true that he does not even bother to discuss the roles and the decisions of the individual people who were involved in either the film production or Oscar voting for When We Were Kings. It is a provocative approach, if nothing else. Although the book’s publisher has classified Black Star, Crescent Moon as a work of history (see the back cover), and Daulatzai describes his chapters as “histories of resistance” (pp. xx), his tendency to highlight similarities at the expense of proving direct connections between important events or cultural productions is in fact closer to the methods of cultural criticism or critical theory. Both of these approaches focus on emphasizing what are often considered to be hidden or downplayed cultural dynamics, rather than making a detailed, highly nuanced case for the direct influence of certain, specific phenomena. Indeed, Black Star, Crescent Moon is more similar to the critical theory work of Michael Eric Dyson and Cornell West than it is to the history and ethnography work on African-American Muslims by Richard Turner, Michael Gomez, and Robert Dannin. Because of this style, readers hoping to discover either the precise mechanisms through which all of Daulatzai’s subjects interact or a significant collection of new data on the history of African-American Islam may be left disappointed, but, at the same time, like the work of Dyson and West, Daulatzai’s book succeeds in bringing attention, in a rather provocative way, to certain aspects of American and Islamic culture that are often ignored.

### Backlash 1NC

#### Radical Muslim advocacy causes a backlash from moderate Muslims – they perceive radicals as violent and work against them – turns the case

Wiktorowicz 5 (Quintan, CEO at the Q Group, U.S. Embassy in London, *Radical Islam Rising: Muslim Extremism in the West*, p. 4)

This is not to argue that large portions of the Muslim community in the West are joining or supporting radical Islamic groups. The vast majority of Muslims in the West vehemently reject the use of violence and the fanaticism of radical Islamic groups. Though little noticed in media reporting, moderate Muslim leaders and organizations in the West openly condemned al-Qaeda and similar groups in the wake of September 11 and they are important bulwarks against the spread of militant Islam. A number of moderate leaders, in fact, have received death threats from radicals who view them as traitors to Islam. Mainstream Muslims in the West are also victims of radical Islam in a more subtle (though no less tangible) way: the actions and rhetoric of radical Islamic groups often produce blind, visceral responses from non-Muslim communities, leading to increased racism, religious bigotry, and "Islamophobia." According to FBI crime statistics, hate crimes against Muslims in the United States soared 1,700 percent in 2001 (from 28 to 481 reported cases).JH A similar backlash was found in Europe in the months after September 11.1' This makes the attraction of radical Islam in the West that much more perplexing. These movements not only face considerable constraints from law enforcement and new antiterrorism legislation, but they also operate in hostile Muslim communities determined to marginalize the radical fringe and eliminate the appeal of militancy—hardly an auspicious recruiting ground. The fact that these groups require that activists assume high costs and risks for the cause makes the decision to participate seem irrational. Yet some individuals defy authorities, confront their own communities, and willingly assume risk.

### Social Death – 1NC

#### No social death – history proves

Brown 9 (Vincent Brown, Prof. of History and African and African-American Studies @ Harvard Univ., December 2009, "Social Death and Political Life in the Study of Slavery," American Historical Review, p. 1231-1249)

THE PREMISE OF ORLANDO PATTERSON’S MAJOR WORK, that enslaved Africans were natally alienated and culturally isolated, was challenged even before he published his influential thesis, primarily by scholars concerned with “survivals” or “retentions” of African culture and by historians of slave resistance. In the early to mid-twentieth century, when Robert Park’s view of “the Negro” predominated among scholars, it was generally assumed that the slave trade and slavery had denuded black people of any ancestral heritage from Africa. The historians Carter G. Woodson and W. E. B. Du Bois and the anthropologist Melville J. Herskovits argued the opposite. Their research supported the conclusion that while enslaved Africans could not have brought intact social, political, and religious institutions with them to the Americas, they did maintain significant aspects of their cultural backgrounds.32 Herskovits ex- amined “Africanisms”—any practices that seemed to be identifiably African—as useful symbols of cultural survival that would help him to analyze change and continuity in African American culture.33 He engaged in one of his most heated scholarly disputes with the sociologist E. Franklin Frazier, a student of Park’s, who empha- sized the damage wrought by slavery on black families and folkways.34 More recently, a number of scholars have built on Herskovits’s line of thought, enhancing our understanding of African history during the era of the slave trade. Their studies have evolved productively from assertions about general cultural heritage into more precise demonstrations of the continuity of worldviews, categories of belonging, and social practices from Africa to America. For these scholars, the preservation of distinctive cultural forms has served as an index both of a resilient social personhood, or identity, and of resistance to slavery itself. 35 Scholars of slave resistance have never had much use for the concept of social death. The early efforts of writers such as Herbert Aptheker aimed to derail the popular notion that American slavery had been a civilizing institution threatened by “slave crime.”36 Soon after, studies of slave revolts and conspiracies advocated the idea that resistance demonstrated the basic humanity and intractable will of the enslaved—indeed, they often equated acts of will with humanity itself. As these writ- ers turned toward more detailed analyses of the causes, strategies, and tactics of slave revolts in the context of the social relations of slavery, they had trouble squaring abstract characterizations of “the slave” with what they were learning about the en- slaved.37 Michael Craton, who authored Testing the Chains: Resistance to Slavery in the British West Indies, was an early critic of Slavery and Social Death, protesting that what was known about chattel bondage in the Americas did not confirm Patterson’s definition of slavery. “If slaves were in fact ‘generally dishonored,’ ” Craton asked, “how does he explain the degrees of rank found among all groups of slaves—that is, the scale of ‘reputation’ and authority accorded, or at least acknowledged, by slave and master alike?” How could they have formed the fragile families documented by social historians if they had been “natally alienated” by definition? Finally, and per- haps most tellingly, if slaves had been uniformly subjected to “permanent violent domination,” they could not have revolted as often as they did or shown the “varied manifestations of their resistance” that so frustrated masters and compromised their power, sometimes “fatally.”38 The dynamics of social control and slave resistance falsified Patterson’s description of slavery even as the tenacity of African culture showed that enslaved men, women, and children had arrived in the Americas bearing much more than their “tropical temperament.” The cultural continuity and resistance schools of thought come together powerfully in an important book by Walter C. Rucker, The River Flows On: Black Re- sistance, Culture, and Identity Formation in Early America. In Rucker’s analysis of slave revolts, conspiracies, and daily recalcitrance, African concepts, values, and cul- tural metaphors play the central role. Unlike Smallwood and Hartman, for whom “the rupture was the story” of slavery, Rucker aims to reveal the “perseverance of African culture even among second, third, and fourth generation creoles.”39 He looks again at some familiar events in North America—New York City’s 1712 Coromantee revolt and 1741 conspiracy, the 1739 Stono rebellion in South Carolina, as well as the plots, schemes, and insurgencies of Gabriel Prosser, Denmark Vesey, and Nat Turner—deftly teasing out the African origins of many of the attitudes and actions of the black rebels. Rucker outlines how the transformation of a “shared cultural heritage” that shaped collective action against slavery corresponded to the “various steps Africans made in the process of becoming ‘African American’ in culture, orientation, and identity.”40

#### The invocation of social death as ontologically inevitable inscribes a pessimism towards politics which makes agency impossible and oversimplifies the history of resistance

Brown 9 (Vincent Brown, Prof. of History and African and African-American Studies @ Harvard Univ., December 2009, "Social Death and Political Life in the Study of Slavery," American Historical Review, p. 1231-1249)

Specters of the Atlantic is a compellingly sophisticated study of the relation be- tween the epistemologies underwriting both modern slavery and modern capitalism, but the book’s discussion of the politics of anti-slavery is fundamentally incomplete. While Baucom brilliantly traces the development of “melancholy realism” as an op- positional discourse that ran counter to the logic of slavery and finance capital, he has very little to say about the enslaved themselves. Social death, so well suited to the tragic perspective, stands in for the experience of enslavement. While this heightens the reader’s sense of the way Atlantic slavery haunts the present, Baucom largely fails to acknowledge that the enslaved performed melancholy acts of accounting not unlike those that he shows to be a fundamental component of abolitionist and human rights discourses, or that those acts could be a basic element of slaves’ oppositional activities. In many ways, the effectiveness of his text depends upon the silence of slaves—it is easier to describe the continuity of structures of power when one down- plays countervailing forces such as the political activity of the weak**.** So Baucom’s deep insights into the structural features of Atlantic slave trading and its afterlife come with a cost. Without engagement with the politics of the enslaved, slavery’s history serves as an effective charge leveled against modernity and capitalism, but not as an uneven and evolving process of human interaction, and certainly not as a locus of conflict in which the enslaved sometimes won small but important victories.11 Specters of the Atlantic is self-consciously a work of theory (despite Baucom’s prodigious archival research), and social death may be largely unproblematic as a matter of theory, or even law. In these arenas, as David Brion Davis has argued, “the slave has no legitimate, independent being, no place in the cosmos except as an instrument of her or his master’s will.”12 But the concept often becomes a general description of actual social life in slavery. Vincent Carretta, for example, in his au- thoritative biography of the abolitionist writer and former slave Olaudah Equiano, agrees with Patterson that because enslaved Africans and their descendants were “stripped of their personal identities and history, [they] were forced to suffer what has been aptly called ‘social death.’ ” The self-fashioning enabled by writing and print “allowed Equiano to resurrect himself publicly” from the condition that had been imposed by his enslavement.13 The living conditions of slavery in eighteenth-century Jamaica, one slave society with which Equiano had experience, are described in rich detail in Trevor Burnard’s unflinching examination of the career of Thomas Thistle- wood, an English migrant who became an overseer and landholder in Jamaica, and who kept a diary there from 1750 to 1786. Through Thistlewood’s descriptions of his life among slaves, Burnard glimpses a “world of uncertainty,” where the enslaved were always vulnerable to repeated depredations that actually led to “significant slave dehumanization as masters sought, with considerable success, to obliterate slaves’ personal histories.” Burnard consequently concurs with Patterson: “slavery completely stripped slaves of their cultural heritage, brutalized them, and rendered ordinary life and normal relationships extremely difficult.”14 This was slavery, after all, and much more than a transfer of migrants from Africa to America.15 Yet one wonders, after reading Burnard’s indispensable account, how slaves in Jamaica or- ganized some of British America’s greatest political events during Thistlewood’s time and after, including the Coromantee Wars of the 1760s, the 1776 Hanover conspiracy, and the Baptist War of 1831–1832. Surely they must have found some way to turn the “disorganization, instability, and chaos” of slavery into collective forms of belonging and striving, making connections when confronted with alien- ation and finding dignity in the face of dishonor. Rather than pathologizing slaves by allowing the condition of social death to stand for the experience of life in slavery, then, it might be more helpful to focus on what the enslaved actually made of their situation. Among the most insightful texts to explore the experiential meaning of Afro- Atlantic slavery (for both the slaves and their descendants) are two recent books by Saidiya Hartman and Stephanie Smallwood. Rather than eschewing the concept of social death, as might be expected from writing that begins by considering the per- spective of the enslaved, these two authors use the idea in penetrating ways. Hart- man’s Lose Your Mother: A Journey along the Atlantic Slave Route and Smallwood’s Saltwater Slavery: A Middle Passage from Africa to American Diaspora extend social death beyond a general description of slavery as a condition and imagine it as an experience of self. Here both the promise and the problem with the concept are most fully apparent.16 Both authors seek a deeper understanding of the experience of enslavement and its consequences for the past, present, and future of black life than we generally find in histories of slavery. In Hartman’s account especially, slavery is not only an object of study, but also the focus of a personal memoir. She travels along a slave route in Ghana, from its coastal forts to the backcountry hinterlands, symbolically reversing the first stage of the trek now commonly called the Middle Passage. In searching prose, she meditates on the history of slavery in Africa to explore the precarious nature of belonging to the social category “African American.” Rendering her re- markable facility with social theory in elegant and affective terms, Hartman asks the question that nags all identities, but especially those forged by the descendants of slaves: What identifications, imagined affinities, mythical narratives, and acts of re- membering and forgetting hold the category together? Confronting her own alienation from any story that would yield a knowable genealogy or a comfortable identity, Hartman wrestles with what it means to be a stranger in one’s putative motherland, to be denied country, kin, and identity, and to forget one’s past—to be an orphan.17 Ultimately, as the title suggests, Lose Your Mother is an injunction to accept dis- possession as the basis of black self-definition. Such a judgment is warranted, in Hartman’s account, by the implications of social death both for the experience of enslavement and for slavery’s afterlife in the present. As Patterson delineated in sociological terms the death of social personhood and the reincorporation of individuals into slavery, Hartman sets out on a personal quest to “retrace the process by which lives were destroyed and slaves born.”18 When she contends with what it meant to be a slave, she frequently invokes Patterson’s idiom: “Seized from home, sold in the market, and severed from kin, the slave was for all intents and purposes dead, no less so than had he been killed in combat. No less so than had she never belonged to the world.” By making men, women, and children into commodities, enslavement destroyed lineages, tethering people to own- ers rather than families, and in this way it “annulled lives, transforming men and women into dead matter, and then resuscitated them for servitude.” Admittedly, the enslaved “lived and breathed, but they were dead in the social world of men.”19 As it turns out, this kind of alienation is also part of what it presently means to be African American. “The transience of the slave’s existence,” for example, still leaves its traces in how black people imagine and speak of home: We never tire of dreaming of a place that we can call home, a place better than here, wherever here might be . . . We stay there, but we don’t live there . . . Staying is living in a country without exercising any claims on its resources. It is the perilous condition of existing in a world in which you have no investments. It is having never resided in a place that you can say is yours. It is being “of the house” but not having a stake in it. Staying implies transient quarters, a makeshift domicile, a temporary shelter, but no attachment or affiliation. This sense of not belonging and of being an extraneous element is at the heart of slavery.20 “We may have forgotten our country,” Hartman writes, “but we haven’t forgotten our dispossession.”21 Like Baucom, Hartman sees the history of slavery as a constituent part of a tragic present. Atlantic slavery continues to be manifested in black people’s skewed life chances, poor education and health, and high rates of incarceration, poverty, and premature death. Disregarding the commonplace temporalities of professional historians, whose literary conventions are generally predicated on a formal distinction between past, present, and future, Hartman addresses slavery as a problem that spans all three. The afterlife of slavery inhabits the nature of belonging, which in turn guides the “freedom dreams” that shape prospects for change. “If slavery persists as an issue in the political life of black America,” she writes, “it is not because of an antiquated obsession with bygone days or the burden of a too-long memory, but because black lives are still imperiled and devalued by a racial calculus and a political arithmetic that were entrenched centuries ago.”22 A professor of English and comparative literature, Hartman is in many respects in a better position than most historians to understand events such as the funeral aboard the Hudibras. This is because for all of her evident erudition, her scholarship is harnessed not so much to a performance of mastery over the facts of what hap- pened, which might substitute precision for understanding, as to an act of mourning, even yearning. She writes with a depth of introspection and personal anguish that is transgressive of professional boundaries but absolutely appropriate to the task. Reading Hartman, one wonders how a historian could ever write dispassionately about slavery without feeling complicit and ashamed. For dispassionate accounting—exemplified by the ledgers of slave traders—has been a great weapon of the powerful, an episteme that made the grossest violations of personhood acceptable, even necessary. This is the kind of bookkeeping that bore fruit upon the Zong. “It made it easier for a trader to countenance yet another dead black body or for a captain to dump a shipload of captives into the sea in order to collect the insurance, since it wasn’t possible to kill cargo or to murder a thing already denied life. Death was simply part of the workings of the trade.” The archive of slavery, then, is “a mortuary.” Not content to total up the body count, Hartman offers elegy, echoing in her own way the lamentations of the women aboard the Hudibras. Like them, she is concerned with the dead and what they mean to the living. “I was desperate to reclaim the dead,” she writes, “to reckon with the lives undone and obliterated in the making of human commodities.”23 It is this mournful quality of Lose Your Mother that elevates it above so many histories of slavery, but the samesense of lament seems to requirethatHartman overlook small but significant political victories like the one described by Butter- worth. Even as Hartman seems to agree with Paul Gilroy on the “value of seeing the consciousness of the slave as involving an extended act of mourning,” she remains so focused on her own commemorations that her text makes little space for a consideration of how the enslaved struggled with alienation and the fragility of belonging, or of the mourning rites they used to confront their condition.24 All of the ques- tions she raises about the meaning of slavery in the present—both highly personal and insistently political—might as well be asked about the meaning of slavery to slaves themselves, that is, if one begins by closely examining their social and political lives rather than assuming their lack of social being. Here Hartman is undone by her reliance on Orlando Patterson’s totalizing definition of slavery. She asserts that “no solace can be found in the death of the slave, no higher ground can be located, no perspective can be found from which death serves a greater good or becomes any- thing other than what it is.”25 If she is correct, the events on the Hudibras were of negligible importance. And indeed, Hartman’s understandable emphasis on the personal damage wrought by slavery encourages her to disavow two generations of social history that have demonstrated slaves’ remarkable capacity to forge fragile communities, preserve cultural inheritance, and resist the predations of slaveholders. This in turn precludes her from describing the ways that violence, dislocation, and death actually generate culture, politics, and consequential action by the enslaved.26 This limitation is particularly evident in a stunning chapter that Hartman calls “The Dead Book.” Here she creatively reimagines the events that occurred on the voyage of the slave ship Recovery, bound, like the Hudibras, from the Bight of Biafra to Grenada, when Captain John Kimber hung an enslaved girl naked from the mizzen stay and beat her, ultimately to her death, for being “sulky”: she was sick and could not dance when so ordered. As Hartman notes, the event would have been unre- markable had not Captain Kimber been tried for murder on the testimony of the ship’s surgeon, a brief transcript of the trial been published, and the woman’s death been offered up as allegory by the abolitionist William Wilberforce and the graphic satirist Isaac Cruikshank. Hartman re-creates the murder and the surge of words it inspired, representing the perspectives of the captain, the surgeon, and the aboli tionist, for each of whom the girl was a cipher “outfitted in a different guise,” and then she puts herself in the position of the victim, substituting her own voice for the unknowable thoughts of the girl. Imagining the experience as her own and wistfully representing her demise as a suicide—a final act of agency—Hartman hopes, by this bold device, to save the girl from oblivion. Or perhaps her hope is to prove the impossibility of ever doing so, because by failing, she concedes that the girl cannot be put to rest. It is a compelling move, but there is something missing. Hartman discerns a convincing subject position for all of the participants in the events sur- rounding the death of the girl, except for the other slaves who watched the woman die and carried the memory with them to the Americas, presumably to tell others, plausibly even survivors of the Hudibras, who must have drawn from such stories a basic perspective on the history of the Atlantic world. For the enslaved spectators, Hartman imagines only a fatalistic detachment: “The women were assembled a few feet away, but it might well have been a thousand. They held back from the girl, steering clear of her bad luck, pestilence, and recklessness. Some said she had lost her mind. What could they do, anyway? The women danced and sang as she lay dying.” Hartman ends her odyssey among the Gwolu, descendants of peoples who fled the slave raids and who, as communities of refugees, shared her sense of dispos- session. “Newcomers were welcome. It didn’t matter that they weren’t kin because genealogy didn’t matter”; rather, “building community did.” Lose Your Mother con- cludes with a moving description of a particular one of their songs, a lament for those who were lost, which resonated deeply with her sense of slavery’s meaning in the present. And yet Hartman has more difficulty hearing similar cries intoned in the past by slaves who managed to find themselves.27 Saltwater Slavery has much in common with Lose Your Mother. Smallwood’s study of the slave trade from the Gold Coast to the British Americas in the late seventeenth and early eighteenth centuries likewise redeems the experience of the people traded like so many bolts of cloth, “who were represented merely as ciphers in the political arithmetic,” and therefore “feature in the documentary record not as subjects of a social history but as objects or quantities.”28 Each text offers a penetrating analysis of the market logic that turned people into goods. Both books work with the concept of social death. However, Smallwood examines the problem of social death for the enslaved even more closely than Hartman does.29 Like Hartman, Smallwood sees social death as a by-product of commodification. “If in the regime of the market Africans’ most socially relevant feature was their exchangeability,” she argues, “for Africans as immigrants the most socially relevant feature was their isolation, their desperate need to restore some measure of social life to counterbalance the alienation engendered by their social death.” But Small- wood’s approach is different in a subtle way. Whereas for Hartman, as for others, social death is an accomplished state of being, Smallwood veers between a notion of social death as an actual condition produced by violent dislocation and social death as a compelling threat. On the one hand, she argues, captivity on the Atlantic littoral was a social death. Exchangeable persons “inhabited a new category of mar- ginalization, one not of extreme alienation within the community, but rather of ab- solute exclusion from any community.” She seems to accept the idea of enslaved commodities as finished products for whom there could be no socially relevant relationships: “the slave cargo constituted the antithesis of community.” Yet elsewhere she contends that captives were only “menaced” with social death. “At every point along the passage from African to New World markets,” she writes, “we find a stark contest between slave traders and slaves, between the traders’ will to commodify people and the captives’ will to remain fully recognizable as human subjects.”30 Here, I think, Smallwood captures the truth of the idea: social death was a receding ho- rizon—the farther slaveholders moved toward the goal of complete mastery, the more they found that struggles with their human property would continue, even into the most elemental realms: birth, hunger, health, fellowship, sex, death, and time. If social death did not define the slaves’ condition, it did frame their vision of apocalypse. In a harrowing chapter on the meaning of death (that is, physical death) during the Atlantic passage, Smallwood is clear that the captives could have no frame of reference for the experience aboard the slave ships, but she also shows how des- perate they were to make one. If they could not reassemble some meaningful way to map their social worlds, “slaves could foresee only further descent into an endless purgatory.” The women aboard the Hudibras were not in fact the living dead; they were the mothers of gasping new societies. Their view of the danger that confronted them made their mourning rites vitally important, putting these at the center of the women’s emerging lives as slaves—and as a result at the heart of the struggles that would define them. As Smallwood argues, this was first and foremost a battle over their presence in time, to define their place among ancestors, kin, friends, and future progeny. “The connection Africans needed was a narrative continuity between past and present—an epistemological means of connecting the dots between there and here, then and now, to craft a coherent story out of incoherent experience.” That is precisely what the women on the Hudibras fought to accomplish.31

# 2NC

## K

### Impact – 2NC

#### The Black/White paradigm silences and renders invisible the histories and experiences of other racialized groups, re-inscribing racial oppression.

Perea 97 (Juan F., Professor of Law, University of Florida College of Law, California Law Review, 85 Calif. L. Rev. 1213, “The Black/White Binary Paradigm of Race,” October, Lexis)

One could defend the Black/White paradigm on the grounds that it represents the efforts of scholars to study the most virulent form of racism in the United States, White racism against Blacks, and that study of the most virulent form will naturally encompass less virulent forms such as those experienced by Latinos/as. The extent of White racism against Blacks, cruelly manifested in slavery, was unprecedented. Pervasive and continuing racism against Blacks justifies every effort dedicated to its eradication. There are at least three reasons, however, why an exclusive focus on Blacks and Whites is not justified. First, it is important to work to eradicate all racism, not just the racism experienced by Blacks. Second, it is wrong to assume that racism against Latinos/as is simply a less virulent form of the same racism experienced by Blacks. As Blauner described, racism against Latinos/as has a different genesis. It may also be different in kind in ways that are very important. For example, Blacks may or may not ever experience the language and accent discrimination faced by many Latinos/as. Finally, our national demographics are changing significantly. One cannot simply ignore the concerns of an increasingly [\*1254] large and subordinated group of Latinos/as forever. A society is just only if everyone can participate in it on equal terms. Some readers might object that Latinos/as are now, late in the game, attempting to lay claim to civil rights already hard won by Blacks after long struggle. I think the abbreviated slice of Mexican-American legal history presented in this article begins to refute this argument. In fact, Mexican Americans can lay claim to a long struggle for civil rights. Ironically, it is largely because of the Black/White paradigm of race that more people do not learn Mexican-American and other Latino/a history in the United States. So readers and scholars must begin to ask whether Latinos/as are invisible because they have not participated in social struggle or because scholars have been indifferent and have neglected to tell the stories of their presence and participation in social struggle. I suggest that the latter is the more accurate explanation. It is not my intent to fault Black and White writers for writing solely about Blackness and its relation to Whiteness. Indeed, such writing has improved everyone's understanding of White racism against Blacks. On this subject, we need more, not less understanding. An important justification for focusing on Whiteness is that White racism is the source of the problems they explore. n206 Such writing and scholarship is an act of struggle in itself and it need not be made in conjunction with or on behalf of any other group. My objection to the state of most current scholarship on race is simply that most of this scholarship claims universality of treatment while actually describing only part of its subject, the relationship between Blacks and Whites. Race in the United States means more than just Black and White. It also refers to Latino/a, Asian, Native American, and other racialized groups. Accordingly, books titled "Race in America" or "White Racism" that only discuss Blackness and Whiteness claim a universality of scope that they do not deliver. These books offer a paradigmatic rendering of their subject that excludes important portions of civil rights history. Authors of such books need to be aware that they promulgate a binary paradigm of race that operates to silence and render invisible Latinos/as, Asian Americans and Native Americans. Accordingly, they reproduce a serious harm.

### Impact – Alien/Foreigner – 2NC

#### This paradigm excludes other non-whites and constructs an us vs. them identity that generates conflict globally

Chen 10 (Ming – U.C. Berkeley, Jurisprudence and Social Policy Program (Ph.D anticipated 2010); J.D., New York University School of Law, “SYMPOSIUM: LATCRIT XIV OUTSIDERS INSIDE: CRITICAL OUTSIDERS THEORY AND PRAXIS IN THE POLICYMAKING OF THE NEW AMERICAN REGIME, OCTOBER 1-4, 2009: STRUCTURAL BARRIERS: KEEPING OUTSIDERS OUT: ALIENATED: A REWORKING OF THE RACIALIZATION THESIS AFTER SEPTEMBER 11”, 2010, 18 Am. U.J. Gender Soc. Pol'y & L. 411, lexis)

Part II reviews the literature proclaiming the formation of a new racial identity among Arabs, Muslims, and South Asians following September 11. Part III draws on theories of Orientalism, racial triangulation, and the perpetual foreigner motif to posit that the post-September 11 response to Arabs, Muslims, and South Asians results from the formation of an alien identity. Part IV explains the significance of the shift from the concept of racialization to alienzation for lawyers, judges, and legal scholars by connecting it to the jurisprudence of national origin discrimination. Specifically, Part IV enumerates instances where the "alienating" practices of the government function not only to cause harm to their intended targets, but also to distort the legal requirements of American immigration and citizenship. Part IV.A argues that the United States' over-reliance on immigration law as a weapon against terrorism - using a complex scheme of immigration legislation and judicial opinions in lieu of a comprehensive terrorism framework - renders immigration law and policy incoherent. Part IV.B shows that mischaracterizing suspected terrorists as noncitizens and illegal aliens, or alternatively employing the paradigm of race, imperils equality rights under federal antidiscrimination law. This article then concludes that processes of "alienation" enable the government to **detain, deport, and discriminate against** its citizens and legal immigrants in ways wholly inconsistent with constitutional guarantees and antidiscrimination logic. This treatment has consequences not only for Muslims, but also for Latinos and other immigrants who are the new scapegoats in the current discourse on immigration reform that has included proposals to deploy the National Guard to the Mexican border as part of the war on terror. Three premises should be clarified from the outset. First, citizenship requirements unavoidably draw lines between those deemed "insiders" and those deemed "outsiders." n4 Global migrations, including but not limited to, those of citizens whose attenuated loyalties grow into anti-American sentiments, place unprecedented stress on this nation's struggle to maintain a cohesive identity amidst an increasingly diverse polity. In recognition of this externally/internally-imposed stress, this article posits that the pressure **extends outward - extraterritorially** - with the "us versus them" racial dynamic of yesteryear (black versus white, north versus south), playing itself out **on a globally-scaled playing field** of citizens versus noncitizens, **countrymen versus aliens**. [\*414] Second, this article contends that racialization, while not wholly inaccurate, is an insufficient explanation for the post-September 11 phenomenon. This article begins by recounting the problems associated with the racialization thesis in order to clear the way for a framework more closely aligned with the experiences of Arabs, Muslims, and South Asians. While the alienation thesis is meant to serve as a reworking of the racialization thesis, rather than a rejection of it, this paper presumes that maintaining an unrelenting focus on race obscures the phenomenon of alienation and elides critical distinctions between traditional minorities and so-called new immigrants, many of whom lack the opportunity to fully integrate into American society in light of their perceived or actual transnational identities as naturalized citizens. n5 The third premise is really a clarification of terminology: the proposed term "alienation" is inspired by the use of the term "alien" as a descriptor of legal status in immigration law, as opposed to an operative term within a Marxist critique of capitalism. "Nativism" is a similar term used mostly to describe antipathy or discrimination against South European immigrants in the 1920s, but "alienation" is endorsed as a preferable alternative because it denotes the distinctly pernicious phenomenon of the citizens and the state constructing the legal status of Muslims, South Asians, and Arabs as alien outsiders, regardless of their actual legal status, after September 11. n6 II. Racialization Thesis: Post-September 11 Responses to Arabs, Muslims, and South Asians In a newspaper article commemorating the fifth anniversary of the September 11 attacks, the San Francisco Chronicle reported, "as the war on terror heads into its sixth year, a new racial stereotype is emerging in America. Brown-skinned men with beards and women with head scarves [\*415] are seen as "Muslims' - regardless of their actual faith or nationality." n7 While the specific terms vary, the critical race scholars' and sociologists' characterization of the emergent alien identity have coalesced around appearances and phenotype, as evidenced by the enduring stereotypes regarding "Muslim-looking" n8 people and by the expression "flying while brown." n9 The nature of their grievance is typically that the socialization of these groups into mainstream society is accompanied by the assignment of an inferior racial identity that is subordinate to whites within a racial hierarchy. This Part reviews the legal literature describing post-September 11 responses to Arabs, Muslims, and South Asians as processes of racial formation. Part II.A describes the dominant narrative of racial formation among Arabs, Muslims, and South Asians, or "racialization;" Part II.B describes a variant stream from Asian American scholars premised on the perpetual foreigner motif. A. Processes of Racial Formation The paradigmatic work on racial formation is Racial Formation in the United States: From the 1960s to the 1980s, by U.C. Berkeley and U.C. Santa Barbara professors Michael Omi and Howard Winant. n10 Their theory of racial formation describes the creation and characterization of racial categories as a variable process **that has played out differently for different groups**. n11 This process leads to different trajectories for **blacks, whites, and "**the other non-Whites:" n12 "Native Americans faced genocide, blacks were subjected to racial slavery, Mexicans were invaded and colonized, and Asians faced exclusions." n13 Moreover, the process constructs a racial hierarchy with whites on top and racial minorities, particularly African [\*416] Americans and Latinos, on the bottom. As Professor Winant explained in an interview with the San Francisco Chronicle regarding the racialization of Arabs, Muslims, and South Asians, beliefs are hard to spot on the street and stigma demands a physical image. As a result, "we have to get racial, because it's got to work through appearances." n14 Yen Le Espiritu elaborates on the significance of racial formation in pan-ethnic communities, using as his case study the forging of an Asian American identity from previously distinct, migrant communities. n15 While immigrants hailing from Japan, China, Korea, Vietnam, and India may not have shared a common language, history, or culture in their native lands, they underwent a shared experience of being "raced" upon arriving in America. n16 Similarly, Middle Easterners from divergent lands are consolidated into a single ethnic identity that is socially nonwhite or perhaps brown, even if the law has historically considered Middle Easterners white. n17 A review of the burgeoning literature on post-September 11 responses to Arabs, Muslims, and South Asians reveals that the modern racial reality is even more complicated. While many legal scholars seem to be responding to a similar set of circumstances that includes stereotyping, discrimination, and violence toward "Muslim-looking" people, there is little agreement on the terms of this identifiable and mutually agreed-upon phenomenon. n18 In the absence of a unifying theory, many scholars have settled on the [\*417] inherited paradigm of racial stereotyping from the civil rights era and its successor, critical race theory: "racialization." Muslim racialization extends the black-white paradigm, but it does not necessarily alter the basic notion of a color spectrum. John Tehranian and other Middle Eastern scholars point out that in practice, the Muslim category cuts across racial groups. Moreover, Middle Easterners are actually classified by the government as white, even though they do not enjoy the privileges associated with being white. n19 Consequently, the problematic treatment of Muslims stems from a confusion among racial categories. Slightly more nuanced positions are taken up by Irene Silverblatt and Devon Carbado, who suggest that this sort of "race thinking" encapsulates a broader phenomenon than racism. Silverblatt says that it actually refers to "any mode of construing or engaging social hierarchies through the lens of descent." n20 Carbado disaggregates multiple dimensions of citizenship and unpacks the ways that these layers align for different racial groups. The model most closely fitting the Asian American experience diverges from the myth of naturalization by classifying Asian Americans as ineligible for citizenship. n21 Shifting the focus from race to descent or national origin improves the analysis of identity formation, but it does not by itself clarify the confused position of Muslim identity. Some scholars have instead sought to classify the treatment of Muslims in nonracial terms, such as religious profiling. n22 While these reclassifications hue closer to the complex reality of modern profiling, their focus remains on the belief systems and behaviors of an alternative social identity within a familiar array of protected categories from antidiscrimination law - race, religion, color, sex - rather than recognizing the construction of Muslims as legal outsiders. B. Orientalism and the Perpetual Foreigner Motif Against the background of Omi and Winant's influential theory of racial formation, Asian American race theorists have described a distinctive racialization process for Asian Americans which serves as a model for [\*418] understanding the transformation of Muslims into aliens. Sucheng Chan's social history of Asian Americans, for example, describes the ongoing depiction of Asians as perpetual foreigners and attempts to explain the processes by which Asians viewed as "alien" outsiders are racialized and subordinated. n23 Claire Jean Kim posits dual processes of "civic ostracism" and "relative valorization" that work together to position a minority group. n24 Kim's signal insight is that these two group-centered processes of socialization do not merely run in parallel: they influence the relative position of groups and render interdependent the multiple dimensions of group identity. Collectively, Kim and Chan illuminate the anti-immigrant, as well as racist, dimensions of hostility distinctively experienced by Asian Americans. The dual nature of mainstream hostility, and the Asian American identity that emerges in response to it, bespeaks a similar tension presented in the consolidation of a post-September 11 Arab, Muslim, and South Asian identity. However, the positioning of Asian identity in relation to only blacks and whites is limiting not only because there are other colors in the rainbow, but because actual or perceived legal status also comes into play. The distinctiveness of Asian American processes of racialization goes at least as far back as Justice Harlan's 1896 dissenting opinion in Plessy v. Ferguson, the foundation upon which modern civil rights laws have been built, which states: "there is a race so different from our own that we do not permit those belonging to it to become citizens of the United States. Persons belonging to it are, with few exceptions, absolutely excluded from our country. I allude to the Chinese race." n25 American citizenship, through the process of naturalization, aspires to challenge the immutability of racial difference by setting forth a myth that becoming a citizen bestows "insider" status on heretofore "outsiders." The reality, of course, has always been that traditional processes of racialization work to produce clear "second class citizenship" for naturalized citizens who are also racial minorities, unlike the magic that transformed European immigrants into full members of society. n26 Nevertheless, for blacks integrated after the fall of Jim Crow, Latinos incorporated through territorial acquisition, and Native Americans relocated to tribal reservations, the rightness of granting citizenship and other fundamental dimensions of nationality acquiesced to issues of social acceptance. This [\*419] was not true for Asian Americans. Moreover, Asian American law scholars have excavated within the theme of the perpetual foreigner the notion of disloyalty. The Chinese Exclusion Acts that led to the plenary power doctrine were forged in response to the post-Civil War labor needs of the mid-1800s and may have fueled the opinion of Justice Harlan in Plessy. n27 As gold became harder to find and competition increased, animosity toward the Chinese and other foreigners grew. Public opinion discredited the Chinese, blamed them for white unemployment, and accused them of being unpatriotic. n28 The sense of Asian distinctiveness begun in the Chinese Exclusion era only heightened during the World War II internment of Japanese American citizens. Security-based justifications for internment in Korematsu v. United States n29 arose amid doubts that citizens with conflicting loyalties to two countries at war might prefer the Japanese emperor to the American president. n30 [\*420] Recent scholarship on the mistrust of Muslim-looking people after September 11 most often analogizes it to the construction of Asian American "others" who were frequently and unfortunately deemed not only different, but also "disloyal." Scholars such as Eric Yamamoto, Maggie Chon, Frank Wu, Carol Izumi, and Jerry Kang articulate the modern manifestation of such Asian distinctiveness in a remarkable casebook that utilizes the internment as a lens for understanding Asian American jurisprudence more broadly. n31 Law professor Natsu Saito also makes explicit links between the Japanese internment experience and the post-September 11 response to Arabs, Muslims, and South Asians, stating that "just as Asian Americans have been raced as foreign, and from there as presumptively disloyal, Arab Americans and Muslims have been raced as terrorists." n32 Presumed to be enemy aliens or shadowy fifth columns, prone to using their insider status to benefit the Japanese emperor, the Japanese residing in America simply could not be trusted to abide by the magic of citizenship - whether bestowed by birth or acquired through naturalization - and its attendant ceremony of loyalty to the United States. The parallels to the experience of Muslim Americans are striking. These linkages between immigrant identity and disavowal of the law take us into the modern moment, where immigration law and criminal ideologies are intertwined. n33 III. Alienation: A Reworking of the Racialization Thesis As a reworking of the "racialization" hypothesis, this article argues that a more apt description for the process of identity group construction vis-a-vis post-September 11 responses to Arabs, Muslims, and South Asians **is "alienation."** This Part defines alienation, drawing on theories of Orientalism and the perpetual foreigner motif to re-interpret the construction of the target group and its responses toward public and private acts of discrimination. A. Definition of Alienation As set out in this article, alienation is a process by which citizens and states construct an identity for a target group in opposition to those who share membership within a putatively legal community. The "process" is [\*421] one of boundary construction, akin to what sociologists call group-making in the tradition of Weberian social closure. n34 The "target group" referred to here consists of the conglomerate of Arabs, Muslims, and South Asian "Muslim-looking" people who are either actually noncitizens, or perceived to be. However, the same concept could easily be extended to Mexicans and other actual or perceived immigrant groups who have been excluded from the boundaries of citizenship. The putatively legal community refers to social, cultural, political, and legal belonging within the American polity, but is defined by who it does not include - chiefly, and to varying degrees, naturalized citizens, legal permanent residents ("LPRs"), and undocumented immigrants. In the wake of the September 11 rhetoric about the war on terror, the criminalization of immigration law exacerbated the oppositional boundary used to separate "us" from "them," resulting in what Juliet Stumpf calls the "crimmigration crisis." n35 While the ostensible justification for the dividing line is the appropriateness of a sovereign nation state establishing its boundary of membership, the blurring of citizen/noncitizen, legal/illegal, and immigrant/criminal suggests considerable confusion. Understanding that nation states necessarily draw their boundaries along geopolitical lines and frequently assign differing bundles of benefits and burdens to "insiders" and "outsiders," more needs to be said about the distinctive process of alienation in the United States. As a nation comprised of high percentages of immigrants from an unusually wide array of national origins, the United States is particularly prone **to displacing its foreign policy conflicts** onto the members of its community who are perceived to be affiliated with, or responsible for, the external threat by virtue of their transnational identities. The United States **has long internalized its threats** whilst engaged in international conflicts. As a consequence, a Red Scare and foreign conflict with the Soviet Union during the Cold War were accompanied by the excesses of McCarthyism and the deportation of Eastern European immigrants, and antipathy toward Axis powers led to the harassment and internment of German Americans during World War I. Asian American scholars have similarly described threat displacement - in the form of discrimination and government-ordered internment - following the bombing of Pearl Harbor by the Japanese during World War II. In the same spirit, the post-September 11 [\*422] war on terror is attended by excessive antiterrorism efforts and undue suspicion toward Arab, Muslim, and South Asian people - regardless of their actual status as citizens or immigrants descended from the Middle East. n36 The perceived competition for the loyalty of Arab, Muslim, and South Asian people threatens their belonging in the American polity. Rather than merely placing these people on the margins - some naturalized citizens, some immigrants - but still within the boundaries of a legal imaginary, an oppositional identity is constructed that stigmatizes them as ambiguously ominous others: illegal aliens.

### Impact – Alien – Turns Whiteness

#### Alien discourse shores up social institutions of whiteness and project worse forms of racism – turns case

Burns 1 (Christy L., Associate Prof. of Eng at College of William and Mary. “Erasure: Alienation, Paranoia, and the Loss of Memory in the X-Files”. Camera Obscura Vol. 15, No. 3, 2001, Project Muse)

America has always been a land of uncertain boundaries. Even with two oceans abutting either coast, its initial status as a colony—and later internal colonizer of Native Americans, African slaves, Chinese and Mexican slave labor—has marked it as a nation of perforated borders and mixed ethnic identities. How little surprising then that its paranoid tendencies should oscillate between distrust of centralized government power and fear of an “alien” breach of national security.1 US cultural constructs of the alien repeatedly link illegal or unassimilated aliens and their mythological counterparts—aliens who descend from outer space, with, to use Orson Welles’s fictional account, gray snaking bodies and faces so unfamiliar that they inspire sheer horror. I am suggesting here that American anxiety about aliens follows a paranoid structure, manifest in radical reifications of identity that purify **the paranoid subject as** “good” and externalize all internal instabilities (failures, “evil” and maladaptive intent) onto some other. This paranoid scenario involves repeated dissolution of boundaries and disruption of identity consolidation, so that attempts to differentiate self from other are launched with increasing agitation. In the 1990s in the US, gestures of aggression against historically marginalized racial and ethnic groups accelerated. Jasper, Texas, became the media’s exemplar of racial hatred in June 1998, with the murder and mutilation of an African American man receiving national scrutiny amid a culminating rise of white supremacist actions, through which the multiculturation of American society was being stringently resisted.2 Curiously synchronic with the decade’s swell in violence against internally perceived “aliens,” the Fox television network ignited unexpected fervor with The X-Files (which debuted in 1993) and its stories of externally perceived aliens invading from outer space. A film noir, paranoid detective scenario centered on reports of UFO sightings and paranormal events, the program garnered a global following, closing its first season with 5 million households viewing, eventually attracting a full 13.7 million.3 Under Chris Carter’s tutelage, the show unfolded a series of classic American paranoid scenarios, linking cultural anxiety alternately to governmental erasure of evidence of UFOs and to 196 • Camera Obscura fear of those aliens themselves. Interestingly, the series shifts between scapegoating and advocating for aliens, with the show’s two main characters, Fox Mulder (David Duchovny) and Dana Scully (Gillian Anderson) functioning as rebel FBI agents repeatedly accused of operating outside the bureau’s regulations. Mulder and Scully determinedly pursue traces of evidence supposedly erased by the US government and, in consequence, face repeated career- and life-threatening suppressions, while their conspiracy theories appear to oscillate between government- (center) and alien- (other) focused suspicions. In fact, in a paranoid gesture, any radical externalization of alienation suffices to salve momentarily the discomfort with identity instability, and so the alien may be found conspiratorially within (in governmental, supposedly protective structures) and without (in outer space or outside the boundaries of the normative culture). Aliens may tacitly be those frightening beings who drop from outer space, but this cultural phantasm operates as a thinly disguised anxiety about illegal aliens who cross national borders, allegedly abduct jobs, and create “mutant” children through miscegenation. So while paranoia, as François Roustang describes it, need not practice racial othering, in the American consciousness, with its identificatory core defined by a history of flight from persecution, necessary relocation, and ethnic assimilation, cultural paranoia is often focused on ethnic and racial instabilities. This may be caused by the very heterogeneity of US origins, which contradicts normative notions of pure, reified origins and identity. If, in Jacques Lacan’s analysis, all subjects suffer from internal alienation— a fissure between egoistic and superegoistic functions— the paranoiac can be distinguished as one who fails to come to terms with the realization that we are all defined by this internal ambivalence, lacking any fixed, core being.4 Paranoiacs symptomatically insist on their individuality and perceive a conspiratorial world to help them consolidate their imaginary, psychic boundaries, and in US culture the multicultural other as “alien” (illegal or otherwise) serves as the negative double that both threatens and then affirms (as a locus of negative identification) the paranoiac’s identity. The X-Files simultaneously plays on this oscillation Erasure • 197 in American identity while also triggering an implicit cultural-psychological analysis of its more oppressive constructions of racial and cultural “others.” Most remarkably, the show does not merely repeat the simplified othering of aliens; rather, it rescripts and therein opens up a critique of the classic gesture of marginalization in American anxiety about aliens and alienation. In its first five seasons, The X-Files engaged in a subtle dialogue with aggression against marginalized groups, demonstrating how aggression shores up “whiteness” **and a homogenized American image**.5 Yet beyond each season’s shifting depiction of government- and alien-entwined plots, the very construction of American conspiracy theories and postmodern paranoia is explored, as the show makes visible the buried social implications of centrist politics. Viewers become increasingly aware of how conspiracy narratives must constantly rupture and how demonized aliens are in fact no more than stand-ins for marginalized groups. This occurs as Chris Carter and his team of writers engage in a critical revision of the very genres of hard-boiled detective drama and film noir upon which The X-Files draws.6 In American hard-boiled detective fiction, hoodlums are repeatedly cast as foreigners and marginals, those who must be beaten back because they pose **a threat to the white, heterosexual, middle-class values** espoused in Bogart films and novels by Raymond Chandler and Dashiell Hammett.7 Now, in the particularly American appropriation of noir in the 1990s, aliens provide an emotional cathexis point for anxiety about Americans’ history as colonizers (geographically and culturally) and as scientists—colonizers of knowledge, which can be used for germ warfare, genetic manipulation, surveillance, and spectacular weaponry. In The X-Files, the technological grandeur of alien ships is cause for wonder—a kind of futuristic sublime—while the alien’s role as hyperdefamiliarized scientist taps into fears of technology beyond human reach and available for manipulation toward malevolent ends. The paranormal may be aligned with the feared alien race, which is more technologically advanced, or alternately it may reside in marginalized cultures that have been suppressed in the making of the American image.

### Link – 2NC

#### Their affirmative is a tragic misreading of the post 9/11 racial landscape in the United States, they create a binary between who is a black and non-black Muslims and deny that Arab Americans and people of Middle Eastern descent are ALSO racial categories that must be acknowledged – this is offensive and should be rejected

Howell 9 (Sarah F. Howell, PhD in American Culture from the University of Michigan, “Inventing the American Mosque: Early Muslims and Their Institutions in Detroit, 1910-1980,” <http://deepblue.lib.umich.edu/bitstream/handle/2027.42/64728/sfhowell_1.pdf?sequence=1>)

Lisa Lowe has argued that race, “the locus of economic, gender, sexual, and cultural conflicts that organize our contemporary politics, remains, after citizenship, the material trace of history and thus the site of struggle through which contradictions are heightened and brought into relief” (1998:26). Lowe’s understanding of racial difference emphasizes the social, political, and discursive processes that make racial categories meaningful to majority and minority subjects alike. Building on this emphasis, many scholars have begun to argue that the social category Muslim American (and the category Arab American with which it is often twinned) operates now in a capacity similar to that of racial categories: it provides a marker of difference that can be used to construct economic, ideological, political, judicial, emotional, and other boundaries between a Self and Other imagined to be essentially different and unequal (Jamal 2008, Naber, 2008, Bayoumi 2008, Maira and Shihade 2006, Cainkar 2009). This body of work is recent and focuses largely on the post-9/11 period and the consequences of the War on Terror for the civil liberties and human rights of Muslims and Arabs, both in the U.S. and globally. The idea that Arabs, Muslims, and Middle Easterners are being racialized is a complex assertion that makes immediate sense to many scholars and little sense at all to others, especially when this formula is applied more specifically to Muslims, who are not in any conventional sense a racial group, and who do not generally identify as a unified racial bloc. Among American Muslims, disparities of wealth, incarceration, education, health, and socioeconomic opportunity map onto existing U.S. ethnoracial categories. Shared experiences of anti-Muslim discrimination have not offset these differences, a fact that has led some scholars to question whether the new racialization paradigms can be consistently applied to Muslims as a group.12 Despite the political urgency and novelty of these arguments, surprisingly little work has been done on the historical development of Muslim American identity as both multiracial and integrally religious. In the early 20th century, Muslims living in the United States were located in different racial categories, just as they are today, and the impact of these racial attributions on the social and political opportunities available to Muslims was profound. Historically, American Muslims have been accommodated very differently in relation to whiteness, but attempts to racialize Muslims have consistently run up against Muslim American efforts to imagine and organize themselves as a pan-ethnic, polycultural religious community. The binary, racially polarizing language of black (Muslim) and white (Muslim), of American born and immigrant Muslim, of convert and born Muslim is pervasive in Detroit, but it is also offensive and politically unappealing to many Muslims, and this stance has been common in Detroit since the first mosques were established there in the 1920s.

### Link – A2: About Anti-Blackness

#### They explicitly said in 1AC cross-x they are fighting anti-blackness – that discourse is a link – focusing on Anti-Black thought re-entrenches the Black-White paradigm and marginalizes alternative forms of oppression

Westley 99 (Robert – Associate Professor of Law, Tulane Law School, “INTER-GROUP SOLIDARITY: MAPPING THE INTERNAL/EXTERNAL DYNAMICS OF OPPRESSION: Introduction Lat Crit Theory and the Problematics of Internal/External Oppression: A Comparison of Forms of Oppression and InterGroup/IntraGroup Solidarity”, July 1999, 53 U. Miami L. Rev. 761, lexis)

Sticking to the task at hand meant that it was necessary to defer certain exchanges. But the incitement to critical dialogue represented by these writings, I believe, is a general feature of this collection. In Social and Legal Repercussions of Latinos' Colonized Mentality, Laura M. Padilla argues, for example, that internalized racism and oppression explains the support by some Latinas/os of repressive anti-Latino policies and anti-Black social behavior. Backed up by compelling examples, her argument is nonetheless complicated by the critical race theory of hegemony and its relationship to racial domination. n1 As critical race [\*762] theorist Kimberle Crenshaw explains, the concept of hegemony has been used to account for "the continued legitimacy of American society by revealing how legal consciousness induces people to accept or consent to their own oppression." n2 But in relating the concept of hegemony to the dynamics of racial oppression, Crenshaw finds that coercion rather than consent better explains the way in which people of color are drawn into the ideology of the dominant class. n3 This reworking of the Du Boisian double consciousness thesis emphasizes the historical ways in which people of color resist rather than give in to their own oppression but are faced by a lack of options. Padilla picks up on the psychological dimensions of internalized oppres sion and racism among Latinas/os to examine the political and social consequences of giving in to the master narrative according to which being a white English-speaker is better than being a Latina/o bilingual or Spanish-speaker. In Padilla's psychological exploration, the concept of hegemony implicitly re-emerges at the level of the sociopolitical con sciousness of some Latinas/os who fail to resist dominant ideology, not through lack of options, but through social conditioning and defaulting to majority rhetoric. The re-emergence of neo-Marxian hegemony analysis in its pristine critical legal studies form, n4 as Padilla recognizes, leads to the recon structive paradox: If identification with domination entails self-depricat ing criticism and a discriminatory mentality along the axis of "light" and "dark," then how is it possible to reverse the polarity of racial valuation? Put differently, where being dark-skinned or black is the color of subju gation among those who are raced as Latina/o, how is it possible for the Latina/o community to reclaim and embrace its own African and indige nous elements? Thus, the problem of self-hatred within the Latina/o community presents a dilemma of both intra-group and inter-group transformation. Transformation seems to require identification with subordinated elements within the Latina/o community while at the same time rejecting subordination, whereas identification with domination involves rejection of the subordinated themselves and acceptance of sub ordination. The paradox lies not only in the inability to see oneself among the excluded but also in the belief that such exclusion is legiti [\*763] mate or necessary. The pervasive confirmation of the aims and values of domination implied by hegemony analysis makes it seem impossible to depart the enchanted circle of internalized racism and oppression. n5 There is no easy solution to this paradox, although part of the solu tion would certainly entail analysis and rejection of white racism. The belief that to be light or white is intrinsically and aesthetically better than to be dark or black is a dynamic that reflects white normativity and leads to internalized oppression within communities of color. n6 Adher ence to color hierarchies, as a retrograde acquiescence to the imperatives of Anglo supremacy, inhibits the formation of solidarity among and between Latina/os and other communities of color. Thus, critiquing the construction of whiteness as normative seems integral to the project of reconstituting Latina/os and other communities of color in solidarity. However, the critique of white racism may only be an initial stage in the process of eliminating internalized oppression. For her part, Padilla views the problem of reconstructing antiracist political consciousness as a matter of defining the Latina/o community in terms of self-analysis and solidarity. Starting at the group level, Padilla suggests that sustained development of critical alliances within the Latina/o community is an important first step in overcoming inter nalized oppression. Through solidarity with others who are critical of status quo racism, Padilla believes that an ethic of community accept ance can be nurtured. At the individual level, Padilla suggests that intro spection on the meaning of being Latina/o can bring about revaluation of self and community. The subordinated when they identify with domina tion identify with their own stereotype, foreclosing an encounter with the self as belonging to a community of persons united by a unique experience of oppression. Self-analysis, it is proposed, fosters the insight among individuals that stereotypes of Latinas/os serve to opera tionalize their oppression. To the extent that it raises the problematic of Latina/o self-hatred from an intracommunity standpoint, Padilla's is a privileged critique in reference to which those defined as outside the community may only obtain secondhand access. By contrast, in BlackCrit Theory and The Problem of Essentialism, Dorothy E. Roberts takes on the more open- textured issue of racial particularization implied by Lat Crit, and ques tions whether it would be essentialist to speak of "Black Crit" where the [\*764] focus of analysis is on Black women's experience. Roberts reminds us of the importance of the derivation of the antiessentialism critique and posits that her use of the title "women of color" is intended as an anties sentialist gesture, even though the subject of analysis is in fact Black women. For Roberts, essentialism pertains to the treatment of intra group realities as uniform and universal. Thus, the resort to racial par ticularity is not intrisically essentialist so long as occupation of the center of analysis remains open to the articulation of intergroup com monalities and differences, as well as the occasional decentering of par ticular racial subjects. The matter of decentering the Black subject in particular has gar nered special attention and importance in Lat Crit discourse under the rubric of the Black-White paradigm. n7 The Black-White paradigm refers to the tendency in mainstream discussions of race **to treat race as a binary opposition between Black and White**. This racial lens, of course, leaves those who are non Black and nonwhite out of the picture and on the margins. Lat Crit itself can be seen as in part an attempt to shift the central focus of analysis away from the monotony of Black-White rela tions and onto the Latina/o community. The Black-White paradigm critique challenges the marginalization of non Black/non White racial experience. However, the Black-White paradigm critique is frought with its own dangers of excess and mischaracterization of race relations. For her part, Roberts poses the question troublesome to the Black-White paradigm critique of who should take responsibility for the Black-White paradigm. Critique of the Black-White paradigm should hold Whites account able for the manifold ways in which the problem of racism in dominant discourse is characterized **exclusively as a problem of anti Black racism**, **thus marginalizing the racial oppression of non Black, nonwhites**. In other words, the critique of the Black-White paradigm should not be used as an instrument for castigating Blacks who focus their efforts on resistance to antiBlack racism; rather, it should occasion a broader anal ysis of and opposition to the racisms that **affect various communities of color**, including Latina/os. Recognizing that the Black-White paradigm is a shorthand expression for obsessive attentiveness to antiBlack racism does not make attentiveness to antiBlack racism a critical blindspot, nor should it imply that Blacks and Whites are co-equal partners in the nar [\*765] rative exclusion of nonBlack nonWhites from the story of racial oppres sion. Indeed, the paradigm itself must be seen as a measure of the extent to which an antiBlack sociopolitical environment generates the idealiza tion of Blacks as the racial group most necessary for Whites to avoid. Roberts is concerned that avoidance of Blacks in an antiBlack sociopolitical context is dangerous. She argues, for instance, that the Black-White paradigm, rather than benefitting Blacks, instead benefits whites in the market for reproduction assistance and adoption. The para digm, which undoubtedly exists, is thus seen as the locus of negative white obsession with the avoidance of Blacks, an avoidance that may get repeated within minority Black-White paradigm critiques. Echoing Padilla's point about antiBlack social behavior among some Latinas/os, Roberts believes that the Black-White paradigm actually inhibits recog nition and formation of political identities that embrace Blackness as an element of its community self-definition. Therefore, it seems likely that inclusive recognition of multiple and overlapping community identifica tions, such as that which may be embodied by the black Latina/o, may help to alleviate the binarism of dominant racial discourse.

### Link – Whiteness – 2NC

#### Focusing on disrupting whiteness generates a black/white binary – that re-inscribes oppression

Harris 6 (Cheryl – Professor of Law, UCLA School of Law; Faculty Director, Critical Race Studies Program. B.A., Wellesley College; J.D., Northwestern University, “Review Essay: Whitewashing Race: Scapegoating Culture”, 2006, 94 Calif. L. Rev. 907, lexis)

I The Project A. About Method: Revisiting the Black/White Binary At the outset, Whitewashing Race makes a critical methodological choice to focus almost exclusively on racial subordination **as reflected by dichotomous constructions** of Blackness and Whiteness, a binary that has been called the Black/White paradigm. Legal scholars have critiqued this racial frame as one that tends to view **racial subordination solely through the experience of Blacks**, and consequently obscures the ways in which subordination **is experienced differently across racial groups**. Clearly racial formation - the processes by which racial categories come into being and are maintained n24 - varies across time, geography, and peoples. As the authors of Whitewashing Race openly acknowledge, in the United States "the color of race and racism has never been monochromatic," particularly as the contemporary racial landscape is complicated by changing racial demographics in which the Black population is decreasing and interracial couplings produce contested racial identities outside familiar categories (x). Nonetheless, the authors choose to articulate their critique of colorblindness through an analysis of Black/White inequality (x-xi). They justify this "Black and White" frame on two primary grounds (x). They first contend that their project responds to conservative racial politics that are largely articulated in Black and White terms. They note that Latinos and Asians, for example, appear in the dominant racial discourse primarily as disciplinary examples invoked in opposition to, and in condemnation of, Blacks (x). For example, Latinos, particularly immigrant workers, are lauded for their quiescence and hard work, in contrast to Black workers who are viewed as contentious and unmotivated. Asians are said to exhibit both a salutary work ethic and greater intellectual capabilities than Blacks. n25 Asian and Latino racial identities, while still subject to highly negative stereotypes, are nevertheless invoked to reinforce the story of Blacks' failure to assimilate. Asian and Latino racial experiences, then, are not engaged on their own terms, but are primarily mechanisms to reinforce Black inferiority and, by logical extension, the fact of White superiority. However, that the prevailing view of race is grounded in Black and White does not necessarily legitimate the authors' choice, particularly [\*916] where, as here, the crabbed, dominant conception of race is precisely what is being contested. The authors therefore offer a second, more substantive rationale for working through the Black/White paradigm: The Black/White binary persists as a feature of everyday life and is crucial to the commonsense understanding of racism... . Whiteness in the United States has never been simply a matter of skin color. Being White is also a measure, as Lani Guinier and Gerald Torres put it, "of one's social distance from Blackness." In other words, Whiteness in America has been ideologically constructed mostly to mean "not Black." The increasing numbers of Asians and Latinos in the United States and the development of a Black middle class have not changed this ideological construction of Whiteness... . [The] dichotomy [is] not between Black and White, but between Black and non Black (x-xi). n26 By explicitly focusing on Black/White inequality, the authors implicitly challenge the critique that the Black/White paradigm is a faulty description of racial hierarchies in the United States. n27 Their approach accepts that the Black/White paradigm may not accurately reflect racial demographics, because, in part, it does not seek to do so. Instead, it describes racial power. n28 Within the Black/White binary that undergirds prevailing social relations, "Black" and "White" signify ideological concepts and do not operate as phenotypic markers, nor even as racial categories in the sense of creating socially constructed communities. Rather, Black and White are relationally constructed. Whiteness is the position of relative privilege marked by the distance from Blackness; Blackness, on the other hand, is a legal and social construction of disadvantage and subordination marked by the distance from White privilege. n29 [\*917] This is not to say that "Yellow," "Red," and "Brown," are not also oppositionally positioned vis-a-vis Whiteness. Rather the point is that "Yellow," "Red," and "Brown," are **often explicitly situated within the racial frames of "Black" and "White**." Indeed, "Black" or "colored" have historically functioned within the law to include Chinese and Japanese immigrants, and others who have struggled to escape the chains of Blackness. n30 At the same time, "White" has expanded and contracted to both include and exclude Mexicans n31 and Arabs. n32 The real binary, then, is Black/not Black. n33 Thus, by focusing on Black/White inequality, Whitewashing Race does not uncritically affirm the Black/White paradigm that excludes or marginalizes the experiences of other racially subordinated groups, but instead self-consciously chooses to frame its analysis within this dominant view. That said, it becomes important to situate this work, and indeed to situate any work that focuses on a binary racial comparison, in the context [\*918] of its role in the racial dialogue. n34 Not all projects warrant condemnation for choosing to employ a Black/White analytic framework. On the other hand, it does not follow that any project that focuses on Black/White relations is immune from the criticism that this binary obscures rather than reveals current racial dynamics. How then do we tell the difference? In part, the answer must begin with an analysis of the purpose for which the comparison is being deployed. Here the project is to attack colorblindness, a reductionist view of race and racism that is intimately linked to asserting a relationship between racial inequality and social pathology, of which Black people are the paradigm case. n35 While racial subordination impacts all persons, and particularly all persons of color, the point the authors make is that, given the strength of the Black/not Black paradigm, it is crucial to focus on Blackness, precisely because it is materially and phenomenologically defined relative to White advantage. That said, the success of the bigger project - to expose the myth of colorblindness - **depends upon engagement** with other analyses of the experiences of Asians, Latinos, and indigenous peoples. To further expose the myth the authors seek to dislodge, these analyses should not only identify important commonalities and differences between groups, but should also clarify why everyone has a stake in eliminating racism. n36 Mapping the interlocking ways in which racial subordination functions both within and among groups remains central to shifting the national discourse about race and racism.

#### Starting discussions about race from a starting point of whiteness re-entrenches a black/white paradigm

Caldwell 99 (Paulette – Professor of Law, New York University School of Law., “ARTICLE: THE CONTENT OF OUR CHARACTERIZATIONS”, 1999, lexis)

I do not argue that the same pattern of absorption into dominant whiteness will be followed with respect to the groups now making up the lion's share of U.S. immigration, nor do I mean to exclude the possibility that many Blacks can be reconfigured as Whites. However, it is at least possible that whiteness will be redefined to include either groups or individuals now considered less than dominant White. In addition, blackness may also be reconfigured to include more than African Americans. The problem with the Black-White paradigm is not simply that a particular group - typically, African Americans - is represented on the bottom. The problem is that there needs to be a bottom group and that the bottom group needs to be racially defined. The definition of the bottom can center on biology; it can also be ordered around appearance rather than ancestry, with a preference for standards related to biological notions of Whiteness. These appearance standards are not just aesthetic but have [\*107] real, material and psychological consequences. n160 Blackness may come to be centered around class, class intersecting with but not supplanting race as a signifier. The term "poor White" may come to be seen for what it really is and has always been - another racial classification akin to "other" White. When applying the concept of racial group agency to the role of demographic projections in the reconstruction of racial paradigms, scholars need to be more attentive to the consequences of the reconstructions they advocate and to potential redefinitions of whiteness and blackness. They should also consider that demography can be used deliberately, rather than inadvertently, in the service of particular reconstructions. The principal ideological effect of the Black-White paradigm has been to create a hierarchy of races with Whites and whiteness at the top, Blacks and blackness at the bottom, and other colors and color groups along a continuum between the two. Economic and other social indicators, including salient changes in demography, both capture and complicate but do not completely reflect or supplant the essence of this historic relationship or its ideological underpinnings. n161 Selected social and economic indicators can amount to no more than snapshots in rapidly changing social and economic patterns. Gross statistical comparisons often do not support the stories they are intended to enliven. Finally, nothing suggests that trade [\*108] and other relations with foreign nations will not radically alter both the White and non-White composition of current immigration patterns. Through our own characterizations, we could find ourselves wedded to new racial paradigms that do not represent racial reality any more accurately than the existing one. 2. Racial Essentialisms The idea of racial group agency and responsibility can also be usefully applied to the development of racial essentialisms. An analysis of differential racialization is necessary to understand the varied operations of White supremacy and to assist in determining the extent of a particular group's situational power in a given context. However, differential racialization can also lead to power evasion. The analysis of difference need not lead to false equivalencies among groups. At the same time, scholars need to focus on the myriad ways a particular aspect of racialization, such as foreignness or susceptibility to color-based racism, can be used to create insignificant differences among groups. Blacks are treated as perpetually foreign; Latinos and Asians are denied the benefits of racial understandings when they are treated as White or its equivalent; any group can be effectively racialized as much by being characterized as an ethnic group as by being denied that characterization. Accurate descriptions of differential racialization depend on keeping a simultaneous focus on difference as well as sameness and applying both perspectives to the analysis of specific interracial conflicts.

#### The affirmative marginalizes a variety of views and props up worse forms of prejudice

Carbado 2 (Devon – Acting Professor of Law, UCLA School of Law, “CRITICAL RACE STUDIES: Race to the Bottom”, June, 49 UCLA L. Rev. 1283, lexis)

III. Getting to the Bottom of the Black/White Paradigm The starting point for this Article was the idea that looking to the bottom in order to capture and ameliorate the experiences of discrimination is far more complicated than Critical Race Theorists openly discuss. To the extent that racial identity is not monolithic and there is more than one race on the bottom, it is difficult to know precisely where on the bottom to look and how to make sense of what one sees. At least one current debate in CRT reflects these difficulties: the critique of the Black/White paradigm. Though the critique of the Black/White paradigm takes a variety of rhetorical forms, the argument, roughly speaking, looks something like this: Questions of race and racial injustice are conceptualized exclusively or predominantly **in Black and White terms**. As a result, Black racial experiences are **privileged in discussions about race**, while the experiences of other racial minorities are marginalized. **This marginalization is linguistically manifested in the phrase "Blacks and other minorities**." "Other minorities" becomes a catch-all for people of color who are not Black. Black people thus become the paradigmatic example of a racially subordinated group. n50 As I have argued elsewhere, it is important for critical race scholars to address the concerns that inform the Black/White paradigm critique. Antiracist politics should not reflect the notion - implicitly or explicitly - that "racial subordination and Black subordination are one and the same thing." n51 The bottom of discrimination is and historically has been multiracial.

### Alt Solves Case – 2NC

#### The alternative solves better than the case – ONLY by understanding the Muslim experience through the multi-racial and historically informed method of the criticism can we overcome dangerous binaries that exist and that the affirmative re-entrences

Howell 9 (Sarah F. Howell, PhD in American Culture from the University of Michigan, “Inventing the American Mosque: Early Muslims and Their Institutions in Detroit, 1910-1980,” <http://deepblue.lib.umich.edu/bitstream/handle/2027.42/64728/sfhowell_1.pdf?sequence=1>)

Muslim American studies is a new field that has not yet developed a strong historical consciousness. As such, there are gaps in the literature that I hope to account for and fill in with this work. Because most Muslim Americanists situate their work in the present and recent past, they include brief histories only to provide context for their analyses. Scholars have tended to skim briefly over the surface details of the arrival and settlement of Muslim immigrants in the first half of the 20th century, or the first conversions of blacks to Sunni Islam – or skip this period entirely – in the race to provide the more accessible history of the post-1965 immigration and the dramatic mass conversion of the Nation of Islam (NOI) to Sunni Islam, which began in 1975, after the death of Elijah Muhammad. Those who have conducted original research and written about the lives of early 20th century American Muslims have done so almost entirely under the rubric of ethnic studies scholarship, producing work that focuses on ethnic groups who happen to be Muslim.17 Original research on black Muslims18 (by which I mean African American Sunni Muslims) is usually discussed apart from studies of other Muslims, in the framework of African American Studies (R.M. Curtis 1994, Dannin 2002). The proto-Islamic movements that were embraced by American blacks in the 1920s and 30s – e.g., the Moorish Science Temple and the Nation of Islam – have been explored in much greater depth, perhaps because these traditions fit easily into the “black church” paradigms that were already in place among African Americanists, or among those interested in Pan-Africanism, black nationalism, and the civil rights movement, literatures with a much longer and more venerable pedigree of scholarship than that of Muslim American studies.19 Several full length studies have also explored what might be called the pre-history of the Muslim American community, the Muslims who traveled to, were transported to, or somehow managed to settle in North American prior to the 20th century, including Spanish and North African navigators and explorers, African slaves, and 18th century performers, diplomats, and travelers.20 In general, this literature keeps blacks and non-blacks separate unless explicitly covering the interrelations between the two groups.21 Even in edited volumes seeking to bring these literatures together, essays on the black Muslim experience are housed in special sections, while the volumes as a whole tend to address non-black histories, experiences, and concerns (see Haddad and Esposito 1998 for a prominent example). While those who write about Islam among blacks cannot effectively do so without mentioning the immigrant Muslims and the non-black missionaries who initiated conversion in the black community and connected American blacks to a variety of religious, political, social and aesthetic movements overseas, those who write about immigrant Muslim populations and their descendents often make no reference to black Muslims at all. More problematic than this balkanization of the history of Islam in the United States is the way the pre-1965 Muslim American experience has come to be represented through the lens of post-1965 immigrant Muslims and converts to Islam. Yvonne Haddad is a pioneering and preeminent scholar in both Arab Americanist and Muslim Americanist circles. Her writing, solely and in conjunction with her two primary collaborators, John Esposito and Jane Smith, has had a tremendous influence on scholarship about American Muslims. In the following passage, Haddad represents the difference between the pre- and post-1960 periods of Muslim American institution building in language that has become hegemonic in the field. The earliest immigrants to found mosques before the Second World War and, for the most part, their children and grandchildren appear to have fitted comfortably into America. They tried both to fit into the new culture and interpret it in new ways that tended to emphasize the respect Islam had for Jesus and his mother Mary and to quote verses from the Qur`an emphasizing the commonalities between the two faiths. To the immigrants who have come since 1960, however, this kind of accommodation seems too high a price to pay. They are critical of their coreligionists who appear to have diluted the importance of Islamic traditions, rituals, and distinguishing characteristics, going so far as to refer to the mosque as “our church,” to the Qur`an as “our bible,” and to the imam as “our minister.” The more recent immigrants are neither poor nor uneducated; on the contrary, they represent the best-educated elite of the Muslim world who see themselves as helping develop America’s leadership in medicine, technology, and education. They have been influenced by a different socialization process, and while they appreciate, enjoy, and have helped create America’s technology, they want no part in what they see as its concomitant social and spiritual problems. Confident that Islam has a solution to America’s ills, they have no patience for the kinds of accommodations they see as compromising the true Islamic way. (Haddad 1998:21-22) This passage is entirely accurate. It also captures perfectly the dismissive attitude the educated elites of the new immigration harbor/ed against the Muslims they found in the United States when they arrived in the 1950s and 1960s. Poor and uneducated, socialized into the Islam of an earlier era, comfortable in the accommodations they had made to America’s social ills, and compromised in relation to the one “true Islamic way,” these American Muslims were in need of reform. The institutions they had developed and the struggles they had waged on behalf of Islam were instructive to this new generation of Muslim activists only as a counter example. In this formulation, it is easy to dismiss as well the history of the institutions the American Muslims had established. No matter the intentions or successes of their founders, these institutions were insufficient. New ones were in order. Energy should be directed toward this new project of institution building.

### A2: Perm – Do Both

#### Perm crowds-out --- their focus on Black experience will always rise to the top.

**Luna**, Fall **2003** (Eduardo – J.D. from the University of California, Berkeley, How the Black/White Paradigm Renders Mexicans/Mexican Americans and Discrimination Against Them Invisible, Berkeley La Raza Law Journal, p. Lexis-Nexis)

The Black/White paradigm has so thoroughly dominated conventional analysis of race/ethnicity that few in academia, and fewer in the population at large, question its legitimacy, let alone its efficacy for analyzing race/ethnicity. The Black/White paradigm is hegemonic in nature. Its domination of racial/ethnic [\*233] discourse is so widely accepted that scholars fail to consider the use of any other paradigm to analyze racial/ethnic discrimination. Mexicans/Mexican Americans, along with Whites, Blacks, and others, are complicit in the paradigm's hegemonic status. Under the hegemony of the Black/White paradigm, Black experiences receive a virtual monopoly over racial/ethnic discourse. Representations of Black experiences dominate racial/ethnic discourse to such a degree that their position at center stage often goes unnoticed and hence unchallenged. Trina Grillo and Stephanie Wildman have written about a dominant group's sense of entitlement to monopolize discourse in particular forums. n44 Dominant groups assume that their perceptions are the pertinent perceptions, that their problems are the problems that need to be addressed, and that in discourse they should be the speaker rather than the listener. Part of being a member of a privileged group is being the center and the subject of all inquiry in which people of color or other non-privileged groups are the objects. So strong is this expectation of holding center-stage that even when a time and place are specifically designated for members of a non-privileged group to be central, members of the dominant group will often attempt to take back the pivotal focus. They are stealing the center - usually with a complete lack of self-consciousness. n45

#### Perm fails – simply calling attention to other people without genuine focus reasserts the black/white paradigm

Lin 2 (Elbert – J.D. Candidate, Yale Law School, 2003, “BOOK NOTE: Yellow Is Yellow: Yellow: Race in America Beyond Black and White”, 2002, 20 Yale L. & Pol'y Rev. 529, lexis)

Setting aside the fact that the asian American race problem is actually unique, it is also - for several reasons - functionally important to the asian American struggle to argue that yellow is yellow. It is not enough to clamor to be seen as yellow (and not as honorary whites or constructive blacks) without advocating yellow as yellow. If we asian Americans are going to claim that the black-white race paradigm is somehow insufficient (as we must), we need to be prepared to follow through. When we do not follow through, we facilitate the very rationalizing we seek to dispel. As Wu recognizes, the ironic legacy of the Civil Rights Movement is that "as a nation, we have become so seemingly triumphant at vilifying racists that we have induced denial about racism." n79 Many white Americans believe that "what should be, already is." n80 As a society, America has made much progress on "racism," when "racism" is defined in terms of black and white. Acknowledging discrimination against asian Americans would be a huge blow to that myth of progress. Instead, non-asian Americans [\*540] deny and rationalize. Arguing that yellow is gray props up this facade. It is a retreat from forcing non-asian Americans to come face to face with anti-asian American discrimination. Asian Americans should challenge the myth of progress by waving a yellow flag and insisting that the discussion about race has not been wholly inclusive. By contrast, the message of "gray" is that yellow is a lesser shade of black and anti-asian American discrimination is really anti-black discrimination. "Gray" couches discrimination against asian Americans in a comfortable way. If yellow is a lesser shade of black, it is a problem that has been or is being solved. Indeed, after convincing non-asian Americans that yellow might be important enough to notice, Yellow trails off and Wu leaves non-asian Americans wondering "so what?" As Scott Shibuya Brown wrote in the Chicago Tribune, "Where Yellow falls short is in articulating a vision beyond its trenchant observations." n81 Similarly, we must argue that yellow is yellow, or we risk encouraging non-asian American denial of discrimination against asian Americans. If yellow is a lesser shade of black, it is, in comparison with the "real thing" (anti-black discrimination), not a problem at all. Consider Wu's appearance on The O'Reilly Factor. In Wu's interview, Fox News analyst Bill O'Reilly appeared to be open to the notion that yellow belongs. Specifically, he asked Wu to point out the "institutional bias [in America] towards Asian Americans." n82 Wu gave him grayness: "[asian Americans discrimination is] one of the themes. But really, it's about how complicated race is. You've got black on white, yellow on brown, you know, you've got all these different hues. Really, the title of the book should be "Gray.'" n83 Then Wu made yellow a lesser shade of black: "Well, [the bias against asian Americans] doesn't compare, I should emphasize, to the bias against African-Americans." n84 O'Reilly appeared to take Wu's backpedaling and qualifications as a cue to lapse right back into rationalizing: "I think Asians get a fair shake in this country. They do very, very well here, as compared to their home countries. They're on a parity with whites as far as salaries are concerned. I'm not seeing it." n85 O'Reilly might have been more responsive if Wu had said that yellow is yellow. He appeared to be ready to listen if Wu could tell him the problem of yellowness - the "institutional bias" against asian Americans. However, as he did in Yellow, Wu argued that yellow is really only gray, and in so doing, facilitated the non-asian American denial of the asian American race problem. [\*541] It is also important to argue that yellow is yellow for the sake of recognition. For instance, some asian American advocates of the black-white paradigm believe that the paradigm has been misunderstood. Janine Kim argues that it is "rife with complexities that reach beyond the races for which the words "black' and "white' stand." n86 I, of course, disagree. I believe that the paradigm cannot **stretch far enough to encompass** the issues most significant to asian Americans - our problems exist on an entirely separate spectrum. Even assuming Kim is right on this point, however, she speaks to only part of the problem. At the end of the day, **no matter how complex or nuanced**, the black-white paradigm **is still cast in terms of** black and white. Professor Juan Perea asserts: The mere recognition that "other people of color" exist, **without careful attention to their voices**, **their histories**, **and their real presence**, is merely a reassertion of the Black/White paradigm. If one conceives of race and racism as primarily of concern only to Blacks and Whites, and understands "other people of color" only through some unclear analogy to the "real" races, this just restates the binary paradigm with a slight concession to demographics. n87 As Wu has noted, "People speak of "American' as if it means "white' and "minority' as if it means "black.'" n88 Thus, the black-white paradigm may address discrimination against asian Americans, but it does not acknowledge the color yellow. Whether our problems are exactly the same as those faced by black Americans or not, the solution is insufficient if it treats all discrimination as anti-black. Non-asian Americans discriminate against asian Americans because we are and look yellow. How can we accept a scheme that so belittles us by making our skin color - that which has caused us so much pain and harm - invisible? Yellowness is a defining characteristic for an asian American's identity: I am male, I am twenty-four, I am five foot nine, and I am yellow. It is important to our very personhood to have our yellow problems addressed, rather than to have our problems addressed as a side effect, or bonus, of addressing black problems. The same logic that undermined "separate but equal" is at work here. In Brown v. Board of Education, n89 the United States Supreme Court determined that separate schools for blacks and whites could seem superficially equal, but lack equality in an intangible sense. "Even though the physical facilities and other "tangible' factors may be equal... . To separate [black children] from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone." n90 Similarly, if solving [\*542] anti-black discrimination solved anti-asian American discrimination, black Americans and asian Americans would be superficially equal. However, asian Americans would still lack equality in an intangible sense. Even though black Americans and asian Americans would have equal rights, to fail to recognize yellowness - to only articulate yellow in terms of another "real" color, like black - would generate a feeling of inferiority as to our status in the community that may affect our hearts and minds permanently. Just as there was something inherent to being integrated, there is something inherent to being recognized.

### Black/White Binary – Exclusionary – 2NC

#### Conceiving of racism in terms of Black versus White excludes alternative perspectives, re-inscribing racial oppression even if there’s a cursory recognition of other racialized groups.

Perea 97 (Juan F., Professor of Law, University of Florida College of Law, California Law Review, 85 Calif. L. Rev. 1213, “The Black/White Binary Paradigm of Race,” October, Lexis)

Paradigms of race shape our understanding of race and our definition of racial problems. The most pervasive and powerful paradigm of race in the United States is the Black/White binary paradigm. I define this paradigm as the conception that race in America consists, either exclusively or primarily, of only two constituent racial groups, the Black and the White. Many scholars of race reproduce this paradigm when they write and act as though only the Black and the White races matter for purposes of discussing race and social policy with regard to race. The mere recognition that "other people of color" exist, without careful attention to their voices, their histories, and their real presence, is merely a reassertion of the Black/White paradigm. If one conceives of race and racism as primarily of concern only to Blacks and Whites, and understands "other people of color" only through some unclear analogy to the "real" races, this just restates the binary paradigm with a slight concession to demographics. My assertion is that our shared understanding of race and racism is essentially limited to this Black/White binary paradigm. n27 This paradigm defines, but also limits, the set of problems that may be recognized in racial discourse. Kuhn's notion of "normal science," which further articulates the paradigm and seeks to solve the problems perceivable because of the paradigm, also applies to "normal research" on race. Given the Black/White paradigm, we would expect to find that much research on race is concerned with under-standing the dynamics of the Black and White races and attempting to solve the problems between [\*1220] Blacks and Whites. Within the paradigm, the relevant material facts are facts about Blacks and Whites. In addition, the paradigm dictates that all other racial identities and groups in the United States are best understood through the Black/White binary paradigm. Only a few writers even recognize that they use a Black/White paradigm as the frame of reference through which to understand racial relations. n28 Most writers simply assume the importance and correctness of the paradigm, and leave the reader grasping for whatever significance descriptions of the Black/White relationship have for other people of color. As I shall discuss, because the Black/White binary paradigm is so widely accepted, other racialized groups like Latinos/as, Asian Americans, and Native Americans are often marginalized or ignored altogether. As Kuhn writes, "those that will not fit the box are often not seen at all." n29 Scholarly literature, textbooks, and popular literature on race are crucial in reifying and transmitting the binary paradigm. n30 In the realm of scholarly literature, I begin by analyzing Andrew Hacker's famous Two Nations: Black and White, Separate, Hostile, Unequal. I then study Cornel West's Race Matters. These books, by leading scholars on race, both illustrate the existence and use of the Black/White binary paradigm. They show how the paradigm results in an exclusive focus on Blacks and Whites, both from the point of view of a White writer and a Black writer. The pardigm also leads to the marginalization of other non-White people, again borne out by both writers. Both Hacker and West exhibit astonishing indifference with regard to the history of racism against non-Black people of color.

### Alt Solves – Black Body Politics

#### Alternative is a pre-requisite for solving black body politics.

**Jackson 2006** (Ronald – Professor and Head of the African American Studies Department at the University of Illinois, Scripting the Black Masculine Body: Identity, Discourse, and Racial Politics, p. 11)

Blacks can endlessly participate in self-healing exercises in an effort to retrieve custody over the total inscription of their bodies and the debilitating social conditions that attempt redefinition and confinement of their corporeality, but this analysis will reveal that inscriptions of race and racism are not entirely a Black problem; hence, Blacks cannot expunge them alone. All North American cultural groups must participate in deconstructive processes, deciphering the origins and precincts of racist and socially corrupt images, and one way this can be initiated and achieved is by understanding the practice I call “scripting the Black body.” This must be done before racial healing may begin. One way this can be accomplished is via a critical-historical method.

## Case

### Social Death – 2NC – General

#### Here’s are some contemporary examples

Currie 8 (Duncan – Managing Editor of The American, Speechwriter and Policy Advisor in U.S. Senate Washington D.C. Metro Area, “he Long March of Racial Progress”, 11/5, http://www.american.com/archive/2008/november-11-08/the-long-march-of-racial-progress/)

Measuring racial progress is all about perspective. Since Appomattox, the struggle for racial equality has seen triumphs and setbacks alike. On balance, however, the story of race relations in America is one of extraordinary change and transformation. According to Princeton historian James McPherson, the rate of black illiteracy dropped from roughly 90 percent in 1865 to 70 percent in 1880 and to under 50 percent in 1900. “From the perspective of today, this may seem like minimal progress,” McPherson wrote in his 1991 book, Abraham Lincoln and the Second American Revolution (a collection of essays). “But viewed from the standpoint of 1865 the rate of literacy for blacks increased by 200 percent in fifteen years and by 400 percent in thirty-five years.” McPherson also noted that the share of school-age black children attending school jumped from 2 percent in 1860 to 34 percent in 1880. “During the same period,” he said, “the proportion of white children of school age attending school had grown only from 60 to 62 percent.” In 1908, 100 years before the election of America’s first black president, there was a bloody race riot in Springfield, Illinois, which began when an angry mob surrounded a prison where a black man falsely accused of rape was being held. As columnist George Will has observed, “The siege of the jail, the rioting, the lynching, and mutilating all occurred within walking distance of where, in 2007, Barack Obama announced his presidential candidacy.” Over the past century, the racial attitudes of white Americans have undergone a sea change. The shift toward greater racial tolerance was driven by many factors, including blacks’ participation in World War II, the integration of professional sports and the military, and the civil rights movement. “Even as Americans were voting more conservatively in the 1980s, their views on race were becoming more liberal,” Wall Street Journal senior editor Jonathan Kaufman wrote recently. “More than three quarters of whites in 1972 told pollsters that ‘blacks should not push themselves where they are not wanted.’ Two-thirds of whites that same year said they opposed laws prohibiting racial discrimination in the sale of homes. Forty percent said whites had the right to live in segregated neighborhoods.” However, “By the end of 1980s, all those numbers had fallen markedly and [they] continued to fall through the following decades.” As University of Michigan sociologist Reynolds Farley points out in a new paper, there are now 41 African Americans serving in the House of Representatives, compared to only six when the Kerner Commission issued its famous report on race and poverty in 1968. During the years following the Kerner Report, “The slowly rising incomes of black men and the more rapidly rising incomes of black women produced an important economic change for African Americans,” Farley writes. “In 1996, for the first time, the majority of blacks were in the economic middle class or above, if that means living in a household with an income at least twice the poverty line.” According to Farley, “Only three percent of African Americans could be described as economically comfortable in 1968. That has increased to 17 percent at present. This is an unambiguous sign of racial progress: one black household in six could be labeled financially comfortable.” He notes that the black-white poverty gap “is much smaller now” than it was in the late 1960s. Residential and marriage trends are also encouraging. “The trend toward less residential segregation that emerged in the 1980s and accelerated in the 1990s continues in this century,” says Farley. Meanwhile, interracial marriage rates have increased dramatically. “At the time of the Kerner Report, about one black husband in 100 was enumerated with a white spouse. By 2006, about 14 percent of young black husbands were married to white women.”

#### They will dismiss our examples – that’s our argument, ontologizing social death requires you to dismiss examples to preserve the theory. Only an optimistic outlook can hope to create change.

Clark 95 (Leroy D. – Professor of Law, Catholic University Law School, “A Critique of Professor Derrick A. Bell's Thesis of the Permanence of Racism and His Strategy of Confrontation”, 1995, 73 Denv. U.L. Rev. 23, lexis)

A Final Word Despite Professor Bell's prophecy of doom, I believe he would like to have his analysis proven wrong. However, he desperately leans on a tactic from the past--laying out the disabilities of the black condition and accusing whites of not having the moral strength to act fairly. That is the ultimate theme in both of his books and in much of his law review writing. That tactic not only lacks full force against today's complex society, it also becomes, for many whites, an exaggerated claim that racism is the sole cause of black misfortunes. n146 Many whites may feel about the black condition what many of us may have felt about the homeless: dismayed, but having no clear answer as to how the problem is to be solved, and feeling individually powerless if the resolution calls for massive resources that we, personally, lack. Professor Bell's two books may confirm this sense of powerlessness in whites with a limited background in this subject, because Professor Bell does not offer a single programmatic approach toward changing the circumstance of blacks. He presents only startling, unanalyzed prophecies of doom, which will easily garner attention from a controversy-hungry media. n147 It is much harder to exercise imagination to create viable strategies for change. n148 Professor Bell sensed the despair that the average--especially average black--reader would experience, so he put forth rhetoric urging an "unremitting struggle that leaves no room for giving up." n149 His contention is ultimately hollow, given the total sweep of his work. At some point it becomes dysfunctional to refuse giving any credit to the very positive abatements of racism that occurred with white support, and on occasion, white leadership. Racism thrives in an atmosphere of insecurity, apprehension about the future, and inter-group resentments. Unrelenting, unqualified accusations only add to that negative atmosphere. Empathetic and more generous responses are possible in an atmosphere of support, security, and a sense that advancement is possible; the greatest progress of blacks occurred during the 1960s and early 1970s when the economy was expanding. Professor Bell's "analysis" is really only accusation and "harassing white folks," and is undermining and destructive. There is no love--except for his own group--and there is a constricted reach for an understanding of whites. There is only rage and perplexity. No bridges are built--only righteousness is being sold. A people, black or white, are capable only to the extent they believe they are. Neither I, nor Professor Bell, have a crystal ball, but I do know that creativity and a drive for change are very much linked to a belief that they are needed, and to a belief that they can make a difference. The future will be shaped by past conditions and the actions of those over whom we have no control. Yet it is not fixed; it will also be shaped by the attitudes and energy with which we face the future. Writing about race is to engage in a power struggle. It is a non-neutral political act, and one must take responsibility for its consequences. Telling whites that they are irremediably racist is not mere "information"; it is a force that helps create the future it predicts. If whites believe the message, feelings of futility could overwhelm any further efforts to seek change. I am encouraged, however, that the motto of the most articulate black spokesperson alive today, Jesse Jackson, is, "Keep hope alive!" and that much of the strength of Martin Luther King, Jr. was his capacity to "dream" us toward a better place.

# 1NR

### Backlash 2NC

#### Radical Islam violently attacks and destroys moderate Muslims – demonstrates that the aff is a self-defeating political strategy

Rabasa 7 (Angel, Senior Political Scientist at the RAND Corporation, *Building Moderate Muslim Networks*, p. 1)

Radical and dogmatic interpretations of Islam have gained ground in recent years in many Muslim societies. While there are many reasons for this, and while a large and growing body of literature continues to he engaged in exploring them, it is clear that structural factors play a large part. The prevalence of authoritarian political structures and the atrophy of civil-society institutions throughout much of the Muslim world have left the mosque as one of the few avenues for the expression of popular dissatisfaction with prevailing political, economic, and social conditions. In the case of some authoritarian states, radical Muslims present themselves as the only viable alternative to the status quo. They wage their battles in the mass media and political arena of their respective countries—either overtly or underground, depending on the degree of political repression.

By and large, radicals (as well as authoritarian governments) have been successful in intimidating, marginalizing, or silencing moderate Muslims—those who share the key dimensions of democratic culture—to varying degrees.1 Sometimes, as has happened in Egypt, Iran, and Sudan, liberal Muslim intellectuals are murdered or forced to flee overseas. Even in relatively liberal Indonesia, radicals have resorted to violence and threats of violence to intimidate opponents. Increasingly, these tactics are being employed in the Muslim diaspora in the west.

## F/W

### Overview

#### 3) Effective deliberation is the lynchpin of solving all existential global problems – being relevantly informed is key

Christian O. Lundberg 10 Professor of Communications @ University of North Carolina, Chapel Hill, “Tradition of Debate in North Carolina” in Navigating Opportunity: Policy Debate in the 21st Century By Allan D. Louden, p311

The second major problem with the critique that identifies a naivety in articulating debate and democracy is that it presumes that the primary pedagogical outcome of debate is speech capacities. But the democratic capacities built by debate are not limited to speech—as indicated earlier, **debate builds capacity for critical thinking**, analysis of public claims, **informed decision making**, and **better public judgment**. If the picture of modem political life that underwrites this critique of debate is a pessimistic view of increasingly labyrinthine and bureaucratic administrative politics, rapid scientific and technological change outpacing the capacities of the citizenry to comprehend them, and ever-expanding insular special-interest- and money-driven politics, it is a **puzzling solution, at best, to argue that these conditions warrant giving up on debate**. If democracy is open to rearticulation, it is open to rearticulation precisely because **as the challenges of modern political life proliferate, the citizenry's capacities can change**, which is one of the primary reasons that theorists of democracy such as Ocwey in The Public awl Its Problems place such a high premium on education (Dewey 1988,63, 154). Debate provides an indispensible form of education in the modem articulation of democracy because it **builds precisely the skills that allow the citizenry to research and be informed** about policy decisions that impact them, to son rhroueh and evaluate the evidence for and relative merits of arguments for and against a policy in an increasingly infonnation-rich environment, and to prioritize their time and political energies toward policies that matter the most to them.

The merits of debate as a tool for building democratic capacity-building take on a special significance in the context of information literacy. John Larkin (2005, HO) argues that one of the primary failings of modern colleges and universities is that they have not changed curriculum to match with the challenges of a new information environment. This is a problem for the course of academic study in our current context, but perhaps more important, argues Larkin, for the future of a citizenry that will need to make evaluative choices against an increasingly complex and multimediatcd information environment (ibid-). Larkin's study tested the benefits of debate participation on information-literacy skills and concluded that in-class debate participants reported significantly higher self-efficacy ratings of their ability to navigate academic search databases and to effectively search and use other Web resources:

To analyze the self-report ratings of the instructional and control group students, we first conducted a multivariate analysis of variance on all of the ratings, looking jointly at the effect of instmction/no instruction and debate topic . . . that it did not matter which topic students had been assigned . . . students in the Instnictional [debate) group were significantly more confident in their ability to access information and less likely to feel that they needed help to do so----These findings clearly indicate greater self-efficacy for online searching among students who participated in (debate).... These results constitute strong support for the effectiveness of the project on students' self-efficacy for online searching in the academic databases. There was an unintended effect, however: After doing ... the project, instructional group students also felt more confident than the other students in their ability to get good information from Yahoo and Google. It may be that the library research experience increased self-efficacy for any searching, not just in academic databases. (Larkin 2005, 144)

Larkin's study substantiates Thomas Worthcn and Gaylcn Pack's (1992, 3) claim that debate in the college classroom plays a critical role in fostering the kind of **problem-solving skills** demanded by the increasingly rich media and information environment of modernity. Though their essay was written in 1992 on the cusp of the eventual explosion of the Internet as a medium, Worthcn and Pack's framing of the issue was prescient: the primary question facing today's student has changed from how to best research a topic to the crucial question of learning how to best evaluate which arguments to cite and rely upon from an easily accessible and veritable cornucopia of materials.

There are, without a doubt, a number of important criticisms of employing debate as a model for democratic deliberation. But cumulatively, the evidence presented here warrants strong support for expanding debate practice in the classroom as a technology **for enhancing democratic deliberative capacities**. The unique combination of critical thinking skills, research and information processing skills, oral communication skills, and capacities for listening and thoughtful, open engagement with hotly contested issues argues for debate as a **crucial component of a rich and vital democratic life**. In-class debate practice both aids students in achieving the best goals of college and university education, and serves as an unmatched practice for creating thoughtful, engaged, open-minded and self-critical students who are open to the possibilities of **meaningful political engagement** and **new articulations of democratic life.**

Expanding this practice is crucial, if only because the more we produce citizens that can actively and effectively engage the political process, the more likely we are to **produce revisions of democratic life** that are **necessary if democracy is not only to survive, but to thrive**. Democracy faces a myriad of challenges, including: domestic and international **issues of class, gender, and racial justice**; wholesale **environmental destruction** and the potential for **rapid climate change**; emerging **threats to international stability** in the form of terrorism, intervention and new possibilities for great power conflict; and increasing **challenges of rapid globalization** including an increasingly volatile global economic structure. More than any specific policy or proposal, an **informed and active citizenry that deliberates with greater skill** and sensitivity provides one of the best hopes for responsive and effective democratic governance, and by extension, one of the last best hopes for dealing with the **existential challenges** to democracy [in an] increasingly complex world.

### War Powers Legal Education Good – 2NC\*\*\*

#### Simulated national security law debates preserve agency and enhance decision-making---avoids cooption – only legal deliberative action solves

Laura K. Donohue 13, Associate Professor of Law, Georgetown Law, 4/11, “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.

### 2NC Ground / Rules Good

#### The resolution exists to create balanced difficulty, creating a topic that is supposed to be moral and controversial – games requires acceptance of rules whose purpose is to forbid the easiest means to a goal – this makes the game meaningful

Hurka 6 – philosopher who serves as the Jackman Distinguished Chair in Philosophical Studies at the University of Toronto (Thomas, 2006, "Games and the Good," Proceedings of the Aristotelian Society, Supplementary Volume 80, http://homes.chass.utoronto.ca/~thurka/docs/pass\_games.pdf)

I take this admiration to rest on the judgement that excellence in games is good in itself, apart from any pleasure it may give the player or other people but just for the properties that make it excellent. The admiration, in other words, rests on the perfectionist judgement that skill in games is worth pursuing for its own sake and can add value to one’s life. This skill is not the only thing we value in this way; we give similar honours to achievements in the arts, science, and business. But one thing we admire, and to a significant degree, is excellence in athletic and nonathletic games. Unless we dismiss this view, one task for philosophy is to explain why such excellence is good. But few philosophers have attempted this, for a well-known reason. A unified explanation of why excellence in games is good requires a unified account of what games are, and many doubt that this is possible. After all, Wittgenstein famously gave the concept of a game as his primary example of one for which necessary and sufficient conditions cannot be given but whose instances are linked only by looser “family resemblances.”2 If Wittgenstein was right about this, 2 there can be no single explanation of why skill in games is good, just a series of distinct explanations of the value of skill in hockey, skill in chess, and so on. But Wittgenstein was not right, as is shown in a little-known book that is nonetheless a classic of twentieth-century philosophy, Bernard Suits’s The Grasshopper: Games, Life and Utopia. Suits gives a perfectly persuasive analysis of playing a game as, to quote his summary statement, “the voluntary attempt to overcome unnecessary obstacles.”3 And in this paper I will use his analysis to explain the value of playing games. More specifically, I will argue that the different elements of Suits’s analysis give game-playing two distinct but related grounds of value, so it instantiates two related intrinsic goods. I will also argue that game-playing is an important intrinsic good, which gives the clearest possible expression of what can be called a modern as against a classical, or more specifically Aristotelian, view of value. But first Suits’s analysis. It says that a game has three main elements, which he calls the prelusory goal, the constitutive rules, and the lusory attitude. To begin with the first, in playing a game one always aims at a goal that can be described independently of the game. In golf, this is that a ball enter a hole in the ground; in mountain-climbing, that one stand on top of a mountain; in Olympic sprinting, that one cross a line on the track before one’s competitors. Suits calls this goal “prelusory” because it can be understood and achieved apart from the game, and he argues that every game has such a goal. Of course, in playing a game one also aims at a goal internal to it, such as winning the race, climbing the mountain, or breaking par on the golf course. But on Suits’s view this “lusory” goal is derivative, since achieving it involves achieving the prior prelusory goal in a specified way. This way is identified by the second element, the game’s constitutive rules. According to 3 Suits, the function of these rules is to forbid the most efficient means to the prelusory goal. Thus, in golf one may not carry the ball down the fairway and drop it in the hole by hand; one must advance it using clubs, play it where it lies, and so on. In mountain-climbing one may not ride a gondola to the top of the mountain or charter a helicopter; in 200-metre sprinting, one may not cut across the infield. Once these rules are in place, success in the game typically requires achieving the prelusory goal as efficiently as they allow, such as getting the ball into the hole in the fewest possible strokes or choosing the best way up the mountain. But this is efficiency within the rules, whose larger function is to forbid the easiest means to the game’s initial goal. These first two elements involve pursuing a goal by less than the most efficient means, but they are not sufficient for playing a game. This is because someone can be forced to use these means by circumstances he regrets and wishes were different. If this is the case – if, for example, a farmer harvests his field by hand because he cannot afford the mechanical harvester he would much rather use – he is not playing a game. Hence the need for the third element in Suits’s analysis, the lusory attitude, which involves a person’s willingly accepting the constitutive rules, or accepting them because they make the game possible. Thus, a golfer accepts that he may not carry the ball by hand or improve his lie because he wants to play golf, and obeying those rules is necessary for him to do so; the mountaineer accepts that he may not take a helicopter to the summit because he wants to climb. The restrictions the rules impose are adhered to not reluctantly but willingly, because they are essential to the game. Adding this third element gives Suits’s full definition: “To play a game is to attempt to achieve a specific state of affairs [prelusory goal], using only means permitted by the rules ..., where the rules prohibit the use of more efficient in favour of less efficient means [constitutive rules], and where the rules are 4 accepted just because they make possible such activity [lusory attitude].” Or, in the summary statement quoted above, “playing a game is the voluntary attempt to overcome unnecessary obstacles.”4 This analysis will doubtless meet with objections, in the form of attempted counterexamples. But Suits considers a whole series of these in his book, showing repeatedly that his analysis handles them correctly, and not by some ad hoc addition but once its elements are properly understood. Nor would it matter terribly if there were a few counterexamples. Some minor lack of fit between his analysis and the English use of “game” would not be important if the analysis picks out a phenomenon that is unified, close to what is meant by “game,” and philosophically interesting. But the analysis is interesting if, as I will now argue, it allows a persuasive explanation of the value of excellence in games. Suits himself addresses this issue of value. In fact, a central aim of his book is to give a defence of the grasshopper in Aesop’s fable, who played all summer, against the ant, who worked. But in doing so he argues for the strong thesis that playing games is not just an intrinsic good but the supreme such good, since in the ideal conditions of utopia, where all instrumental goods are provided, it would be everyone’s primary pursuit. The grasshopper’s game-playing, therefore, while it had the unfortunate effect of leaving him without food for the winter, involved him in the intrinsically finest actvity. Now, I do not accept Suits’s strong thesis that gameplaying is the supreme good – I think many other states and activities have comparable value – and I do not find his arguments for it persuasive. But I will connect the weaker thesis that playing games is one intrinsic good to the details of his analysis more explicitly than he ever does.

### A2: State Bad

#### 2. Educational gaming through dramatic rehearsal of specific institutions is simply our inquiry as social actors – we develop socially in relation to a generalized other

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According to the pragmatist philosophy of John Dewey, the meaning-making processes of learning, thinking, deliberating, and playing games all involve inquiry as social actors must be able question and explore situated problems in order to construct and reconstruct different aspects of knowledge (Dewey, 1916). For Dewey, the outcomes or “warranted assertions” of an inquiry are contingent as they – in principle – are constantly open to new inquiries (Dewey, 1938a: 9). In this way, no final criteria exist for validating knowledge. Moreover, the process of inquiry is holistic as it both involves logical thinking and creative imagination as well as individual and social dimensions. Dewey also describes the process of inquiry as a “dramatic rehearsal” of “various competing possible lines of action”, which refers to the tension between acts “tried out in imagination” and actual events (Dewey, 1922: 132-3). This means that educational games represent problem-based scenarios as they allow participants to actively imagine, explore and project the problems, knowledge aspects and contingent outcomes of a particular game world in relation to real-world phenomena. By combining Barth and Dewey’s perspectives, the assertions of educational game scenarios can also be described as epistemological models intended (designed) to be realised through meaningful interaction – both in relation to a teacher perspective (facilitation) and a student perspective (participation). Arguing along similar lines, the interactionist perspectives offered by Erving Goffman and George Herbert Mead describe and illuminate the social organisation of educational games. Mead assumes that the self is developed socially by adopting and playing with roles in relation to a “generalized other” (Mead, 1934: 154). Thus, in order to learn from educational games, students must be able to relate their roles to a more generalised perspective, i.e. that of a politician. Partly building upon Mead, Goffman’s dramaturgical sociology assumes that individuals “perform” and present themselves through different forms of “impression management”, i.e. in order to avoid losing “face” as a professional politician (Goffman, 1959). Moreover, Goffman analyses games as “focused gatherings” where game participants are expected to mutually sustain the rules and validate the on-going social interaction in relation to the interpretive “frames” of a particular game encounter (Goffman, 1961a, 1974). In this way, the process of playing games – and educational gaming in particular – cannot be reduced to an end in itself since game encounters are always open 23 to the possibility that exterior issues may transform the meaning of the game. Seen from this interactionist perspective, the social organisation of educational gaming represents an on-going negotiation between everyday teacher-student roles and the assigned roles of a particular game scenario. Finally, Barth’s focus on communicative knowledge can be further developed through the dialogical philosophy of Mikhail Bakhtin. According to Bakhtin, human communication is dialogical in the sense that it presupposes mutual understanding and responsiveness (Bakhtin, 1981). Furthermore, Bakhtin assumes that we always communicate through various speech genres where speakers and listeners position themselves in relation to different aspects of referentiality, expressivity and addressivity, i.e. the semantic “content” of political ideologies, the expressive language of political discourse, and modes of addressing an audience in a parliamentary debate (Bakhtin, 1986). Thus, educational games challenge the speaker-hearer relationships of an educational setting as teachers and students are expected to position themselves in relation to the particular speech genres, ideological voices and semiotic resources of a given game scenario. In this way, educational games are able to create dialogical spaces (Wegerif, 2007) involving both ideological tensions and discursive criteria for validating the knowledge communicated between the game participants.

### A2: Exclusion DA To Interp

#### Establishing constraints on the topics for discussion in debate does not cause internal exclusion and breaking down those constraints doesn’t solve it because the absence of clash and the refusal of the burden of rejoinder only flips external exclusion---the way to resolve internal exclusion is to broaden the scope of what counts as a persuasive argument within a given topic---for example, our model of debate would welcome the use of narrative and personal experience on behalf of a topical argument---this middle ground most effectively resolves their exclusion arguments

Gert Biesta et al 9, professor of Education and Director of Research at the School of Education, University of Stirling, Susan Verducci , Assistant Professor at the Humanities Department at San José State University, and Michael S. Katz, professor of philosophy and education at San Jose State, Education, Democracy and the Moral Life, 2009, p. 105-107

This example not only shows why the issue of inclusion is so prominent in the deliberative model. It also explains why the deliberative turn has generated a whole new set of issues around inclusion. The reason for this is that deliberation is not simply a form of political decision-making but first and foremost a form of political communication. The inclusion question in deliberative democracy is therefore not so much a question about who should be included - although this question should be asked always as well. It is first and foremost a question about who is able to participate effectively in deliberation. As Dryzek aptly summarises, the suspicion about deliberative democracy is "that its focus on a particular kind of reasonable political interaction is not in fact neutral, but systematically excludes a variety of voices from effective participation in democratic politics" (Dryzek, 2000, p.58). In this regard Young makes a helpful distinction between two forms of exclusion: external exclusion, which is about "how people arc [actually] kept outside the process of discussion and decision-making", and internal exclusion where people are formally included in decision-making processes but where they may find, for example, "that their claims are not taken seriously and may believe that they are not treated with equal respect" (Young, 2000, p.55). Internal exclusion, in other words, refers to those situations in which people "lack effective opportunity to influence the thinking of others even when they have access to fora and procedures of decision-making" (ibid.) which can particularly be the outcome of the emphasis of some proponents of deliberative democracy on "dispassionate, unsituatcd, neutral reason" (ibid. p.63).

To counteract the internal exclusion that is the product of a too narrow focus on argument, Young has suggested several other modes of political communication which should be added to the deliberative process not only to remedy "exclusionary tendencies in deliberative practices" but also to promote "respect and trust" and to make possible "understanding across structural and cultural difference" (ibid. p.57). The first of these is greeting or public acknowledgement. This is about "communicative political gestures through which those who have conflicts . .. recognize others as included in the discussion, especially those with whom they differ in opinion, interest, or social location" (ibid., p.61; emphasis in original). Young emphasises that greeting should be thought of as a starting-point for political interaction. It "precedes the giving and evaluating of reasons" (ibid., p.79) and does so through the recognition of the other parties in the deliberation. The second mode of political communication is rhetoric and more specifically the affirmative use of rhetoric (ibid., p.63). Although one could say that rhetoric only concerns the form of political communication and not its content, the point Young makes is that inclusive political communication should pay attention to and be inclusive about the different forms of expression and should not try to purify rational argument from rhetoric. Rhetoric is not only important because it can help to get particular issues on the agenda for deliberation. Rhetoric can also help to articulate claims and arguments "in ways appropriate to a particular public in a particular situation' (ibid., p.67; emphasis in original). Rhetoric always accompanies an argument by situating it "for a particular audience and giving it embodied style and tone" (ibid., p.79). Young's third mode of political communication is narrative or storytelling. The main function of narrative in democratic communication lies in its potential "to foster understanding among members of a polity with very different experience or assumptions about what is important" (ibid., p.71). Young emphasises the role of narrative in the teaching and learning dimension of political communication. "Inclusive democratic communication", so she argues, "assumes that all participants have something to teach the public about the society in which they dwell together" and also assumes "that all participants are ignorant of some aspects of the social or natural world, and that everyone comes to a political conflict with some biases, prejudices, blind spots, or sterco-types" (ibid., p.77).

It is important to emphasise that greeting, rhetoric and narrative are not meant to replace argumentation. Young stresses again and again that deliberative democracy entails "that participants require reasons of one another and critically evaluate them" (ibid., p.79). Other proponents of the deliberative model take a much more narrow approach and see deliberation exclusively as a form of rational argumentation (e.g. Bcnhabib, 1996) where the only legitimate force should be the "forceless force of the better argument" (Habermas). Similarly, Dryzck, after a discussion of Young's ideas,1 concludes that argument always has to be "central to deliberative democracy" (Dryzek, 2000, p.7l). Although he acknowledges that other modes of communication can be present and that there are good reasons to welcome them, their status is different "because they do not have to be present" (ibid., emphasis added). For Dryzek, at the end of the day, all modes of political communication must live up to the standards of rationality. This does not mean that they must be subordinated to rational argument “but their deployment only makes sense in a context where argument about what is to be done remains central” (ibid., p.168).

#### Good games create curiosity that merge competitors to solve inequality through competition

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Good games neutralize turf and, by legitimizing losing, reduce or eliminate the irrational and often self-defeating effects of Kahneman’s loss aversion, specifically the urge to double down and send good money after bad.127 Like legal education and legal practice, and like Vico’s rhetorical debating games, competitive games over time construct for players and fans a continuing civic education. The desire to win a competition moti-vates players to become keenly curious about the rules of the game, the conditions on the field of play, the skills of the opponent, and so on. In games people return to and practice the “thought of sense.”128 In games, players must base their calculations on what is real, not on what they imag-ine or hope for. Games thus rewire the remarkably plastic human brain in the direction of the classical rationality of “economic man” like no other social context. People come to belie Franklin’s belief that men only use reason to justify everything they have a mind to do. Through the behavior of playing, people reconfigure their brains to be more conventionally ra-tional. In play people create the sense that Faulkner thought they lacked.129 Curiosity necessarily humanizes opponents instead of “despeciating” them, as so often happens in the brutality cycle.130 Kahneman observes that each opponent in a conventional conflict believes that the other side acts out of malice and hostile motives,131 but just the opposite happens in games. Competitors merge identities. Each knows that the other experi-ences the same world, “thinks the way I think,” “wants what I want,” and “needs to know me as much as I need to know her.” Opponents do not “take it personally.”132 Competitive games, without any help from post-modern philosophers, convert believers into pragmatists. In games people delight in the particulars of concrete situations. Good play helps realize Whitman’s wise urging to turn from curiosity about God to curiosity about each other.133 The curiosity that players must develop to play well dis-places ethnocentrism, xenophobia, moral superiority, and the other brutaliz-ing tendencies of the human mind described by Hood, Milgram, Zimbardo, Pinker, Damasio, and Frith, and noted in Part I. Curiosity overcomes, or very much reduces, the impulse to hate.134 Good play has the same effect on players as does the naming of a doll or an animal. It creates a kind of love.

### XT State Engagement Good (k2 solve racism)

#### Individual focus is insufficient to resolve the K—even if institutions are flawed, reforming them is critical to end the manifestations of oppression

Jensen 05

Robert Jensen, Texas University Journalism Professor, Nowar Collective Founder, 2005, The Heart of Whiteness, p.78-87

I'm all for diversity and its institutional manifestation, multiculturalism. But we should be concerned about the way in which talk of diversity and multiculturalism has proceeded. After more than a decade of university teaching and political work, it is clear to me that a certain kind of diversity-talk actually can impede our understanding of oppression by encouraging us to focus on the cultural and individual, rather than on the political and structural. Instead of focusing on diversity, we should focus on power. The fundamental frame for pursuing analyses of issues around race, ethnicity, gender, sexuality, and class should be not cultural but political, not individual but structural. Instead of talking about diversity in race, class, gender, and sexual orientation, we should critique white supremacy, economic inequality in capitalism, patriarchy, and heterosexism. We should talk about systems and structures of power, about ideologies of domination and subordination—and about the injuries done to those in subordinate groups, and the benefits and privileges that accrue to those in dominant groups. Here's an example of what I mean: A professor colleague, a middle-aged heterosexual white man, once told me that he thought his contribution to the world—his way of aiding progressive causes around diversity issues—came by expanding his own understanding of difference and then working to be the best person he could he. He said he felt no obligation to get involved in the larger world outside his world of family and friends, work and church. In the worlds in which he found himself personal and professional, he said he tried to be kind and caring to all, working to understand and celebrate difference and diversity. There are two obvious problems with his formulation, one concerning him as an individual and one concerning the larger world. First, without a connection to a political struggle, it is difficult for anyone to grow morally and politically. My own experience has taught me that it is when I am engaged in political activity with people across identity lines that I learn the most. It is in those spaces and those relationships that my own hidden prejudices and unexamined fears emerge, in situations in which comrades whom I trust call hold me accountable. Without that kind of engagement, I rarely get to levels of honesty with people that can propel me forward. The colleague in question saw himself as being, as the cliché goes, a sensitive new age guy, but from other sources I know that he continued to behave in sexist ways in the classroom. Because he had no connection to a feminist movement—or any other liberatory movement where women might observe his behavior and he in a position to hold him accountable— there was no systematic way for him to correct his sexist habits. His self-image as a liberated man was possible only because he made sure he wasn't in spaces where women could easily challenge him. The second problem is that if everyone with privilege — especially the levels of privilege this man had—decided that all they were obligated to do in the world was to be nice to the people around them and celebrate diversity, it is difficult to imagine progressive social change ever taking place. Yes, we all must change at the micro level, in our personal relationships, if the struggle for justice is to move forward. But struggle in the personal arena is not enough; it is a necessary but not sufficient criterion for change. Lots of white people could make significant progress toward eliminating all vestiges of racism in our own psyches—which would be a good thing—without it having any tangible effect on the systems and structures of power in which white supremacy is manifested. It would not change the ways in which we benefit from being white in that system. It doesn't mean we shouldn't "work on" ourselves, only that working on ourselves is not enough. It is possible to not be racist (in the individual sense of not perpetrating overtly racist acts) and yet at the same time fail to be antiracist (in the political sense of resisting a racist system). Being not-racist is not enough. To he a fully moral person, one must find some way to be antiracist as we Because white people benefit from living in a white-supremacist society, there is an added obligation for us to struggle against the injustice of that system. The same argument holds in other realms as well. Men can be successful at not being sexist (in the sense of treating women as equals and refraining from sexist behaviors) but fail at being antisexist if we do nothing to acknowledge the misogynistic sys- tern in which we live and try to intervene where possible to change that system. The same can be said about straight people who are relatively free of antigay prejudice but do nothing to challenge heterosexism, or about economically privileged people who do nothing to confront the injustice of the economic system, or about U.S. citizens who don't seek to exploit people from other places but do nothing to confront the violence of the U.S. empire abroad. We need a political and structural, rather than a cultural and individual, framework. Of course we should not ignore differences in cultural practices, and individuals should work to change themselves. But celebrating cultural differences and focusing on one's own behavior are inadequate to the task in front of us. I have been clearer on that since September 11, 2001 after which George W. Bush kept repeating "Islam is a religion of peace," reminding Americans that as we march off on wars of domination we should respect the religion of the people we are killing. Across the United States after 9/11, people were saying, "I have to learn more about Islam."

### A2: Role-playing Bad

#### Role-playing as the government does not necessitate acceptance of that role but rather provides an epistemic frame for knowledge gained

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For Shaffer, it is not only professionals who benefit from participating in a practicum; students can also benefit from learning through the distinctive epistemologies of professional practices, which represent “ways of knowing and ways of deciding what is worth knowing” (Shaffer, 2004: 1403). In this way, Shaffer assumes that Schön’s theory is “essential to all complex learning: cognitive, practical, and civic” (Shaffer, 2004: 1403). Here, Shaffer is not only referring to Schön but also to Dewey, who believed that the traditional organisation of knowledge was misaligned with the social and cultural realities of the industrial era (Dewey, 1916). Thus, Shaffer views the epistemologies of professional practitioners as a “powerful model” for changing education in the post-industrial era by developing technology-based learning environments for middle and high school students (Shaffer, 2004: 1403). Shaffer exemplifies this claim by referring to his own on-going design and research projects: Escher’s World, The Pandora Project, and Science.net. In all these projects, students are supposedly able to learn by participating in learning environments modelled on the practices and epistemologies of professional practitioners. Thus, students are able to learn about basic concepts in transformational geometry through graphic design activities in a computer-aided design studio (Escher’s World), human immunobiology and biomedical ethics through computer-supported negotiation modelled on exercises similar to the training professional mediators receive (The Pandora Project), and emerging technologies such as the Internet, wireless communications, and weapons of mass destruction by writing online stories about the impact of such technologies on the community (Science.net). According to Shaffer, all these projects “illustrate the effectiveness of pedagogical praxis as a method for developing compelling learning environments” (Shaffer, 2004: 1403).15 Shaffer further develops the role of epistemologies in profession-based learning environments by introducing the term epistemic frame, which he defines as an “organising principle” that “orchestrates (and is orchestrated by) participation in a community of practice by linking practice, identity, values, and knowledge within a particular way of thinking – within the epistemology of a practice” (Shaffer, 2005: 3). Based upon this definition, Shaffer describes each of the profession-based learning environments mentioned above as an epistemic game. Thus, an epistemic game “deliberately creates the epistemic frame of a socially valued community by recreating the process by which the individuals develop the skills, knowledge, identities, values, and epistemology of that community” (Shaffer, 2006: 164). Even though The Power Game is not based on a professional practice model of learning, the election scenario shares important similarities with Shaffer’s epistemic games. Thus, the participating students are expected to adopt important aspects of the epistemological models of professional journalists, politicians and spin doctors in a parliamentary election scenario. This means that in order to play a politician in The Power Game, the students must be able to identify with the knowledge forms and practices of real-life politicians which involves finding and analysing information in relation to different ideological positions, preparing ideologically key issues, and giving “performances” in front of a public audience, which in this case is made up of their classmates (cf chapters 6 and 8). Both Gee and Shaffer’s theoretical frameworks are valuable when trying to understand how students make meaning through particular game environments. Gee’s notion of semiotic domains is particularly useful for analysing the discursive interplay between game practices and educational practices. Similarly, Shaffer convincingly argues how students may learn through game environments that attempt to re-create the practices of real-life professionals. However, Gee and Shaffer’s approaches also differ from the aim of this study as they do not provide detailed empirical descriptions of how educational games are enacted and validated within particular educational contexts. Gee makes several bold claims about how the “bad” learning that takes place in schools could be replaced with the learning principles of “good” games (Gee, 2003). As Julian SeftonGreen argues, this black and white dichotomy is somewhat speculative, since Gee provides no empirical examples of how the literacy of games can do “anything other than support the playing of more games” (Sefton-Green, 2006: 291). It is also questionable whether Gee’s attempt to identify the learning principles of video games is able to affect the changes at the policy-level his critique aims to achieve. Hence, Gee mostly presents video games as an idealised symbol of how educational systems could and should be designed differently. In comparison to Gee, Shaffer’s work is clearly more focused on the actual practices of designing and enacting game environments, i.e. his example with middle school students that play a debate game in a history class clearly shares some similarities with my analysis of how students enact the election scenario of The Power Game (Shaffer, 2006: 17-40; cf. chapter 8). Still, Shaffer only offer limited descriptions of how this debate game and a number of other game examples are actually enacted within particular educational contexts such as classroom settings or after-school programs. Consequently, it is difficult to determine to what extent Shaffer’s examples of particular games are able to “fit in” with everyday school practices, and how the generated knowledge is or can be validated by participating teachers and students in relation to their existing knowledge traditions (Barth, 2002). My second objection to Shaffer’s otherwise inspiring work regards his theory of epistemic frames (Shaffer, 2005, 2006). Shaffer defines the term by drawing on a wide range of different theoretical sources, especially Goffman’s frame analysis and Schön’s notion of epistemologies (Goffman, 1974; Schön, 1983, 1987). In doing so, Shaffer creates a theoretical framework, which may explain how games can be used to organise particular forms of knowledge, skills, values and identities. However, when combining the work of Goffman and Schön, Shaffer is clearly closer to the aims of Schön than Goffman. For Goffman, a frame is defined as an “organising principle” that govern everyday, face-to-face interaction through social actors’ mutual interplay of meaning (Goffman, 1974: 10). Schön, on the other hand, explores how professionals learn to act and reflect in relation to the particular epistemologies of their professions, i.e. design, architecture, engineering, medicine etc. (Schön, 1983, 1987). According to Shaffer, these two analytical perspectives are congruent since “learning happens along a continuum of time scales” (Shaffer, 2005: 3). However, these theories are based on quite different ontological assumptions of social agency and meaning-making, which cannot be reduced only to a matter of time scales. Unlike Schön, Goffman’s frame analysis does not describe how learning and reflection are related to particular professions. Instead, Goffman’s theory address the minutiae communicative processes of establishing and negotiating “the interaction order” of social encounters – including gaming encounters (Goffman, 1961a, 1983; cf. chapter 4). By evening out these theoretical and analytical differences, Shaffer’s conception of epistemic frames limits the context of interpretive framing to the epistemologies of the professional practices that his epistemic games are trying to re-create. Put differently, Shaffer’s notion of epistemic frames implicitly assumes that social actors more or less accept their assigned roles as professional practitioners by taking on a particular “pair of glasses” (Shaffer, 2006: 160). However, from a Goffmanian perspective it is questionable whether students playing an educational game readily “embrace” their assigned roles as if they were merely taking on a pair of glasses. Individuals often disassociate themselves from particular roles for various reasons through different forms of “role distance” (Goffman, 1961b). Furthermore, as Gary Alan Fine argues, Goffman’s frame analysis implies a dynamic “oscillation” between different interpretive frames within particular social contexts, i.e. by continually stepping in and out of character in a role-playing game (Fine, 1983: 182-3; cf. chapter 4). Taken at a glance, the students that performed as politicians in The Power Game generally accepted and adopted the norms and expectations of their assigned roles as professional politicians. However, as my analysis indicates, they clearly also distanced themselves from various ideological and performative aspects of their roles, which elicited different responses from their teachers and classmates (cf. chapter 8). Moreover, the game participants also interpreted their assigned roles in relation to their everyday roles as “social studies students”, and the educational goals set by the teachers and the social studies curriculum. In this way, the students explored a wide range of different knowledge aspects that were not necessarily related to the epistemologies of real-life politicians (Barth, 2002). The point here is that even though the upper secondary students were assigned roles as professional politicians, the game participants still defined themselves as students in a school setting. Thus, when discussing and reflecting upon their game experiences, the students primarily validated their game knowledge and performance in relation to the existing knowledge criteria of the everyday context of upper secondary education.

#### 4. Educational gaming through dramatic rehearsal of specific resolution-based scenarios is critical to logic and critical thinking

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According to the pragmatist philosophy of John Dewey, the meaning-making processes of learning, thinking, deliberating, and playing games all involve inquiry as social actors must be able question and explore situated problems in order to construct and reconstruct different aspects of knowledge (Dewey, 1916). For Dewey, the outcomes or “warranted assertions” of an inquiry are contingent as they – in principle – are constantly open to new inquiries (Dewey, 1938a: 9). In this way, no final criteria exist for validating knowledge. Moreover, the process of inquiry is holistic as it both involves logical thinking and creative imagination as well as individual and social dimensions. Dewey also describes the process of inquiry as a “dramatic rehearsal” of “various competing possible lines of action”, which refers to the tension between acts “tried out in imagination” and actual events (Dewey, 1922: 132-3). This means that educational games represent problem-based scenarios as they allow participants to actively imagine, explore and project the problems, knowledge aspects and contingent outcomes of a particular game world in relation to real-world phenomena. By combining Barth and Dewey’s perspectives, the assertions of educational game scenarios can also be described as epistemological models intended (designed) to be realised through meaningful interaction – both in relation to a teacher perspective (facilitation) and a student perspective (participation). Arguing along similar lines, the interactionist perspectives offered by Erving Goffman and George Herbert Mead describe and illuminate the social organisation of educational games. Mead assumes that the self is developed socially by adopting and playing with roles in relation to a “generalized other” (Mead, 1934: 154). Thus, in order to learn from educational games, students must be able to relate their roles to a more generalised perspective, i.e. that of a politician. Partly building upon Mead, Goffman’s dramaturgical sociology assumes that individuals “perform” and present themselves through different forms of “impression management”, i.e. in order to avoid losing “face” as a professional politician (Goffman, 1959). Moreover, Goffman analyses games as “focused gatherings” where game participants are expected to mutually sustain the rules and validate the on-going social interaction in relation to the interpretive “frames” of a particular game encounter (Goffman, 1961a, 1974). In this way, the process of playing games – and educational gaming in particular – cannot be reduced to an end in itself since game encounters are always open 23 to the possibility that exterior issues may transform the meaning of the game. Seen from this interactionist perspective, the social organisation of educational gaming represents an on-going negotiation between everyday teacher-student roles and the assigned roles of a particular game scenario. Finally, Barth’s focus on communicative knowledge can be further developed through the dialogical philosophy of Mikhail Bakhtin. According to Bakhtin, human communication is dialogical in the sense that it presupposes mutual understanding and responsiveness (Bakhtin, 1981). Furthermore, Bakhtin assumes that we always communicate through various speech genres where speakers and listeners position themselves in relation to different aspects of referentiality, expressivity and addressivity, i.e. the semantic “content” of political ideologies, the expressive language of political discourse, and modes of addressing an audience in a parliamentary debate (Bakhtin, 1986). Thus, educational games challenge the speaker-hearer relationships of an educational setting as teachers and students are expected to position themselves in relation to the particular speech genres, ideological voices and semiotic resources of a given game scenario. In this way, educational games are able to create dialogical spaces (Wegerif, 2007) involving both ideological tensions and discursive criteria for validating the knowledge communicated between the game participants.

### AT DSRB

#### Righteousness and fundamentalism are the best historical explanation for race and discrimination – your attempts at justice backfire

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Fundamentalism includes not only religious righteousness (e.g., Is-lamic and Christian fundamentalists) and secular ideological righteousness (e.g., Leninist/Stalinist or Maoist Communism), it includes beliefs in the physical and biological superiority of one’s “race”: Hitler’s Aryan suprem-acy, which generated the Holocaust, for example, or the racism of many white Americans, which generated so much lynching. A belief in the abso-lute correctness of group belief systems and ways of life, including identi-fication with the cultural and linguistic patterns associated with “race” and ethnicity, necessarily entails a belief in physical purity, which is an objecti-fied form of righteousness. “Others” are, by definition, impure. Tribal, cultural, and ethnic differences do not, in and of themselves, automatically trigger inter-group violence.91 Fundamentalists who believe those differences indicate supremacy, however, behave like Soviet dictators, Hitler, or al Qaeda. American exceptionalists who believe that the United States is “the promised land” may not be far behind.92 Barrington Moore tersely describes instances in which the belief in “our” group’s purity had brutal consequences. His retelling of the August 24, 1572, St. Bartholomew Massacre of the Parisian Huguenots describes how the mutual invective on both sides dehumanized the other by employ-ing metaphors of impurity such as “vermin,” “poison,” and “lepers.”93 The witch trials in Europe between 1450 and 1700, tortured into confessing, burned, and hanged about 100,000 people, the vast majority of them women, in some instances by pulling the accused’s arms from their sockets, or forcing her to sit in a heated metal “witch’s chair.” Among the many elements of this phenomenon, which was deliberately coordinated and en-dorsed by the moral and intellectual leaders of the time, fifteenth century law required that conviction for witchcraft include proof that the accused had been rendered impure by having physical sexual intercourse with a demon.94 Socio-biologists call Moore’s observation “pseudo-speciation” or “despeciation.” Humans “despeciate” the other, i.e., define human victims as not of the species homo sapiens, before slaughtering them. In the Rwan-dan genocide of 1994, Hutus called their Tutsi victims “cockroaches.” Na-zis and Stalinists regularly referred to Jews and Kulaks as “vermin.” Ordinary American members of the U.S. armed forces made Iraqi prisoners at the Abu Ghraib prison act like dogs. Conversely, psychologists have found that when people give a pet animal, even a cockroach or a flea, a human name, they have a difficult time seeing the animal die or putting it down. Hence, Moore also speculates, those groups that give God a name and imagine God as a human-like figure whom they should obey, as pri-mates should obey a silverback leader, in a dominance hierarchy, thereby show a greater historical incidence of group violence than do polytheistic or non-theist cultures. These traditions often tell stories of encounters—that of Saul of Tarsus—with God that are “blinding.” We might say that people are blinded by righteousness.95 Thus the Crusades may have been inevitable. If “my God” has a name and a story that gives a life its meaning, all the psychological factors—disputed sacred turf, belief in one’s own purity, the affection for things we name, and ultimately the fear of death—point toward despeciating and killing those who threaten to tear that world apart.96 Moore does not claim that religious or ideological fundamentalist beliefs cause brutality in any simple linear way. Most fundamentalists behave peacefully most of the time. But fundamentalist beliefs do seem to act as “purity boosters,” en-ablers of moralistic group violence that make brutality against the other seem “right.”97 D. The Trouble with Justice“Justice” cannot have any objectively correct substantive content in a socially constructed world. As Kahneman, noted above, and other psy-chologists have found, people on all sides of a conflict believe they are “right.” When justice takes on substantive meaning, that meaning tends inevitably toward the absolutist and righteous; justice itself becomes a trig-ger of brutality. In the context of competitive play, “justice” and “rights” merely describe the prizes political and legal contestants strive to win.98 In psychodynamic terms, justice often describes a rationalization of the ex- perience of injustice, i.e., of outrage triggered by insults to power, turf, and purity. Perceived violations of the expectation of fairness and of equal treatment of equals often trigger anger and potential violence.99 Frans de Waal has demonstrated that non-human primates similarly react to perceived unfairness and inequality. After discovering experimentally that capuchin monkeys would angrily reject food, in this case a piece of cucumber, that they had once accepted after seeing their partners getting more valued food (a grape), de Waal concluded: The fairness issue is closely related to the interests of economists, who have classically assumed that human beings are rational optimizers of the costs and benefits of their choices. Some economists, however, believe that we are guided by emotions and passions that sometimes lead to irrational behaviors, at least in the short run, such as in the case of a monkey refusing food. . . . Some economists have become interested in such irrational human actions and have developed very interesting evolutionary explanations for it. The results of this study are aligned with that thinking, in the sense that monkeys behave in a similar manner, rejecting acceptable food when the rational strategy would be always to exchange. They exhibit emotions similar to humans, becoming very unhappy when someone else receives a better deal than they. 100 De Waal has termed this primate pattern “moralistic aggression,” and the term aptly describes the common human brutality syndrome. Timothy McVeigh bombed the Oklahoma City Federal Building on the anniversary of the deaths of the Branch Davidians at Waco because the injustice of the government’s murder of innocent believers in Waco outraged him.

#### 3. Good games create curiosity that replaces the human tendency to brutality – encompasses a broad range of violence

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Good games neutralize turf and, by legitimizing losing, reduce or eliminate the irrational and often self-defeating effects of Kahneman’s loss aversion, specifically the urge to double down and send good money after bad.127 Like legal education and legal practice, and like Vico’s rhetorical debating games, competitive games over time construct for players and fans a continuing civic education. The desire to win a competition moti-vates players to become keenly curious about the rules of the game, the conditions on the field of play, the skills of the opponent, and so on. In games people return to and practice the “thought of sense.”128 In games, players must base their calculations on what is real, not on what they imag-ine or hope for. Games thus rewire the remarkably plastic human brain in the direction of the classical rationality of “economic man” like no other social context. People come to belie Franklin’s belief that men only use reason to justify everything they have a mind to do. Through the behavior of playing, people reconfigure their brains to be more conventionally ra-tional. In play people create the sense that Faulkner thought they lacked.129 Curiosity necessarily humanizes opponents instead of “despeciating” them, as so often happens in the brutality cycle.130 Kahneman observes that each opponent in a conventional conflict believes that the other side acts out of malice and hostile motives,131 but just the opposite happens in games. Competitors merge identities. Each knows that the other experi-ences the same world, “thinks the way I think,” “wants what I want,” and “needs to know me as much as I need to know her.” Opponents do not “take it personally.”132 Competitive games, without any help from post-modern philosophers, convert believers into pragmatists. In games people delight in the particulars of concrete situations. Good play helps realize Whitman’s wise urging to turn from curiosity about God to curiosity about each other.133 The curiosity that players must develop to play well dis-places ethnocentrism, xenophobia, moral superiority, and the other brutaliz-ing tendencies of the human mind described by Hood, Milgram, Zimbardo, Pinker, Damasio, and Frith, and noted in Part I. Curiosity overcomes, or very much reduces, the impulse to hate.134 Good play has the same effect on players as does the naming of a doll or an animal. It creates a kind of love.

1. [↑](#endnote-ref-1)
2. [↑](#endnote-ref-2)
3. [↑](#endnote-ref-3)