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**Pouya and I wish to use this moment to recognize our own privilege and, in the context of that privilege, call for the restriction of the President of the United States’ war powers authority to indefinitely detain.**

**In an article titled “The Continuing US War on the Darker Skinned” on August 6th of this year, Adam Hudson explained**

(The Continuing US War on the Darker Skinned Tuesday, 06 August 2013 09:19 By Adam Hudson, Truthout | News Analysis)

**The notorious US military base and penal colony in Guantanamo Bay, Cuba, serves as a stark example of militarized institutional racism**. There, **166 people are indefinitely detained**, but 2 might be returned to Algeria. Of those, 86 are cleared for release, but remain detained. While a few are being tried in military commissions (which are ineffective at upholding rights of the accused), the vast majority are held without charge or trial. According to Guantanamo chief prosecutor US Army Brigadier General Mark Martins, **they are "detained until the end of hostilities" against al-Qaeda, the Taliban, and "associated forces," which could be decades from now**. **The majority of Guantanamo detainees are, thus, prisoners of war in an endless war**. Indefinite detention violates international human rights law. Yet, along with military commissions, it's been supported by President Barack Obama. This **indefinite detention**, along with the squalid conditions of their confinement, **has led around 70 detainees to engage in a hunger strike that has lasted nearly half a year, so far**. **Of those, around four dozen are being force-fed,** a brutal procedure in which a tube is shoved up a person's nose and down into their stomachs to feed them a supplement. Force-feeding, according to many doctors and human rights advocates, violates medical ethics and amounts to torture. **The vast majority of the detainees are Muslim, mostly from Yemen with others from places like Afghanistan, Saudi Arabia, and Pakistan. The detention center at Guantanamo is one chapter in the long saga of US militarism against the world's majority - non-white, non-European peoples. Racism is power and justifies war** **Racism is a system of power, hierarchy, inequality and oppression reinforced by racist ideology to keep it going. Its roots lie in slavery and the genocide of the native Americans. Its continuation is exemplified by current inequalities between blacks and whites in wealth, employment, and other areas of life - with blacks positioned far below whites in the socioeconomic ladder. Racist ideology is manifested by negative perceptions of nonwhite people.** A 2008 study done by psychologists at Pennsylvania State University, Stanford University and University of California at Berkeley showed that many white Americans associate black people with apes. Coauthor Jennifer Eberhardt, a Stanford psychology professor, remarked, "African-Americans are still dehumanized; we're still associated with apes in this country. That association can lead people to endorse the beating of black suspects by police officers, and I think it has a lot of other consequences that we have yet to uncover." A related consequence lies in war, which racism ideologically justifies. To kill people in wars, the designated enemy must be dehumanized. **Using racialized differences (culture, skin color, ancestry, etc.) is a very common way to dehumanize and subjugate a population. They are seen as "others" who are "not like us," thus, apt for killing**. **The War on Terror is a continuation of US wars against darker-skinned peoples. Today's "enemy" are Muslims, usually (though not always) darker-skinned people from the Middle East, Africa,\ and South Asia. Depicted as "terrorists" in popular discourse, these communities face continuing Islamophobia, marginalization and dehumanization. Since Guantanamo houses detainees who are mostly, if not all, Muslim and nonwhite, it is an example of institutional racism within the global war on terror.** **But it goes deeper than that. While Guantanamo is notorious for indefinite detention, military commissions, torture, and the hunger strike, what's commonly forgotten is that it is a US naval base that's been on Cuban soil for more than a hundred years.** In addition to detaining people in dismal conditions, it also used as a refueling station for US ships and a base for counter-narcotics operations throughout the Caribbean and Latin America. Many of these operations are carried out by the Coast Guard stationed at Guantanamo. **Foreign workers exploited in Guantanamo**, other US bases On the 45-square-mile base, there are suburban-style homes for troops and military families, restaurants, bars, a supermarket, Subway, McDonald's, a movie theater, occasional balls for soldiers on the base and other amenities of a typical city or military base. If you're there long enough, you wouldn't think there's a prison housing hundreds of "suspected terrorists" a few miles from where you're at. During my two weeks of reporting in Guantanamo, I noticed **many of the workers on the base were Filipino and Afro-Caribbean.** They worked as baggers, cashiers, restaurant servers, repair people (I remember seeing a few Filipino workers repair the air conditioning in the media operations center where journalists work), construction workers, grass mowers, sanitation workers and other service providers. **In military jargon, these workers are known as "third-country nationals" or TCNs**. In her book Guantánamo: A Working-Class History Between Empire and Revolution, Professor Jana K. Lipman explains that in the beginning, many of the workers at Guantanamo Bay Naval Station were local Cubans, some British West Indians, Puerto Ricans and Asians. But the 1959 Cuban revolution ended contact between the American naval base and the rest of Cuba. To replace those workers, the United States imported laborers from Jamaica and the Philippines. Columbia University researcher Darryl Li noted that "In the past decade, the Pentagon's privatization drives have dramatically increased its global reliance on TCN [third-country national] labor." At Guantanamo, **many of these workers work for contractors like Bremcor and BDRC. In March of 2002, the recruitment firm Anglo-European Services,** **which is tied to Kellogg Brown & Root (KBR), formerly a subsidiary of the American oil corporation Halliburton Company** (of which Dick Cheney was former chairman and CEO), "**sent 250 Filipino construction workers to build additional detention cells for US-held terror suspects at Guantanamo Bay in Cuba**," reported the Asia Times in July 2006. The workers "were allegedly slipped out of the Ninoy Quino International Airport without passing through standard immigration procedures" and left "on a chartered flight to Cuba." Both the United States and Philippine governments kept the recruitment "under wraps." But Guantanamo is not the only US military base to employ foreign workers. They're employed by several US government contractors like KBR and DynCorp International, through tertiary subcontractors (mainly from the Middle East), to do logistical work at many military bases, such as in Afghanistan. These workers hail from countries like the Philippines, Fiji, Nepal and Bangladesh. In a detailed June 2011 exposé, The New Yorker reported that they are "the Pentagon's invisible army: more than seventy thousand cooks, cleaners, construction workers, fast-food clerks, electricians, and beauticians from the world's poorest countries who service US military logistic contracts." While the "expansion of private-security contractors in Iraq and Afghanistan is well known," says journalist Sarah Stillman, who traveled to US bases in Iraq and Afghanistan to write the story, "armed security personnel account for only about 16 percent of the over-all contracting force. The vast majority - more than 60 percent of the total in Iraq - aren't hired guns but hired hands." According to Stillman, "These workers, primarily from South Asia and Africa, often live in barbed-wire compounds on US bases, eat at meager chow halls, and host dance parties featuring Nepalese romance ballads and Ugandan church songs. A large number are employed by fly-by-night subcontractors who are financed by the American taxpayer but who often operate outside the law." **Labor protections in these environments are virtually nonexistent. Many workers interviewed for the report "recount having been robbed of wages, injured without compensation, subjected to sexual assault and held in conditions resembling indentured servitude by their subcontractor bosses."** Most of the workers make a couple hundred dollars a month. **Their abysmal treatment has led to many "food riots in Pentagon subcontractor camps, some involving more than a thousand workers**." At bases in countries like Afghanistan, foreign workers face war-zone dangers, namely being killed or injured from explosions and attacks. Thousands of contractors have been killed and injured. According to the New Yorker report, "private contractor losses are now on a par with those of US troops in [Iraq and Afghanistan] war zones." However, since deaths and injuries of foreign workers are rarely counted, the actual toll could be higher. An ACLU report, released last year, highlighted that the system by which US contractors employ foreign workers amounts to trafficking and forced labor. The US government gives a contract to a primary contractor. Rather than hire directly, that contractor contracts subcontractors to do the job. Those subcontractors pay recruiters who recruit foreign workers in their home countries and make them pay exorbitant recruitment fees to get a job. Those workers are normally tricked into thinking they'll work at one (usually nicer) place with promises of a higher salary, only to wind up somewhere like Iraq or Afghanistan making low wages. According to the report, "the vast majority of TCNs ultimately earn between $150-$500 per month," close to $1,800-$6,000 annually. Such coercion, abuses, "deceptive hiring practices, exploitation, and abuse of power" amount to trafficking, thereby violating international and US antitrafficking laws, according to the ACLU. Moreover, it is an affront to basic human rights. **This is where the forces of corporate globalization, institutional racism and militarism conjoin. Foreign workers are exploited by private companies to work on US military bases**. **The exploitation of foreign workers may not be racist by intent. However, it is institutionally racist in effect because of whom it impacts and exploits - black and brown people from poorer countries. Intersections between racism and war - at home and abroad Militarism is a system of projecting aggressive military power to promote state interests, such as national defense, countering adversaries, or control of vital resources and markets. It largely subjugates people of color around the world. Today's imperial landscape is marked by conventional wars in Iraq and Afghanistan - which are winding down - and the expansion of asymmetric wars through assassination,** raids by special operations forces, air wars, proxy wars, private military contractors, **and drone strikes**. These asymmetric wars are occurring in Pakistan, Yemen, Somalia, but expanding to other areas, particularly in Africa. The wars in Iraq and Afghanistan killed hundreds of thousands to millions of people, along with displacing over four million, destroying infrastructure and leaving many Iraqis with birth defects and cancer thanks to depleted uranium used by US armed forces. US covert wars in Pakistan, Yemen, and Somalia have killed thousands with deaths continuing to rise. Many of them are civilians or unknown persons. Only 2 percent of those killed by drone strikes in Pakistan are high-level terrorist leaders. The rest are civilians and unidentified or low-level Afghan and Pakistani militants, according to McClatchy. As they inflict death and injury, US drone strikes have also terrorized and radicalized civilian populations in Pakistan. **The victims of wars, occupations, bombings, proxy wars and militarized neoliberal exploitation are predominantly people from darker-skinned, non-European countries, who constitute the world's majority, but neither possess much of the world's wealth nor control the global economy** (that power lies in Europe and North America). A list of US military interventions from 1890 to 2011 by Professor Zoltan Grossman of Evergreen State College shows that most US wars occurred in Latin America, the Arab World and many parts of Asia. They include the massacre at Wounded Knee, Spanish-American War, the Vietnam War, coups in Iran, Iraq, and Chile, backing the Contras in Nicaragua during the 1980s, and the 1976-92 proxy war in Angola. **Because of whom it oppresses, militarism is systematically racist. Militarism also impacts people of color, especially black people, at home. According to a thorough report done by the Malcolm X Grassroots Movement, one black person is killed every 28 hours by law enforcement or armed vigilantes.** Most of the time, the victims are unarmed and use of force was excessive. **Police dehumanize black people by suspecting they are potential threats in the same way soldiers dehumanize "the enemy" overseas. Hence police typically say they "felt threatened" before they shot a black person. State and vigilante violence against African-Americans is not new. It dates back to slave catchers and lynchings of black people in the South. But this system has grown to new heights with the militarization of domestic police forces**. Police are given military weapons, equipment, tactics, and training through grants, Pentagon giveaways, and, after 9/11, Department of Homeland Security grants. This started under the Reagan administration and has continued under Obama. Little mention in liberal media **Many purportedly anti-racist liberal talking heads and media outlets tend to under-appreciate the connections between racism and militarism. One would expect them as people with knowledge about race relations to highlight this connection when national security stories come up.** **However, they tend to drop the ball.** Melissa Harris-Perry, a political science professor at Tulane University and MSNBC show host, specializes in African-American politics and provides a liberal perspective on American race relations. She spoke out against the Zimmerman verdict and provides insightful coverage on issues like the infringement of voting rights in communities of color. But her **views on Obama's militarism range from blasé to apologetic**. Last November, **when discussing drone strikes** on her show, Harris-Perry asked journalist Allison Kilkenny and MSNBC host Chris Hayes, "Make a case to me about why they're problematic because I'm not sure that I agree." **Harris-Perry brought up police shootings of black youth in the United States in response to Hayes criticizing the death of Abdulrahman al-Awlaki, a 16-year-old American citizen killed by a US drone strike in Yemen in 2011**. **Rather than seize the opportunity to make the connection between domestic institutionalized racist violence and American militarism, she used it to buttress her nonchalance on the issue of drone strikes.** Touré, another MSNBC commentator, is also liberal on race issues. But he's hawkish when it comes to drone strikes and assassination. Touré regularly comes to the Obama administration's defense on their belligerent counterterrorism policies. Last February, on Twitter, Touré said "Obama as Commander in Chief is tasked with leading our war against Al Qaeda. He can and [sic] should kill [al-Qaeda] leaders whenever possible." On The Cycle, he expanded his argument, "But we are at war with al-Qaeda right now. And if you join al-Qaeda, you lose the right to be an American; you lose the right to due process; you declare yourself an enemy of this nation. And you are committing treason" - even though the Constitution grants due process for those who commit treason. Then again, this is pretty much normal for a network that functions as the Obama administration's Pravda. **The Root and The Grio are two large black media outlets; The Root, is owned by The Washington Post; and The Grio is owned by NBC News. They provide neither substantial coverage of foreign policy issues nor deeper analysis of the intersections between racism and empire. What one does get, however, is a lot of support for Obama. Contrast this with Black Agenda Report - a black leftist news and analysis website - or Pambazuka News - a Pan-Africanist online weekly newsletter - and the coverage is far different. Along with substantive critiques of the Obama administration's transgressions, there's regular critical analysis of domestic politics, foreign affairs, and the connections between institutional racism and Western imperialism. However, sites like Black Agenda Report and Pambazuka News are independent and have less exposure than The Root, The Grio, or MSNBC, due to the latter's corporate ownership. This raises the issue of how corporate media dilute the wider discourse on race relations. That is a problem because it reveals a blind spot in understanding about issues of race and national security. It leaves certain realities in the dark, such as the plight of foreign workers on American military bases. Highlighting the connections can add deeper context to problems, such as the killing of Trayvon Martin. His death was the byproduct of a militarized system of racism that allows a neighborhood watchman to carry a gun and shoot anyone (especially black teenagers) he deems threatening, with impunity. Examining the real connections between racism and militarism provides better understanding of the issues at stake. Such analysis is more likely to be found in independent black journalistic outlets than corporate media.**

#### This is ethically unacceptable--- failure to end this practice dooms dozens of people to perpetual detention

Amnesty 2013 (Amnesty International, May 2013, “USA¶ ‘I HAVE NO REASON TO ¶ BELIEVE THAT I WILL ¶ EVER LEAVE THIS ¶ PRISON ALIVE’¶ INDEFINITE DETENTION AT ¶ GUANTÁNAMO CONTINUES; 100 ¶ DETAINEES ON HUNGER STRIKE,” http://www.amnesty.org/en/library/asset/AMR51/022/2013/en/e480ed9c-db38-4bd3-b660-6943142c4449/amr510222013en.pdf)

What will it take to get the US government – across its three branches – to act with a real and ¶ continuing sense of urgency to close the US detention facility at Guantánamo Bay in Cuba, ¶ and to do so in ways that meet the USA’s international human rights obligations? ¶ A glimmer of hope for progress emerged with President Barack Obama breaking his recent ¶ silence on the detentions. At a White House press conference on 30 April 2013, one ¶ thousand five hundred and sixty days after he committed his administration to closing the ¶ Guantánamo detention facility within 365 days, President Obama said that he still ¶ “believe[d] that we’ve got to close Guantánamo”. He was asked about the growing hunger ¶ strike among detainees held there, and responded that it was “not a surprise to me that we’ve ¶ got problems in Guantánamo”. He further said that: ¶ “the notion that we’re going to continue to keep over a hundred individuals in a no ¶ man’s land in perpetuity…, the idea that we would still maintain forever a group of ¶ individuals who have not been tried – that is contrary to who we are, it is contrary to our ¶ interests, and it needs to stop”.2¶ The US authorities, President Obama included, are yet to acknowledge that the Guantánamo ¶ detention regime is contrary to international human rights law, instead framing the “problem” ¶ exclusively in terms of domestic interests and values and the USA’s “war” against al-Qa’ida ¶ and associated groups. And while the administration continues to blame Congress for ¶ blocking resolution of the detentions, the administration’s own “promise” involves moving ¶ some four dozen detainees into indefinite detention elsewhere and, for a number of other ¶ detainees, continuing to resort to a military commission system falling short of international ¶ fair trial standards. ¶ But, in part, President Obama is right – it is not surprising that these detainees are protesting ¶ their situation. Whatever the initial trigger for this hunger strike, there is no escaping the ¶ backdrop to it – detainees being held year after year after year with no indication of when, if ¶ ever, they will be released or brought to trial. Distress and protest are predictable outcomes ¶ of treating detainees as if they have no human rights, ciphers to be cast into oblivion ¶ thousands of miles from their families, their fate left to the whims of domestic politics to the ¶ exclusion of international human rights law and principles. ¶ One of the detainees on hunger strike is Obaidullah, an Afghan national who has been in US ¶ military custody without trial since 21 July 2002. He told his lawyer in late March 2013: ¶ “I am losing all hope because I have been imprisoned for almost eleven years now at ¶ Guantánamo and still do not know my fate”.3¶ Obaidullah was about 19 years old when he was taken into US custody. He is now about 30. ¶ According to his lawyer, his parting words at the end of their latest meeting in March 2013 ¶ were “please tell the world of this unfairness”, adding “Latif died here even with a ¶ clearance”. Here Obaidullah was referring to Yemeni national Adnan Farhan Abdul Latif who ¶ had been among those “approved for transfer” by the executive authorities, and who had ¶ repeatedly expressed despair at his indefinite detention. His circumstances, he said, “made ¶ death more desirable than living”. In October 2011, after nearly a decade in US custody ¶ without charge or trial and a few days after a federal appeals court overturned a lower court ¶ order that he be released, Adnan Latif told his lawyer “I am a prisoner of death”. Latif had ¶ been involved in protests against conditions at the camp, protests which included hunger strikes. When his lawyers met with him in May 2012, Adnan Latif had resumed his hunger ¶ strike. He was physically very weak and he “thinks he will die and has given up all hope”, his ¶ lawyer said. Although he apparently ended his hunger strike, in September 2012, three ¶ months after the US Supreme Court refused to take his case, Adnan Latif was dead, ¶ reportedly as a result of suicide.4¶ In a statement, his lawyer said: ¶ “However Adnan died, it was Guantánamo that killed him. His death is a reminder of the ¶ human cost of the government’s Guantánamo detention policy and underscores the ¶ urgency of releasing detainees the government does not intend to prosecute.”5¶ The US authorities have long been warned of the psychological distress caused by the ¶ indefinite detention regime at Guantánamo. In January 2004, the International Committee of ¶ the Red Cross (ICRC), describing itself as “uniquely placed to witness the impact this ¶ uncertainty has had on the internees”, revealed that it had “observed a worrying deterioration ¶ in the psychological health of a large number of them”.6¶ That was over nine years ago. ¶ If the USA didn’t listen then, it should listen – and act – now. On 11 April, ICRC President ¶ Peter Maurer called on “the United States, including its Congress, [to] urgently find a way to ¶ resolve all pending humanitarian, legal and policy issues relating to the detention of persons ¶ held at Guantánamo Bay”. Five days later, the United Kingdom government released its ¶ annual human rights report. In it, the UK said that “the indefinite detention without trial of ¶ persons in Guantánamo Bay is unacceptable and that the detention facility at Guantánamo ¶ Bay should be closed.”7¶ On 5 April, the United Nations High Commissioner for Human Rights, Navi Pillay, had also ¶ called for urgent resolution of the Guantánamo detentions, saying: ¶ “Some of them have been festering in this detention centre for more than a decade. ¶ This raises serious concerns under international law… [T]his systemic abuse of ¶ individuals’ human rights continues year after year. We must be clear about this: the ¶ United States is in clear breach not just of its own commitments but also of ¶ international laws and standards that it is obliged to uphold.”8¶ “Given the uncertainty and anxieties surrounding their prolonged and apparently indefinite ¶ detention in Guantánamo,” the High Commissioner for Human Rights continued, referring to ¶ the hunger strike, “it is scarcely surprising that people’s frustrations boil over and they resort ¶ to such desperate measures.”

#### Detainees are routinely subjected to physical and psychological violence

Moazzam Begg 2013 (Moazzam Begg, former Gitmo detainee, Interviewed by Global News network RT, FORMER DETAINEE OF GUANTANAMO “‘Everybody in Guantanamo has been tortured or abused’ - former detainee” July 6th http://rt.com/op-edge/gitmo-strike-torture-inmate-724/)

“I was subjected to the sounds of a woman screaming, I was led to believe that my wife was being tortured,” Moazzam Begg, a former Guantanamo Bay detainee has shared with RT. The former inmate has shed light on some of the torturous detention techniques at Guantanamo. They include, being cavity searched and given directions on how to commit suicide. Despite being physically and psychologically tortured by the guards in the US prison, Begg says prisoners find it in themselves to forgive the soldiers. RT: What was your own stay like at the prison? Moazzam Begg: Most of my time was spent in solitary confinement which meant being in a a cell that measured 6 foot by 8 foot which was windowless at that time, I did not have access to any meaningful communication with my family, I had no knowledge whether I was ever going to get charged or not, which I was not. At that time no lawyers were allowed. So for two and a half years there was no concept of facing any legal proceedings. But now the situation has changed a lot. RT: During that time would you claim that you were tortured or abused? MB: I say that everybody who’s been held in Guantanamo has been tortured or abused in one way. When I was first taken into custody, it was the most torturous process I think that any person can imagine. It meant being stripped naked, it meant your body being searched, cavity searched as they called it. Having your hair shaved off, being punched and kicked and being spat upon. On one occasion it was in background facility before I went to Guantanamo, I was subjected to the sounds of a woman screaming, I was led to believe that my wife was being tortured. So everybody in a sense is being tortured and the worst sort of torture is the psychological of course sort in which you are in solitary confinement torture unable to know what you have done for which you’re paying the ultimate price which is your freedom. RT: One prisoner claims that he and others have been sexually assaulted during searches. Have you ever witnessed anything like that? MB: Certainly, every prisoner will say that he has had invasive cavity searches. Across the board 779 men if you were to ask them, did this happen to them, they would say yes it happened to us at various junctures of detention. The particular prisoner, his name is Younous Chekkouri , he is from Morocco, is saying precisely this, but of course it is a violation of his dignity. I believe that the term rape has been used in a broader sense, meaning that objects have been inserted into a person which are extremely painful and degrading too. RT: We've heard an ex-military official say the prison's a recruiting ground for al-Qaeda. Would you agree? MB: It is bizarre, President Obama has recently visited Robben Island and he actually was in a cell where Nelson Mandela was. He actually wrote in the visitor’s book that nothing could break the strength of the human spirit, not even shackles or chains. But he forgot to add - unless you happened to be in our shackles and chains and in our cells. Of course, this is the sort of thing that will make people angry. But if you look at over 600 prisoners that have been released from Guantanamo, almost everybody has returned not to begin a life of terrorism or recidivism, as they call it, but actually stretch out their hands toward former Guantanamo soldiers, guards and interrogators. I had former Guantanamo guards coming to my house and meet the children that they prevented me from seeing when they were born. This is the sort of nature of the Guantanamo prisoners, we are extremely forgiving. RT: It seems that hunger strikers in Guantanamo are prepared to die. Did you think you'd die there? MB: I think many times that the administration there suggested to us, I was just once told that I had a thought about committing a suicide and they told me how I could commit suicide if I felt so down. Clearly the prisoners have moved along since that point, but clearly prisoners have died, nine people have died in Guantanamo. If the hunger strikes continue in the way that they are, then force-feeding is not the solution. The solution is to give them justice and that is the reason why they are doing it. They are not doing it because of all the abuses, those are peripheral, they are doing it because they have been held for almost 12 years now without charge or trial in any legal, normative system.

#### Indefinite detention causes psychological trauma

Cheyette 2011 (Cara M. Cheyette, JD, MPH, “Punishment Before Justice: Indefinite Detention in the US,” Physicians for Human Rights, https://s3.amazonaws.com/PHR\_Reports/indefinite-detention-june2011.pdf)

Individuals deprived of information about when or whether they will be released from detention ¶ and who are deprived, as well, of any information that might justify so isolating and indefinite a ¶ detention, suffer from high rates of severe anxiety, despair, depression, PTSD, and dread.44¶ It should come as no surprise that where indefinite detention and sensory deprivation share a ¶ basic attribute – i.e., where they both induce states of profound uncertainty – that they would ¶ have the power to cause similar psychological harms. Sensory deprivation, a recognized form of ¶ psychological torture that has been proven to cause “high levels of negative arousal, discomfort, ¶ and distress,” is an extreme form of imposed uncertainty.45 Whereas sensory deprivation provokes an acute state of fear, the uncertainty that indefinite detainees are subjected to is chronic ¶ and insidious – more akin to a malignant tumor than a blunt trauma wound. Uncertainty creates a state of constant and heightened anxiety about unknown and unknowable dangers and ¶ outcomes, creating a state of deep stress that has no fixed source or object. Uncertainty primes ¶ people for pain, which means that detaining authorities can elicit many of the physiological and ¶ psychological responses to pain without ever touching the detainee.46

#### Indefinite detention is categorically different from other forms of governmental custody

Cheyette 2011 (Cara M. Cheyette, JD, MPH, “Punishment Before Justice: Indefinite Detention in the US,” Physicians for Human Rights, https://s3.amazonaws.com/PHR\_Reports/indefinite-detention-june2011.pdf)

By definition, indefinite detention refers to a situation in which the government places individuals in custody without informing the detainee – and perhaps without the governmental ¶ custodian having decided – when or whether the detainee will be released. Indefinite detention ¶ therefore creates a situation of profound uncertainty that sets it apart from other types of governmental custody.35 Whereas a criminal trial imposes on the government a rigorous burden of ¶ proving that a defendant engaged in conduct that meets carefully and constitutionally defined ¶ standards and which results in either a conviction and sentence or an acquittal and freedom, ¶ indefinite detention schemes permit the government to keep a detainee in a dead zone of prolonged custody on the basis of facts or suspicions about the detainee’s associations, affiliations, ¶ inclinations, religious or political beliefs, national or ethnic identity, that the detaining authority ¶ asserts makes the detainee dangerous.36 Many of these factors are ones that are neither susceptible to evidentiary standards of proof nor over which the detainee has substantial control. ¶ Accordingly, in addition to indefinite detention being, by its nature, a condition marked by profound uncertainty about its duration, it is also characterized by a profound lack of control over ¶ the duration of that detention, and concomitantly renders the detainee incapable of predicting what factors might affect its duration.37 These additional characteristics contribute to the detainee experiencing his captivity as capricious and arbitrary.

#### State actors have an obligation to restrict indefinite detention authority

Steyn 2003 (Johan Steyn, A Lord of Appeal in Ordinary, November 25, 2003, Twenty-Seventh FA Mann Lecture British Institute of International and Comparative Law and Herbert Smith, Lincoln’s Inn Old Hall, http://www.pegc.us/archive/Articles/Steyn\_London\_20031125.pdf)

The most powerful democracy is detaining hundreds of suspected foot¶ soldiers of the Taliban in a legal black hole at the United States naval base at¶ Guantanamo Bay, where they await trial on capital charges by military¶ tribunals. This episode must be put in context. Democracies must defend¶ themselves. Democracies are entitled to try officers and soldiers of enemy¶ forces for war crimes. But it is a recurring theme in history that in times of¶ war, armed conflict, or perceived national danger, even liberal democracies¶ adopt measures infringing human rights in ways that are wholly¶ disproportionate to the crisis. One tool at hand is detention without charge or¶ trial, that is, executive detention. Ill conceived rushed legislation is passed¶ granting excessive powers to executive governments which compromise the¶ rights and liberties of individuals beyond the exigencies of the situation. Often¶ the loss of liberty is permanent. Executive branches of government, faced with¶ a perceived emergency, often resort to excessive measures. The litany of grave¶ abuses of power by liberal democratic governments is too long to recount, but¶ in order to understand and to hold governments to account we do well to take¶ into account the circles of history. Judicial branches of government, although charged with the duty of¶ standing between the government and individuals, are often too deferential to¶ the executive in time of peace. How then would the same judges act in a time¶ of crisis? The role of the courts in time of crisis is less than glorious. On this¶ side of the Atlantic Liversidge v Anderson (1942)1¶ is revealing. The question¶ before the House of Lords was a matter of the interpretation of Defence¶ Regulation 18B which provided that the Home Secretary may order a person to¶ be detained “if he has reasonable cause to believe” the person to be of hostile¶ origin or associations. A majority of four held that if the Home Secretary¶ thinks he has good cause that is good enough. Lord Atkin chose the objective¶ interpretation: the statute required the Home Secretary to have reasonable¶ grounds for detention. Lord Atkin said: “amid the clash of arms the laws are¶ not silent” and warned against judges who “when face to face with claims¶ involving the liberty of the subject show themselves more executive minded¶ than the executive”. At the time the terms of Lord Atkin’s dissent caused grave¶ offence to his colleagues. But Lord Atkin’s view on the interpretation of¶ provisions such as Regulation 18B has prevailed: the Secretary of State’s¶ power to detain must be exercised on objectively reasonable grounds. To that¶ extent Liversidge v Anderson no longer haunts the law2¶ . I have referred to a¶ case sketched on the memory of every lawyer because, despite its beguiling¶ framework of a mere point of statutory interpretation, it is emblematic of the recurring clash of fundamentally different views about the role of courts in¶ times of crisis. How far contemporary decisions match Lord Atkin’s broader¶ philosophy is far from clear. The theory that courts must always defer to¶ elected representatives on matters of security is seductive. But there is a¶ different view, namely that while courts must take into account the relative¶ constitutional competence of branches of government to decide particular¶ issues they must never, on constitutional grounds, surrender the constitutional¶ duties placed on them.3¶ Even in modern times terrible injustices have¶ been perpetrated in the name of security on thousands who had no effective¶ recourse to law. Too often courts of law have denied the writ of the rule of law¶ with only the most perfunctory examination. In the context of a war on¶ terrorism without any end in prospect this is a sombre scene for human rights.¶ But there is the caution that unchecked abuse of power begets ever greater¶ abuse of power. And judges do have the duty, even in times of crisis, to guard¶ against an unprincipled and exorbitant executive response. Not every one will agree with the picture I have put before you. Let me¶ therefore explain, with reference to Second World War experience, on both¶ sides of the Atlantic, why I feel justified in what I have said. During the¶ Second World War the United States placed more than 120,000 American citizens of Japanese descent in detention camps. There was no evidence to cast¶ doubt on the loyalty of these people to the United States. The military¶ authorities took the view, as a general put it, that “a Jap is a Jap.” In due¶ course it was recognised by the United States that a grave injustice was done.¶ In 1988 congress enacted legislation acknowledging that the “actions were¶ taken without adequate security reasons” and that they were largely motivated¶ by “racial prejudice, wartime hysteria and a failure of political leadership”.4¶ Restitution was made to individuals who were interned. This is to the great¶ credit of the United States. On the other hand, it must be remembered that an¶ earlier opportunity arose in 1944 in Korematsu v United States¶ for the¶ Supreme Court to redress the injustice. Korematsu was a Californian of¶ Japanese ancestry. After the bombing of Pearl Harbour he volunteered for the¶ army but was rejected on health grounds. He obtained a defence industry job.¶ In June 1942 he was arrested for violation of the internment orders. He¶ challenged the constitutionality of the orders. The issue was whether military¶ necessity was established. The court was divided. Delivering the opinion of¶ the majority of the Court, Justice Black stated:¶ “To cast this case into outlines of racial prejudice, without reference to¶ the real military dangers which were presented, merely confuses the¶ issue.”¶ Demonstrating significant deference to the executive, he concluded:¶ “. . . the military authorities considered that the need for action was great,¶ and time was short. We cannot - by availing ourselves of the calm¶ perspective of hindsight - now say that at that time these actions were not¶ justified.”¶ Not many in the United States, in the moderate spectrum of views, would now¶ defend this outcome even viewed from the perspective of 1942. In any event,¶ in 1984 a federal district court overturned Korematsu’s conviction on the¶ ground that the government had “knowingly withheld information from the¶ courts when they were considering the critical question of military necessity.”6¶ In giving judgment Judge Patel observed that the case “stands as a caution that¶ in times of distress the shield of military necessity and natural security must not¶ be used to protect governmental institutions from close scrutiny and¶ accountability”.7

#### Discursive reference to the state doesn’t legitimize it and is tactically necessary

Frost 1996 (Mervyn Frost, Professor at the University of Kent, “Ethics In International Relations A Constitutive Theory,” pp. 90-91)

A first objection which seems inherent in Donelan's approach is that utilizing the modern state domain of discourse in effect sanctifies the state: it assumes that people will always live in states and that it is not possible within such a language to consider alternatives to the system. This objection is not well founded. By having recourse to the ordinary language of international relations I am not thereby committed to argue that the state system as it exists is the best mode of human political organization or that people ought always to live in states as we know them. As I have said, my argument is that whatever proposals for piecemeal or large-scale reform of the state system are made, they must of necessity be made in the language of the modern state. Whatever proposals are made, whether in justification or in criticism of the state system, will have to make use of concepts which are at present part and parcel of the theory of states. Thus, for example, any proposal for a new global institutional arrangement superseding the state system will itself have to be justified, and that justification will have to include within it reference to a new and good form of individual citizenship, reference to a new legislative machinery equipped with satisfactory checks and balances, reference to satisfactory law enforcement procedures, reference to a satisfactory arrangement for distributing the goods produced in the world, and so on. All of these notions are notions which have been developed and finely honed within the theory of the modern state. It is not possible to imagine a justification of a new world order succeeding which used, for example, feudal, or traditional/tribal, discourse. More generally there is no worldwide language of political morality which is not completely shot through with state-related notions such as citizenship, rights under law, representative government and so on.

#### Critique of the racial state shouldn’t preclude demands that it stop its practices

Lipsitz 2004 (George Black Studies @ UC SB “Abolition democracy and global justice” Comparative American Studies 2 (3) p. 271-276)

Abstract As new social relations produce new kinds of social subjects, scholars in American Studies and Area Studies experience anxieties about disciplinary as well as geographic borders. The Civil Rights tradition of the 14th Amendment plays an important role within progressive American Studies scholarship, but in the course of seeking equality and exclusion within the USA, this tradition runs the risk of occluding the role of the nation in the world and its central role in creating and preserving inequality and injustice in other nations. An emerging emphasis on struggles for social justice without seeking state power encapsulates many of the most progressive impulses within Area Studies and transnational studies, yet this perspective runs the risk of occluding the enduring importance of the nation-state in inflecting global developments with local histories and concerns. The present moment challenges us to draw on both traditions, and to use each to critique the shortcomings of the other, while at the same time promoting an inclusionary, nonsectarian, and mutually supportive dialogue about our differences. Keywords American Studies ● Area Studies ● inequality ● transnationalism In Jack Conroy’s 1935 short story ‘The Weed King’, a stubborn Missouri farmer wages a one person war against the weeds that spring up in his fields. Believing that farming would be an easy job if it were not for the weeds, he dedicates himself to their eradication with a zeal that astounds his fellow workers. The ‘weed king’ embraces his war against weeds as his reason for being. ‘His only vanity,’ Conroy tells us, is his belief that he has ‘put the quietus to more weeds than any man, woman, child or beast west of the Mississippi’ (Conroy, 1985: 101). Even in the winter time when snow covers the ground, the zealot worries night and day about the tiny seeds waiting to bloom in the spring. One of his neighbors points out that weeds have their uses too, that many of them have greatly-needed medicinal powers. However, the weed king is not deterred. He soon succeeds in suppressing most of the weeds on his property. His singleminded zealotry has its costs, however. The measures he takes to kill the weeds prove fatal to his crops as well. At the present moment of tumultuous transformation and change, scholars in American Studies and Area Studies might be tempted to emulate the weed king, to keep a keen eye on our fields to protect what we have been cultivating for so many years, to view each other’s work with trepidation and counter-insurgent zeal. American Studies scholars worry that the growing enthusiasm for transnational studies threatens to focus too much on exchanges across national boundaries, in the process occluding the unique, particular, and specific inflections given to those processes by distinct national histories, cultures, and politics. Area Studies specialists, many of whom have been part of a decades-long tradition dedicated to constructing epistemologies and ontologies that resist the hegemony of the monolingual, monocultural, and nationalist scholarship of the US academy, rightly fear that a transnational or postnational American Studies might simply project American Exceptionalism onto a broader geographic terrain. Outside the USA, specialists in both American Studies and Area Studies have reason to fear that (wittingly or unwittingly) scholars from the USA will use the power of US capital, communications media, and commerce to substitute a US-centric monologue masquerading as a dialogue for the greatly needed polylateral communication and collaboration that a transnational world requires. At a time when substantive changes in social structures, technology, and politics are radically reconfiguring the relations linking culture, time, and place, policing the boundaries of disciplines speaks to deep desires for continuity and certainty. It is possible to look at the current ferment in our fields and see only what is being lost, to become subsumed with melancholy about lost conversations and conventions. Yet scholarly research should be conducted out of conviction, rather than out of habit. If we are not careful, our work can come to resemble Swedish anthropologist Ulf Hannerz’s definition of Scandinavian cooking – something passed down from generation to generation for no apparent reason (Hannerz, 1992: 42). Like the weed king, we can worry night and day about the purity of our fields. As new social relations throw forth fundamentally new social subjects with new epistemologies, ontologies, archives, and imaginaries, new patterns of scholarly inquiry will inevitably emerge. Will shallow forms of cultural and ideological critique eclipse the grounded insights produced by ethnography or social history? Will the fetishes of archival and ethnographic research methods produce empiricist and myopic work lacking in self-reflexivity? Will comparative work lack the cultural and linguistic depth traditionally produced by primarily national studies? Will national studies ignore the ways in which nationalism itself is a transnational project? Will the proliferation of new social subjects and new objects of study come at the expense of marginalizing aggrieved social groups or will it teach us how social identities become conflated with power in richly generative and productive ways? It is understandable that these kinds of questions arise when we try to do our work. Anything worth doing can nonetheless be done badly, and principled questions from colleagues protect our interests as well as theirs. Yet counter-insurgency is a poor model for scholarly work, and too much attention to pulling out weeds can kill the crops. Even more important, weeds can have curative powers if we learn to use them correctly. The author of ‘The Weed King’ confided to his biographer that his mother believed that ‘weeds’ were simply plants for which no use had yet been found (Wixon, 1994: 32). The ‘weeds’ that invade a field can also inform it in crucially important ways if we learn to recognize their curative powers. Within American Studies, the tradition of 14th Amendment Americanism may seem like the quintessential expression of American exceptionalism. Forged from the freedom dreams and collective struggles of an enslaved people, the 14th Amendment stands as an enduring symbol of the accomplishments of the abolition democracy that ended slavery in the wake of the Civil War. More than a specific Constitutional provision promising equal treatment under law, the 14th Amendment has functioned as a widely shared social warrant authoring and authorizing new ways of knowing and new ways of being. In his indispensable work, Black Reconstruction in America, W.E.B. Du Bois demonstrated how slaves fighting for their freedom soon realized that it would not be enough to be merely ‘free’ in a society premised on their exclusion. In the course of staging a general strike in the fields, running away from slavery to swell the ranks of the Union army, and joining together to work land liberated by military force, they formulated a political perspective that Du Bois named ‘abolition democracy’ (Du Bois, 1995). They fought for the 13th, 14th, and 15th Amendments to the Constitution. At the Charleston Black Convention in 1865 they called for more than nominal freedom, for the development of their full being as humans. Between 1865 and 1877 they fashioned alliances with poor whites to elect progressive majorities to office, and their successes led to the first universal public education systems in the South, to governments that subsidized the general economic infrastructure rather than just the privileges and property of the elite. Although betrayed by the Compromise of 1877, by the removal of federal troops from the South, by the legal consolidation of the combination of sharecropping and Jim Crow Segregation, and by Supreme Court decisions that took protections away from black people and extended them to corporations, abolition democracy and the 14th Amendment successfully challenged the hegemony of white male Protestant propertied power. It opened the door for subsequent claims for social justice by immigrants and their children, religious minorities, women, workers and people with disabilities. From voting rights to affirmative action, from fair housing to fair hiring, the 14th Amendment is an enduring and abiding force for social justice in US society. Yet American Studies scholarship that subsumes social justice under the rubric of the 14th Amendment runs the risk of ignoring the position of the USA in the world. Celebrating struggles for citizenship inside the USA can work to strengthen the distinctions between citizens and aliens, providing legitimation for nationalist and nativist policies that impose enormous suffering on humans precisely because they are not US citizens. The legacy of the 14th Amendment has not prevented women and blacks in contemporary California from supporting anti-immigrant nativism through Proposition 187, aimed at denying immigrants and their children needed state services, or through Proposition 227, banning bilingual education in the state’s classrooms. Post-1965 immigrants from Asia, who owe their entry into to the USA to the civil rights movement and its exposure of previous national origin quotas as racist, have not been immune to pursuing the privileges of whiteness for themselves by opposing affirmative action and school desegregation policies vital to the well-being of blacks and Latinos. At the same time, the power inequalities that separate even the most aggrieved US citizens from the masses of poor and working people around the world can render struggles for full 14th Amendment rights by US citizens to be little more than what Martin Luther King, Jr used to describe as ‘an equal right to do wrong’. Certainly the prominence of Colin Powell and Condoleeza Rice in forging the rationale for the 2003 invasion and occupation of Iraq demonstrates the limits of this form of inclusion. If abolition democracy emblematizes the emancipatory tradition within American Studies, the idea of collective and linked struggles for change without aiming for control over any one state expresses the uniquely generative stance within transnational social movements and transnational scholarship. Articulated in the form of a manifesto in John Holloway’s Change the World Without Taking Power, this sensibility has taken on activist form in the work of the EZLN in Mexico, the Gabriela Network in the Philippines, and the Okinawan Women Act Against Military Violence in that Japanese prefecture (Holloway, 2002). These movements make demands on the state and recognize the specificity of national histories, cultures and politics, but their aspirations and activities cannot be contained with any single national context. The activities of the Okinawan Women Act Against Military Violence (OWAAMV) demonstrate the importance of a transnational perspective that goes beyond the history, culture, and politics of any single nation state (Fukumura and Matsuoka, 2002). Coming from a country that has been serially colonized since the 17th century and occupied militarily by both the USA and Japan, OWAAMV activists cannot solve their problems within a single national context. Disadvantaged by colonial status, race, and gender, they cannot turn to national liberation, anti-racism or feminism as their sole context for struggle. Coming from a small island with a limited population in a corner of the world far removed from metropolitan centers of power, they must forge alliances with outsiders based on political affinities and identifications, rather than counting on the solidarities of sameness that sustain most social movements. As eyewitnesses to brutal combat on the island in 1945 that killed more than 130,000 Okinawan civilians (one-third of the local population) and tens of thousands of Japanese and US military personnel, they find it impossible to celebrate organized violence and masculinist militarism (Hein and Selden, 2003: 13). As women confronted with the pervasive presence of commercial sex establishments, sex tourism and rapes of civilian women and girls by military personnel, they see gender as a central axis of power and struggle. The complicated history that brought the OWAAMV into existence, and which vexes them in so many ways, has produced new ways of being and new ways of knowing that contain enormous generative power for scholars in Ethnic Studies and American Studies. They do not seek to make their nation militarily superior to others. Instead, they argue that massive preparation for war increases rather than decreases the likelihood of violence. Moreover, they argue that military spending creates security for states and financial institutions but not for people. They charge that expenditures on war serve to contain and control people like themselves who oppose the global economic system, who challenge neoliberal policies designed to privatize state assets, lower barriers to trade and limit the power of local entities to regulate the environment. Perhaps most important, they call for a new definition of ‘security’, one that places the security of women, children and ordinary people before the security of the state and financial institutions. They ‘queer’ the nation – not because they take an explicit position on the rights of gays and lesbians, but because they interrupt and contest the narrative of patriarchal protection upon which the nation-state so often rests. By necessity, the OWAAMV go beyond the categories and cognitive mappings of area studies. They are citizens of Japan, but also victims of Japanese and US colonialism. On most issues, they feel more in solidarity with the indigenous Sovereignty Movement in Hawai’i or the Gabriela network mobilizing against sex tourism and sex work near military bases than they do with their fellow citizens of Japan. The nature of US imperialism forces them to seek alliances with pacifists and feminists in the USA, with Puerto Rican activists fighting against US military exercises on the island of Vieques, and with the Okinawans transported to Bolivia during the Cold War era when the Japanese and US governments relocated them in that South American nation so their land could be appropriated for military uses. They feel solidarity with witnesses to war and empire everywhere, recognizing that the things that have happened in their part of the Pacific cannot be contained within any one ‘area’ of study. Transnational organizing of mobilizations for change, without directly seeking to take state power, speak directly to the new circuits and networks of power emerging from new forms of production, consumption, communication and repression. They often display brilliant ingenuity in fashioning seemingly unlikely short-term alliances, affinities and identifications with people across class, gender, race and national lines. Yet this very tactical dexterity makes it difficult to turn temporary victories into long-term institutional changes. Strategies that manifest the mobility and dynamism required for challenging transnational corporations and financial institutions often lack the concentrated power needed to challenge the enduring power of the state and its control over the prisons, armies and police agencies deployed in support of private power everywhere. Even more important, flexible, fluid and dynamic coalitions often lack both the organic solidarity and the connecting ideology that make movements successful. Groups engaged in this kind of struggle can become unexpected allies in each other’s struggles, but they can also easily be manipulated into fighting against each other if they do not develop a systemic analysis of global power. Scholars can be pitted against each other as easily as aggrieved communities can. In an era of carefully orchestrated challenges to public education, scholarly independence and critical thinking, it is likely in the near future that every department, discipline and field will be encouraged to defend its own worth by belittling others, to compete for scarce and declining resources by inflating its own achievements at the expense of others. A losing proposition in politics, this ‘race to the bottom’ would be even more disastrous for scholarship because it encourages parochialism and defensive localism at precisely the moment when we most need dialogue, generosity and cosmopolitanism. It is important in this context to identify and learn from scholarly works that offer models of principled and productive synthesis between American Studies and Area Studies. Fortunately, both well established classics and promising new work in both American Studies and Area Studies contain this generative potential. The scholarly works of W.E.B. Du Bois and Walter Rodney provide especially useful and generative models from the past, while recent studies by Melani McAlister, Lise Waxer, Roderick Ferguson and Clyde Woods pose bold and exciting challenges in the present (Ferguson, 2004; McAlister, 2001; Waxer, 2002; Woods, 1998).

# 2ac

**This avoids the police order of politics as usual – using our privileged status to undo structures of privilege is an essential component of ethical politics – We solve their impact claims and the permutation avoids the links – our strategy of calls for political action on behalf of those marginalized by politics as usual is an act of “sharing” that avoids domination in recognition of equality – a call for action by those with a part in politics for those without allows for critical reflexivity to widen the scope of ethical political action to include additional perspectives**

**May 7** (Todd, SubStance 36.2 (2007) 20-36, “Jacques Rancière and the Ethics of Equality,”Professor of Philosophy at Clemson University. He is the author of seven books of philosophy, most recently Gilles Deleuze: An Introduction (Cambridge, 2005) and The Philosophy of Foucault (Acumen, 2006). His book Jacques Rancie're's Political Thought is forthcoming from Edinburgh Press in 2008.)

How shall we characterize what is proper to contemporary anarchism? What quality or qualities make it anarchist and not something else? What distinguishes its critique of capitalism from Marxism, or its anti-authoritarianism from nihilism? What draws the various threads of different anarchisms together into a single weave? **At one time, people thought that the uniqueness of anarchism lay in its critique of the state.** While Marxists sought to take over the state, or to establish a dictatorship of the proletariat until such time as the state would wither away, anarchists sought instead to abolish the state outright. Is it not Proudhon himself who writes, "To be GOVERNED is to be watched, inspected, spied upon, directed, law-driven, numbered, regulated, enrolled, indoctrinated, preached at, controlled, checked, estimated, valued, censured, commanded, by creatures who have neither the right nor the wisdom nor the virtue to do so" (293-4). And Bakunin, in his criticism of Marx's program, points out that "the doctrinaire revolutionaries, whose objective is to overthrow existing governments and regimes so as to create their own dictatorship on their ruins, have never been and will never be enemies of the state…They are enemies only of existing governments because they want to take their place" (137). For Marx, the central category of oppression is exploitation, the extraction of surplus value from the worker. **If exploitation is the problem, there is no bar to commandeering the forces of the state in order to dismantle it.** True, the state will no longer be necessary once exploitation has ceased, and then it can disappear of its own accord. But in the meantime, the state must be seized as a powerful source for the revolution of the means of production. **In contrast, it is said, anarchism finds the problem to lie not primarily in exploitation but in power itself**. Any institution that can exert power is to be resisted, and the state, which possesses the most power, is to be resisted above all. **This is a misreading of anarchism. We should not see the difference between Marxism and anarchism as lying in the argument between those who would lay the blame for oppression at the feet of the economy and those who instead would lay it at the feet of the state**. While this [End Page 20] characterization captures Marxism rightly, it misreads anarchism. **What anarchism criticizes is not power, strictly speaking, but domination.** What is the difference? We might say that domination is power that operates deleteriously. The deleteriousness can happen in many ways. A boss dominates a worker by the mere fact that he can withhold the worker's means of subsistence. The mainstream media dominates the public by veiling the interests of the elites that fund it. **Domination can happen in more subtle ways as well, ways that involve no conscious intention**. Michel **Foucault's works**, especially Discipline and Punish and the first volume of his History of Sexuality, **are analyses of domination without intentional dominators**. In the former he details the ways people come to be dominated by the practices of discipline to which they become subject, and by the practices of psychology and psychiatry that form the epistemic basis of that discipline. **There are those who benefit from this domination**, in particular the economic elites of capitalism. **But the beneficiaries do not engage in the domination; in fact, they are unaware of its occurrence.** The History of Sexuality depicts how sexual domination has arisen over the course of the last several centuries. But again, it is not a history of how some people sexually dominate others, but of how the very category of the sexual can become a form of domination. **Anarchism, then, should be seen as a critique of domination, rather than as a critique of the state**. Unlike Marxism, anarchism does not concern itself with a particular type of oppression—exploitation—that arises in a particular arena—the mode of capitalist production. Rather, it concerns itself with the various dominations that occur throughout the social arena. **The state may stand out as a particularly egregious instigator of domination, because of its concentration of bureaucratic and military power. However, it is not the only source of domination, and under certain conditions—for example the current situation of transnational capitalism—it is perhaps not even the most oppressive one**. What concerns thinkers like Bakunin is not the state itself as the source of all domination, but the state as a particular instigator of it. Further, in his view, Marx's inability to see this would lead to a repetition of the very ills Marx sought to cure. In this, of course, Bakunin is not mistaken. Have we then isolated what is proper to anarchism? Is anarchism the political view that seeks to critique and to eradicate, to the extent possible, all forms of domination? This is an important element of anarchism, but I want to argue that it is not all there is, or at least not all there should be. Seen thus, anarchism is defined in a purely negative manner; it is defined by what [End Page 21] it is against. Recent attempts to replace the historically loaded label "anarchism" with other terms, such as "anti-authoritarianism," reflect this negative orientation. There is something right about the negative orientation. **By defining anarchism negatively, one does not impose a particular solution to the domination it opposes. One does not draw up the blueprint of a better set of social arrangements, and then seek to impose them or to lead others toward them. This attempt, like Marx's, would only result in a repetition of what is being fought**. The blueprint becomes a new form of domination, and the circle is complete. Must we, then, settle for a negative definition of anarchism? Or **can we articulate a more positive conception of anarchism that allows us to say more about what anarchism is without recreating at another level the domination anarchism seeks to oppose**? Here is where the political writings of the French historian and theorist Jacques **Rancière** become relevant to us. Rancière has **developed**, particularly in two works in the mid-1990s—Disagreement and On the Shores of Politics—**a thought of equality that allows us to think anarchism in a positive fashion without permitting it to become programmatic in a way that repeats the mistakes associated with Marxism.** I would like to investigate here a particular aspect of this thought, one that Rancière himself has not pursued, in order to show that the politics he describes also has within it an ethics to which the politics can appeal. The advantage of this ethics is that it provides a structure of justification for the politics he embraces. **Contemporary French thinkers are often criticized by people like Jürgen Habermas or Nancy Fraser, for example, for failing to have coherent political positions or for not grounding the positions they do have in a reasonable ethical framework. One response to the latter charge is to claim that such grounding is not necessary**, **and that in fact it may reflect an already outmoded way of thinking about politics**. I would argue that **in Rancière's case there can be such ethical grounding**. **This grounding cannot be transcendental or founded in the way many earlier philosophers sought with their ethics. The grounding is more pedestrian. Rancière's politics appeal to a value that has an important place in our thinking, and the burden ultimately falls upon those who would oppose that value to show why we should abandon it. This does not offer any transcendental guarantees, but in a philosophical world that has jettisoned the idea of such guarantees, it is the best one can hope for**. Before turning to the ethics implicit in Rancière's thought (an ethics that is distinct from the type of ethics he disparages in some of his recent writings),1 it would perhaps be best to offer an overview of his political [End Page 22] position. Although a number of his works are now being translated into English, he is hardly a household name in intellectual circles in the U.S. Rancière started his career as a student of the Marxist Louis Althusser, but abandoned that position when he became convinced that Althusser's thought is one of inequality rather than equality. As he writes in his book La Leçon d'Althusser, "Althusser needs the opposition between the 'simplicity' of nature and the 'complexity' of history: if production is the affair of the workers, history is too complex a thing for them and must be left to the specialists: the Party and Theory" (33). This split between the workers and the intellectuals implies an inequality that he finds intolerable. After years doing archival work on workers' movements, particularly pre-Marxist ones, in the 1990s Rancière began laying out a theoretical position that places equality at the center of his thought. In his view, **most of what passes for politics is instead what he calls policing**. "Politics is generally seen as the set of procedures whereby aggregation and consent of collectivities is achieved, the organization of powers, the distribution of places and roles, and the systems for legitimizing this distribution. I propose to give this system of distribution and legitimization another name. I propose to call it the police" (D, 28). What is this politics and why call it the police? **What Rancière defines here is mainstream politics as we have come to live it. It involves elections, bureaucracies, the shifting of power relations in the state and the economy,** the procedures for such shifts, and the justifications that are offered both for particular elements of this system and for the system as a whole. **The police is politics as it is usually conceived,** and as it is practiced by very few. We are subject to the police. We do not, however, participate in either its creation or maintenance. The exception to this is voting, an act that serves more to legitimize the police than to change it—which is perhaps why so few people vote. By naming this form of politics policing, Rancière surely intends the resonances of coercion and repression often associated with the police. However, there is another, more historical reference to the term, one that has been analyzed by Michel Foucault. Policing refers to the set of practices, emergent particularly in the eighteenth century, that seek both to utilize and to maintain the population of a state. Police practices are concerned with the demographics, health, and safety of a population, so that it can contribute optimally to the welfare of the state.2 If we look at the current state of mainstream politics, we see the relevance of this association as well. Although it is not only the state but also corporate elites who benefit from the population's stability, the general idea remains much the same. [End Page 23] **What is wrong with mainstream politics**? **Many things, of course. Rancière focuses on a particular wrong: the inequality it presupposes**. Mainstream politics acts as though certain persons know both the public good and the good of others, while those others are incapable of achieving this good without the intervention of those properly situated to run the affairs of a society. Mainstream politics, which Rancière calls the police, is predicated on a refusal to recognize that people can run their own affairs, and so must have them run for them. "From Athens in the fifth century B.C. up until our own governments, the party of the rich has only ever said one thing, which is most precisely the negation of politics: there is no part of those who have no part" (D, 14). What, then, is politics, politics not as policing but as something that undermines the police order? Rancière says: I propose now to reserve the term politics for an extremely determined activity antagonistic to policing: whatever breaks with the tangible configuration whereby parties and parts or lack of them are defined by a presupposition that, by definition, has no place in that configuration—that of the part that has no part…an assumption that, at the end of the day, itself demonstrates the sheer contingency of the order, the equality of any speaking being with any other speaking being. (D, 29-30) **Politics is, in short, the undoing of the police order through the presupposition of the equality of all speaking beings**. Why "speaking beings," and whose presupposition is this? Speaking beings, because anyone capable of hearing and understanding an order is capable of interacting with others in order to participate as an equal in the creation of a meaningful life. There is order in society because some people command and others obey, but in order to obey an order at least two things must are required: you must understand the order and you must understand that you must obey it. And to do that, you must already be the equal of the person who is ordering you. (D 16) Anyone capable of understanding an order is no longer in need of one. **As to whose presupposition it is, it is the presupposition of those who act. It is the presupposition of the part that has no part, when that part decides to assert itself in the public realm in the name of its own equality**. In that sense, politics is not merely a proof to those in power, but a proof to oneself through one's own actions. "This is the definition of a struggle for equality which can never be merely a demand upon the other, nor a pressure put upon him, but always simultaneously a proof given to oneself" (UD, 48). Politics creates a political subject—it creates a people—through the actions by which they come into being as a people who at once see and impose themselves as equal. [End Page 24] The effect of the presupposition of equality is to undo the classifications of the police order—classifications by which some are given authority over others, whether by virtue of wealth, race, gender, or status. "The essence of equality is in fact not so much to unify as to declassify, to undo the supposed naturalness of orders and to replace it with the controversial figures of division" (EP, 32). This does not mean that there is no unity within politics. **What politics accomplishes is to divide the social order**, to introduce what Rancière sometimes calls a dissensus into it. **The "part that has no part," the people who are considered less than equal in a given police order no longer assent to that order**; they split themselves off from it. They may have unity among themselves, but they introduce division into the social order. This is inevitable, inasmuch as any social order functions on a presupposition of inequality. This undoing of the naturalness of police orders, this concerted action out of the presupposition of equality, is, in Rancière's eyes, the only real meaning that can be attached to the term democracy. "Every politics is democratic in this precise sense: not in the sense of a set of institutions, but in the sense of forms of expression that confront the logic of equality with the logic of the police order" (D, 101). Democracy is the practice of politics; it is the expression of the logic of equality through its assertion by those who have been told, for one reason or another, that they have no part in the determination of their collective lives. The anarchism of Rancière's view is evident here. **In contrast to those who would seek a politics from above**—be it a liberal politics of the state and its limits or a Marxist politics of the avant-garde party—**Rancière's politics remains rigorously a politics from below. It is those who participate, and who participate on the basis of their mutual pre-supposition of equality, who create the political character of any politics**. **Moreover, it can be seen how the presupposition of equality allows us to conceive of anarchism in a positive way, without falling into the trap of speaking for others.** If the critique of domination is one side of the anarchist coin, the presupposition of equality is the other. It is because equality is presupposed, that domination becomes intolerable. The use of power over another is deleterious in that it violates that person's equal ability to determine his or her life. This, it seems to me, is the vital nerve of all anarchist thinking and practice. **Finally, the presupposition of equality allows one to retain the anarchist concept of domination as a plastic one, applicable to a variety of situations**. The presupposition of inequality is instantiated in different ways in societies, whether through gender oppression or economic exploitation or racism or homophobia or some other form of domination. [End Page 25] To act from the presupposition of equality, then, is to champion that presupposition in a particular situation, in the face of a particular domination. Acting from the presupposition of equality does not aim at the same political target or require the same political behavior across all situations. It is as flexible as the concept of domination, leaving the character of political movement as well as the political analysis of domination in the hands of those who have "no part" in a particular situation. Before turning to the ethical status of the presupposition of equality, **it is worth pausing over an objection that might be raised to Rancière's project.** This objection is particularly evident in light of recent French poststructuralist and postmodernist thought. One of the central tenets of this thought is that there is no essential human nature. **Positing a human essence is anathema to** those for whom **history** (Foucault), **ontology** (Deleuze), **ethics** (Levinas) **or language** (Derrida) has, in one way or another, undone either the unity of humanity, the concept of essence, or both. Inasmuch as Rancière embraces the presupposition of equality, is he not ignoring the lessons of these thinkers? **Does he not reintroduce the concept of a human essence into political thought**—a reintroduction that would be at best nostalgic and at worst a repetition of the problems to which Foucault, Deleuze, Levinas, Derrida and others have called our attention? **Rancière's commitments at this crucial point are not essentialist, for two reasons**. The first has to do with the content of the presupposition itself, and the second with the role the presupposition plays in his political thought. The content of the presupposition requires nothing more than people's being equally intelligent to run their own lives. In his book The Ignorant Schoolmaster, Rancière traces the life of French revolutionary Joseph Jacotot. After the Restoration, Jacotot flees to Flanders, where he takes up the position of schoolteacher even though he does not know a word of Flemish. All he has to teach with is a copy of Telemachus in both French and Flemish. He requires the students to write a paper in French on Telemachus, using only that book as their guide to French. What he finds is that the students are eminently capable of turning in high quality work on this topic, and from this he develops the idea that people are equally intelligent. "What stultifies the common people," Rancière writes (although we might take this book to have a dual author: Rancière/Jacotot), "is not the lack of instruction, but the belief in the inferiority of their intelligence" (IS, 39). This belief in equal intelligence is not, of course, a belief that everyone can score the same on an SAT exam or conceive advanced theoretical physics. It is the belief [End Page 26] that we can all speak with one another (the equality of every speaking being) and can together and separately construct worthwhile lives and run our affairs. **To hold this assumption about human beings is not to ascribe to them a deep essence**. There is nothing here that runs afoul of the critique of humanism leveled, for instance, by Michel Foucault in his genealogical writings. Nor is it to return to the nineteenth-century conception of human beings as inherently good, often associated, rightly or wrongly, with the early anarchists**. It is simply to assume that people are capable of political action on their own behalf.** In this sense, **it is an assumption without which progressive politics cannot even be conceived. Without assuming this**, without "trusting the people" to this minimal extent, **one cannot even begin to critique the hierarchies and dominations of a given social order.** Moreover, and this is the second point, **the presupposition of equality does not function as an ontology of human beings. It is not a political ontology, but rather a political assumption**. "[O]ur problem isn't proving that all intelligence is equal. It's seeing what can be done under that presupposition. And for this, it's enough that the opinion be possible—that is, that no opposing truth be proved" (IS, 46). **The role of the presupposition of equality is not one of showing people to be equal, but of starting with that presupposition to see where politics can lead**. It is an experiment, grounded in some empirical observation, to be sure, but not in order to make a case for a human essence so much as to make a case for political action. With this understanding of the presupposition of equality and its role in Rancière's thought, we can turn to the question of its ethical status. The presupposition of equality plays a dual ethical role—one regarding those against whom one is pressing the presupposition, and another regarding those alongside of whom one is pressing it. In Rancière's terms, **the presupposition of equality has an ethical role to play regarding those who "have a part" and a different role to play with those who "have no part**." We must look at each in turn, because the presupposition of equality functions differently in the two cases. **When one acts out of the presupposition of equality, particularly in societies that think of themselves as democratic, one confronts the elites, those who have a part, with a contradiction**. The contradiction does not belong to the political actors, but to the elites. **It is a contradiction that is usually veiled; political action brings it out into the open.** On the one hand, elites in a nominally democratic society believe in equality. It is woven deeply into the belief structure of such societies that everyone is [End Page 27] equal. Whether this belief is a purely normative matter—that everyone should be treated equally—or is more deeply ontologically grounded—that people are indeed equal in whatever sense is important for politics—is irrelevant. What is relevant is that the belief in equality is held. On the other hand, **there is a commitment to inequality**. That commitment is usually not doxa; it is not a belief in inequality per se. Rather, **it involves the commitment to the hierarchies and dominations of a given police order.** To believe that a given hierarchical police order is just or proper is to be committed, implicitly, to the inequality of speaking beings. It is to believe that the distribution of roles, which places some in the role of speaking for others, of ordering them, of exploiting them—in short, dominating them—is at least ethically permissible and indeed ethically proper. To be sure, this commitment is rarely made explicit in the thinking of the elites. Rather, it follows from their other, consciously held commitments.3 (Admittedly, some among the elites may even believe explicitly in the inequality of those with no part, but this is more rare in nominally democratic societies.) **This is the contradiction. On the one hand, those who have a part, at least in nominally democratic societies, hold to a principle of equality. On the other hand, by ratifying a hierarchical police order, they hold to a principle of inequality**. If one were to follow a traditional Marxist line, one might be tempted to say that the former commitment is ideological while the latter one is real. The commitment to equality is no more than a formal, legal commitment that serves only to conceal the real relations of inequality that lie behind or beneath it. **Rancière rejects this way of thinking about the contradiction. He suggests instead that we take both ends of the contradiction seriously, and that one of the roles of political action—that is, acting out of the presupposition of equality—is to bring them out into the open**. Rancière offers a historical example of making a contradiction explicit. The preamble to the French Charter of 1830 stated that all French people are equal before the law. However, in practice workers were treated unequally, and in a variety of ways. In fact, Rancière quotes a public prosecutor saying that, "Everything which the Law has done against press license and against political associations would be lost if workers were daily to be given a picture of their position, by comparison with a more elevated class of men in society, by repeated assurances that they are men just like those others, and that they have a right to enjoy the same things" (UD, 46). While one might read this as a more explicit rejection of equality by the public prosecutor, the prosecutor would in all likelihood also have acknowledged the preamble to the Charter of 1830, without recognizing the contradiction involved. [End Page 28] **What does political action do in this case? It forces the contradiction to be recognized**. "If [the prosecutor] is right to say what he says and do what he does, the preamble of the Charter must be deleted. It should read: the French people are not equal. If, by contrast, [the preamble] is upheld, then [the prosecutor] must speak or act differently" (UD, 47). Here is the core of the ethical situation. It lies not in the violation of a principle that is inescapable, or in acting contrary to universal reason. It lies in contradicting one's own stated principles. **If we are to abandon foundationalism in ethics, we can do no better than this by way of ethical critique.** The reason for this is complex, but its outlines can be given here.4 If we reject the idea that there have to be ethical principles to which everyone is committed by virtue of being human, or rational, or the children of God, then we can only engage in ethical critique utilizing principles that are actually held (or, alternatively, principles that are not held but follow from other principles that are actually held). This can happen in at least two ways. First, **one can criticize someone who does not hold certain ethical principles precisely for the failure to hold them. This is a dogmatic position, but one that is sometimes inescapable. It occurs at the point where ethical dialogue breaks off, and force usually begins. For instance, faced with someone who persists in claiming, in the face of all evidence, that Jews or Palestinians or African-Americans are inferior to other races** (assuming one can make sense of the concept of a race), **ethical discussion has nowhere to go. One must choose either to allow the person to act on a prejudice that violates one's own principles, or to stop him/her.** Although this situation can arise, and is highlighted in certain publicly visible cases like abortion, **I suspect it is more exceptional than the second way in which ethical critique can occur. This second way involves internal contradiction rather than external critique**. We have already seen it in the example Rancière provides. Rather than chastising someone for failing to recognize an ethical principle, one shows instead that the principle is recognized, but that it conflicts with other principles one also holds, or that one is implicitly committed to by virtue of other commitments or actions. Here the failure is one of consistency: the person criticized is in contradiction with himself or herself. Rancière points out that, in the case of the French Charter, there are two possibilities open to the prosecutor: to deny the principle of equality, or to act in ways consistent with the principle. (It should be noted that there is, logically, a third possibility: the prosecutor can commit himself to inconsistency. However, the problems with this position are manifest; it leads to incoherence.) In the passage where Rancière discusses this [End Page 29] case, one may suspect a bit of irony at work. Who, one might ask, would seriously deny the principle of equality, and thus ask for a revision of the preamble? And, indeed, the possibility may ring strange to the ears of many of us. However, it is a possibility that must be taken seriously at the philosophical level. In the absence of foundationalism, nothing commits one to choose one way rather than another. There is nothing inconsistent about choosing against equality, nothing in fact that requires the acceptance of any particular ethical principle. The prosecutor can, without violating any dictates of rationality, accept a principle of inequality. If he does, then anyone opposing him is forced to return to the first position: external critique. **This does not mean that it is arbitrary which principle will be accepted. In a nominally democratic society, there is a strong motivation to embrace some kind of principle of equality. And it is the point of political action**—in Rancière's sense—**to widen the scope of that embrace, by showing its contradiction to much current social and mainstream political practice**. **In a single gesture, political action provides proof of equality to those with no part, and proof of contradiction to those holding a part.** The second aspect of that gesture is at once political and ethical, and, as Rancière recognizes, offers no guarantee of success: Whereas Jacotot's critique confined the verification of equality within the continually recreated relationship between a wish to say and a wish to hear, such a verification becomes "social," causes equality to have a real social effect, only when it mobilizes an obligation to hear. (CE, 86) I would suggest that that obligation is mobilized through the staging of a contradiction. This is one side of the ethical coin. The other side concerns "the part that has no part." This segment does not have to be confronted with a contradiction. By presupposing its own equality, it has already, in the moment it acts, overcome any contradiction between a belief in equality and an implicit commitment to inequality. This is already over the moment politics begins. However, **there is an ethical character to the bond created by political action that has its own integrity.** Rancière rarely discusses it, but it can be derived from his characterization of the bond itself. **What political action does**, Rancière tells us, **is to create a subject where there was none before**. As Foucault and others have taught us, the supposition of a subject—of the type liberal theory envisions underlying its actions and decisions—is deeply problematic. Rancière does not deny this. **There is no political subject that first exists and then decides to act. A political subject—a collective political subject—is created [End Page 30] through action, and specifically through action that expresses the presupposition of equality. It does not pre-exist its own activity.** How can this be? **Before political action, there are simply diverse individuals acting in accordance with the roles allotted them by the police order**. People are classified and, through their behavior if not their beliefs, accept their classifications. **To engage in the presupposition of equality is at once to reject one's classifications—politics declassifies—and to create oneself as a subject: an actor with no name other than that of being equal**. "By subjectification I mean the production through a series of actions of a body and a capacity for enunciation not previously identifiable within a given field of experience, whose identification is thus a part of the reconfiguration of the field of experience" (D, 35). The proletariat is not the name of a group that pre-exists political action. Before such action there are only workers. The proletariat is the name of a group that emerges when it assumes the name proletariat, along with the internal unity and equality that that name implies. "**Politics does not happen just because the poor oppose the rich. It is the other way around: politics (that is, the interruption of the simple effects of domination by the rich) causes the poor to exist as an entity**." (D, 11) What is the ethical character of this subjectification? What happens among those who form a democratic community in action? Rancière is suggestive, but only suggestive here. I would like to follow the hints provided in two passages in his essay "The Uses of Democracy." He tells us that "Democracy is the community of sharing, in both senses of the term: a membership in a single world which can only be expressed in adversarial terms, and a coming together which can only occur in conflict" (UD, 49). He ends the essay with the words, "**The test of democracy must ever be in democracy's own image: versatile, sporadic—and founded on trust"** (61). Sharing (partage) and trust (confiance)5 —**these are the ideas we must follow in order to grasp the ethical nature of political action—that is, the appearance of a democratic community.** We might initially suspect that the ethical character of a democratic community would be broadly Kantian. People would treat others with equal respect, as ends rather than merely means, and as co-participants in a kingdom of ends. This would not be mistaken. However, the Kantian flavor of this characterization misses something important. It is too cognitive. It remains embedded in the language of obligation and duty. Considered as obligation, Kantian morality has admittedly captured the internal ethical character of a democratic community. But we should suspect that this ethical character is not exhausted by obligation. There is something more to it. [End Page 31] We can approach that excess by recognizing that the concepts of sharing and trust do not lend themselves to an entirely cognitive approach. Sharing and trust are based not on reason—at least not solely—but also on an affective bond that eludes the formal morality of a Kantian (or even utilitarian) approach. Kant makes a strict division between acting for the sake of duty and acting out of inclination. [T]o preserve one's life is a duty, and besides this everyone has also an immediate inclination to do so. But on account of this the often anxious precautions taken by the greater part of mankind for this purpose have no inner worth, and the maxim of their action is without moral content. They protect their lives in conformity with duty, but not from the motive of duty. (Kant, 35) The non-cognitive aspect of sharing and trust efface such a distinction between duty and inclination. **This is a lesson taught to us by feminist theorists of ethics, from Carol Gilligan onwards.** In describing many women's approach to ethics, she tell us, Sensitivity to the needs of others and the assumption of responsibility for taking care lead women to attend to voices other than their own and to include in their judgment other points of view. Women's moral weakness, manifest in an apparent confusion of judgment, is thus inseparable from women's moral strength, an overriding concern with relationships and responsibilities. (16-17) **Ethics need not be solely a matter of duties and obligations. Principles can be lived as connections with others rather than simply as obligations to them. When one is confronting an adversary, when those who have no part act politically against those who do, then the appeal to duties and obligations is more pertinent.** There is no meaningful connection to those who are dominating one, or who are gaining by domination. **But the creation of a collective subject through political action is the creation of internal connections, and the ethical character of that subject would be incompletely described if one did not recognize them. Sharing and trust are markers of a set of connections that arise through the political process of subjectification. They indicate a willingness to expose oneself to those alongside whom struggle takes place. To share6 is to offer part of what one has to another or to others, to make a part of oneself available in a way that does not require an equal return**. **It is, in that sense, asymmetrical**. Sharing can be contrasted with the symmetry of exchange, in which the act of giving is coupled with the expectation of return. **And because it is distinguished from exchange, sharing carries with it a political significance. In an economy governed by expectations of personal gain** (expectations that play into the hands of those best situated to obtain personal gain), **sharing is a [End Page 32] deviant relationship. It stakes out an alternative to the police order of a capitalist society**. Trust, concomitantly asymmetrical, is an affective relationship of vulnerability toward the other. Like sharing, it constitutes a rejection of exchange relationships. Trust can arise only in a context where one considers others as more than vehicles for personal gain and, in addition, as similarly motivated. Trust, then, both relies on and contributes to the presupposition of equality within a process of subjectification. Sharing and trust do not exclude a more cognitive set of obligations. Rather, the affective and the cognitive are woven together. **In a political movement, not everyone is motivated by trust or inclined to share, and no one is so motivated all the time. There is also a role played by the cognitive recognition—against what one is often taught—that those others with whom one is engaging in political action are indeed one's equals.** If Kant is not exhaustive in understanding the ethical character of political action, neither is he irrelevant. **But the ethical character of political action is not the same among those engaged in the action as it is among those confronted by it. In the latter case, a contradiction of principles is central to the ethics of politics; in the former case, the principles at play are at times grasped cognitively, at times lived affectively, and at times both. In political action, the tapestry of this weaving together of cognitive and affective elements around the presupposition of equality has a name, although that name is rarely reflected upon. It is solidarity. Political solidarity is nothing other than the operation of the presupposition of equality internal to the collective subject of political action**. It arises in the ethical character of that collective subject, a subject that itself arises only on the basis of its action. **When one joins a picket line, or speaks publicly about the oppression of the Palestinians** or the Tibetans or the Chechnyans, or attends a meeting whose goal is to organize around issues of fair housing, or brings one's bicycle to a ride with Critical Mass, **one is not—if one is engaged in what Rancière calls politics—doing so from a position above or outside those alongside whom one struggles. Rather, one joins the creation of a political subject (which does not mean sacrificing one's own being to it). One acts, in concert with others, on the presupposition of the equality of any and every speaking being**. **And here is where the justificatory character of the ethics of political action lies**. It cannot lie, as we have seen, in an ethical framework that possesses an ultimate foundation. It lies instead in a principle—the presupposition of equality—that can ground and justify political action only to the extent to which it is accepted by those alongside whom and [End Page 33] against whom one struggles. It is, in that sense, an optional ethical principle. But, as we have also seen, this does not mean that it is an arbitrary one. In our world, **the presupposition of equality is embedded deep within the ethical framework of most societies. Even when it is honored in the breach, it remains honored. Political action consists in narrowing the breach.** There remain two questions to ask about this ethics. The first one is interpretive and can be answered quickly: What is the relationship of this ethics to a vision of contemporary anarchism? The second is normative, and can only be responded to, at least at this moment, with a theoretical gesture: What, if any, implications for the specifics of political action does this ethical framework have? The interpretive question concerns the relation of the ethics of Rancière's politics to anarchism. I hope that the bond between the two will be obvious to those who have either studied or acted within the framework of anarchism. **Anarchism's rejection of an avant-garde politics, its concern with the process of political action, its sensitivity to various forms of domination both in society at large and in political communities themselves, and its orientation toward radical equality, are all accounted for in the ethics and politics of the presupposition of equality**. What Rancière's work does politically and implies ethically is of a piece with the deepest concerns of much of contemporary anarchism. Moreover, he offers a coherent way to frame those concerns and to bring them forward theoretically. **Unlike traditional Marxism, anarchism, in its concern for equality, has often been reluctant to engage in theoretical reflection. If what has been said here is correct, that reluctance is unwarranted. There is much to be understood in politics, and many who can contribute to that understanding.** Among what is to be understood is the second question alluded to above: **what, if anything, do the ethics of political action imply for the character of political action itself? I would suggest that the pre-supposition of equality among those who act cannot remain limited to those alongside whom one acts. It must also apply to one's adversaries. If those who have no part are to see themselves as equal to those who have a part, then they must also see those who have a part as equal to them. This has implications for political action.** I would suggest that such a presupposition of equality among all parties must orient political action toward non-violent means. One must, insofar as possible, refrain from treating those against whom one struggles as beneath consideration, as open game, or as what Kant would call solely a means to one's own ends. **This requires political action to be more than just a struggle for [End Page 34] suppression of the adversary, even where the adversary engages in cynical domination. It must be creative in its expression of the presupposition of equality**. Nonviolence in politics is often confused with passivity. This is not the place to explain the nature and possibilities of nonviolent action,7 however it must be understood that nonviolence often lies at the opposite pole from political passivity, further away from it than violent resistance. Violent resistance remains in many cases the norm. One is dominated, so one dominates; one is oppressed, so one oppresses. In that sense, violence is always the easy political option. It reverses the power in a relationship. What nonviolence can achieve is something else: not a reversal of power, but an effacing of the terms in which a context of power has been conceived. In the framework of a political orientation whose task is to declassify, nonviolent action carries with it more radical possibilities for declassification than the simple inversion that is the standard consequence of violent resistance. **If this line of thinking is right, or even if it is wrong in a fruitful way, then the perspective that Rancière has opened for us is not so much a framework within which we can fit our political thinking as it is a door through which we must walk in order better to reflect upon that thinking. The presupposition of equality opens political thought to new vistas**—vistas that, given the history of the last century, should appear more attractive to us now than they might once have done. **In this sense, anarchism lies before us rather than behind us, as a political task to be thought and engaged rather than as a historical footnote to be buried alongside other challenges to the pervasive and multifarious dominations of our world.**

#### That internal connection is crucial to political subjectification to overcome the objectified nature of the black body in civil society

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For black folks, resistance always takes place in a field already constrained by the lingering question of black abjection with respect to subjecthood. Frank Wilderson in his fine polemic “Gramsci’s Black Marx: Whither the Slave in Civil Society?” (2003) argues that blacks “impose a radical incoherence” upon the assumptive logic of a subject constructed through its relation to labor exploitation. Wilderson’s thesis that “the Black subject reveals Marxism’s inability to think White supremacy as the base (n.p.) resonates with Cedrick Robinsons Black Marxism (2000), which carefully details historical and philosophical (dis)articulations of black(ness and) Marxism. Wilderson points out that if we follow Antonio Gramsci’s expansion of Marx, depending on civil society as the site of struggle (i.e. “war of position”) we reify racial terror, since for black subjects civil society Is the site of recurrent racial terror. Where I have to depart from Wilderson is in his contention that the black subject is thus in a position of “total objectification…in contradistinction to human possibility, however slim” required for a war of position (2003:np; emphasis mine). Wilderson finds the black subject in a “structurally impossible position.” I must argue, following bell hook’s use of Paolo Friere, however, that “we cannot enter the struggle as objects in order to later become subjects”. Part of my friendly disagreement with Wilderson is ontological, or I readily admit, spiritual. Unlike positions that deny notions of a deep psychic self, I want to affirm the inherence of inalienable innate human dignity, and what I might gloss here as “spirit”, which is offended not only by force, but by any extrinsic practice that threatens the individual’s sense of personhood. On another score, Wilderson’s “stress on objective contraditions, “impersonal structures: and processes that work “behind men’s backs” as Stuart Hall describes the conventional culture and discourses of the left “disable us from confronting the subjective dimension in politics in any coherent way (Hall, Morley, and Chen 1996: 226). Thus in some ways Wilderson takes us back to the “old” Marx that Gramsci, Hall and others attempted to rethink apropos of our new times, even as he points out the limits of Gramsci to contend with these social and historical facts of blackness. This orientation leaves no air for black transgression or resistance outside of the “final solution”. In the interim, however, what will condition, reeducate, and raise consciousness toward revolution?

#### The policies and policymakers are the source of the systemic violence you discuss

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Makani, July 31, Colorlines, Changing the Rules: What Public Policy Means for Organizing, Vol 3.2)

“This is all about policy," a woman complained to me in a recent conversation. "I'm an organizer." The flourish and passion with which she made the distinction said everything. Policy is for wonks, sell-out politicians, and ivory-tower eggheads. Organizing is what real, grassroots people do. Common as it may be, this distinction doesn't bear out in the real world. Policy is more than law. It is any written agreement (formal or informal) that specifies how an institution, governing body, or community will address shared problems or attain shared goals. It spells out the terms and the consequences of these agreements and is the codification of the body's values-as represented by those present in the policymaking process. Given who's usually present, most policies reflect the political agenda of powerful elites. Yet, policy can be a force for change-especially when we bring our base and community organizing into the process. In essence, policies are the codification of power relationships and resource allocation. Policies are the rules of the world we live in. Changing the world means changing the rules. So, if organizing is about changing the rules and building power, how can organizing be separated from policies? Can we really speak truth to power, fight the right, stop corporate abuses, or win racial justice without contesting the rules and the rulers, the policies and the policymakers? The answer is no-and double no for people of color. Today, racism subtly dominates nearly every aspect of policymaking. From ballot propositions to city funding priorities, policy is increasingly about the control, de-funding, and disfranchisement of communities of color. Take the public conversation about welfare reform, for example. Most of us know it isn't really about putting people to work. The right's message was framed around racial stereotypes of lazy, cheating "welfare queens" whose poverty was "cultural." But the new welfare policy was about moving billions of dollars in individual cash payments and direct services from welfare recipients to other, more powerful, social actors. Many of us were too busy to tune into the welfare policy drama in Washington, only to find it washed up right on our doorsteps. Our members are suffering from workfare policies, new regulations, and cutoffs. Families who were barely getting by under the old rules are being pushed over the edge by the new policies. Policy doesn't get more relevant than this. And so we got involved in policy-as defense. Yet we have to do more than block their punches. We have to start the fight with initiatives of our own. Those who do are finding offense a bit more fun than defense alone. Living wage ordinances, youth development initiatives, even gun control and alcohol and tobacco policies are finding their way onto the public agenda, thanks to focused community organizing that leverages power for community-driven initiatives. - Over 600 local policies have been passed to regulate the tobacco industry. Local coalitions have taken the lead by writing ordinances that address local problems and organizing broad support for them. - Nearly 100 gun control and violence prevention policies have been enacted since 1991. - Milwaukee, Boston, and Oakland are among the cities that have passed living wage ordinances: local laws that guarantee higher than minimum wages for workers, usually set as the minimum needed to keep a family of four above poverty. These are just a few of the examples that demonstrate how organizing for local policy advocacy has made inroads in areas where positive national policy had been stalled by conservatives. Increasingly, the local policy arena is where the action is and where activists are finding success. Of course, corporate interests-which are usually the target of these policies-are gearing up in defense. Tactics include front groups, economic pressure, and the tried and true: cold, hard cash. Despite these barriers, grassroots organizing can be very effective at the smaller scale of local politics. At the local level, we have greater access to elected officials and officials have a greater reliance on their constituents for reelection. For example, getting 400 people to show up at city hall in just about any city in the U.S. is quite impressive. On the other hand, 400 people at the state house or the Congress would have a less significant impact. Add to that the fact that all 400 people at city hall are usually constituents, and the impact is even greater. Recent trends in government underscore the importance of local policy. Congress has enacted a series of measures devolving significant power to state and local government. Welfare, health care, and the regulation of food and drinking water safety are among the areas where states and localities now have greater rule. Devolution has some negative consequences to be sure. History has taught us that, for social services and civil rights in particular, the lack of clear federal standards and mechanisms for accountability lead to uneven enforcement and even discriminatory implementation of policies. Still, there are real opportunities for advancing progressive initiatives in this more localized environment. Greater local control can mean greater community power to shape and implement important social policies that were heretofore out of reach. To do so will require careful attention to the mechanics of local policymaking and a clear blueprint of what we stand for. Much of the work of framing what we stand for takes place in the shaping of demands. By getting into the policy arena in a proactive manner, we can take our demands to the next level. Our demands can become law, with real consequences if the agreement is broken. After all the organizing, press work, and effort, a group should leave a decisionmaker with more than a handshake and his or her word. Of course, this work requires a certain amount of interaction with "the suits," as well as struggles with the bureaucracy, the technical language, and the all-too-common resistance by decisionmakers. Still, if it's worth demanding, it's worth having in writing-whether as law, regulation, or internal policy. From ballot initiatives on rent control to laws requiring worker protections, organizers are leveraging their power into written policies that are making a real difference in their communities. Of course, policy work is just one tool in our box.

#### Perm solves best-

#### Next next level- Situated discourse is a “heteroglossia” not categorizable codes to be switched, turns the K

Susan E. Frekko Goucher College Anthropological Quarterly > Volume 84, Number 1, Winter 2011 “Containing Castilian in Catalan Talk Radio: Heteroglossia and the Projection of Monoglot Identities”

Scholars have called into question the notion of distinct codes existing separate from and prior to situated discourse (Gal and Irvine 1995; Makoni and Pennycook 2007). Bailey (2007) has built on these insights to argue that analytical constructs such as "bilingualism," "hybridity," " syncretism" or even "code-switching" do us a disservice because they presuppose the existence of distinct codes. He [Bailey] argues instead for adopting [End Page 66] Bakhtin's term "heteroglossia" (Bakhtin 1981) which Bailey applies to "a) the simultaneous use of different kinds of forms or signs, and b) the tensions and conflicts among those signs, based on the sociohistorical associations they carry with them" (Bailey 2007:257). In addition to avoiding the presupposition of distinct codes, the term covers both variation within and between named languages, thus permitting "a level of theorizing about the social nature of language that is not possible within the confines of a focus on code-switching" (Bailey 2007:258). [Brackets added to clarify original]

#### Mutual respect- Both vernaculars have merit, incorporation in educational settings solves mutual respect

Jonsberg 2001 (Sara Jonsberg, teaches in the English Department at Montclair State University in New Jersey, “What's a (White) Teacher to Do about Black English?,” The English Journal, Vol. 90, No. 4, pg 51-53)

If we are going to celebrate diversity in our ¶ classrooms, we must learn to be respectful not just ¶ of various literatures, but of the various knowledges, rooted in various languages, that our students bring ¶ with them into the classroom. James Britton articulates in Language and Learning what has become ¶ a truism in progressive pedagogy: "... we must ¶ begin from where the children are: in other words ¶ there can be no alternative in the initial stages to ¶ total acceptance of the language the children bring ¶ with them ¶ .... From there I would go on to develop ¶ an awareness of difference among forms of speech" ¶ (134, emphasis mine). Lisa Delpit elaborates on the idea of developing an "awareness of difference." ¶ Drawing on Stephen Krashen's work in second lan- ¶ guage learning, she points out that the "less stress" ¶ that is placed on learning new or strange forms of ¶ speech, the more efficient will be the learning pro- ¶ cess (155). Delpit states that language competence ¶ may be defined as the ability to choose what form ¶ of language is most appropriate to a particular sit- ¶ uation. I suggest that competence also involves respect (which must include self-respect) for all variations. James Sledd has said that if we think students ¶ can comprehend the abstractions of subject and ¶ verb (and we do certainly behave as if we think they ¶ can understand these mysteries), then they can certainly comprehend the abstractions of race and class. ¶ They can, in other words, understand how the larger ¶ culture has come to value one dialect over another. They can learn that "good English" has to do with politics and power more than with aesthetics or immutable rules. They can learn to be critical of a tradition that uses language implicitly to measure a speaker's morality and social value-when, for ¶ example, variations are described as "corrupt" or ¶ "defective" or "broken." (See Williams.) ¶ They-and we--can learn not to talk about "bad English" and "good English" but rather about different forms of a living and continually changing English. They and we can learn not to talk about ¶ "correcting" language but rather about the rule structures of different dialects. Black English fol- ¶ lows a set of rules as much as Standard English does, ¶ but the distribution of power in our culture means ¶ it is easier to buy a traditional grammar book for ¶ Standard English than one for Black English. ¶ The distribution of power in our culture also ¶ means that certain kinds of "getting ahead" require knowing how to operate in what Smitherman calls ¶ LWC, the Language of Wider Communication. For ¶ this reason, we have an obligation as teachers to open up LWC to all our students, help them become ¶ fluent in it and be able to use it with comfortable fa- ¶ cility. To this end, we and our students together can ¶ find some ways to play with language that will bring ¶ all these ideas to the surface without pedantry and ¶ prescription, without alienation from either (or any) ¶ kind of speaking. Marlene Carter, for example, has ¶ used literature that code switches, such as stories ¶ that employ Black English in dialogue and LWC in ¶ narrations. Lisa Delpit suggests using role play. Brit- ¶ ton advocates various uses of drama. June Jordan, ¶ working with college students, invited them to com- ¶ pile a set of Black English grammar rules so they ¶ would understand that Black English is indeed a lan- ¶ guage and come to respect it more completely. ¶ If we really mean to provide access to learning ¶ for all, the way is clear. Baldwin offers the challenge: ¶ The brutal truth is that the bulk of the white people ¶ in America never had any interest in educating Black ¶ people ... It is not the Black child's language ... ¶ that is despised: It is his experience. A child cannot ¶ be taught by anyone who despises him, and a child ¶ cannot afford to be fooled. A child cannot be taught ¶ by anyone whose demand, essentially, is that the ¶ child repudiate his experience, and all that gives ¶ him sustenance, and enter a limbo in which he will ¶ no longer be Black, and in which he knows that he ¶ can never become white. Black people have lost ¶ too many Black children that way. (16) ¶ Most teachers in the United States are white. Many ¶ of the young people we teach are Black. There does not have to be a great gulf between us, a chasm of ¶ misunderstanding and disrespect, but the responsi- ¶ bility for bridging the space between rests not with ¶ the children, but with the teachers. We need to un- ¶ derstand, to know, and to live the history. We need to ¶ understand and believe and enact ideas about affir- ¶ mation and support. We need to seek out practical strategies for classroom action. Luckily, plenty of re- ¶ sources are available for teachers who want to trans- ¶ form classroom language practices so that all children will appreciate and respect the beauty and power of ¶ Black English. Let's get on with the important work ¶ of healing misunderstandings about this language.

#### Our harms outweigh their link to the aff

Eckersley 2003 (Robyn Eckersley, Politics at Melbourne, The Green State p. 89-93)

Green poststructuralists have likewise sought to deconstruct the disciplinary effects of biopower and green governmentality, while green critics of technocracy have lamented the cult of the expert the so-called the scientization of politics, and the concomitant disenfranchisement of the lay public and vernacular knowledge in affairs of state administration." The bureaucratic rationality of the administrative state is inn as too rigid, hierarchical, and limited to deal with the variability, nonreducability, and complexity of ecological problems." Bureaucratic rationality responds to complex problems by breaking them down, comparnncntalizing them, and assigning them to different agencies that respond to a hierarchical chain of command. This often leads to the routine displacement of prob- lems acn bureaucratic system boundaries,' Once we add to these developments the more recent revolution in public sector management, we have good reasons to concur with Paul Hint that the traditional liberal architecture has increasingly "become a gross misdescription of the structure of modern societies?" The tenuous link between popular political participation and control and technocratic state administration has also been a major theme in the work of Ulrich Beck. Indeed, Beck (like Martin Janickel argues that politicians and state functionaries act in ways that seek to mask problems rather than solve them. Ecological problems pens because they are generated by the same economic, scientific, and political institutions that are called upon to solve them. While the state cannot but acknowl- edge the ecological crisis, it nonetheless continues to function as qir were not present by denying, donplaying, and naturalizing ecological prob- lems and declining to connect such problems with the basic structure and dynanücs of rccmomic and bureaucratic rationality. According to Beck, this organized irresponsibility can sometimes take on a Kafkaesque form. The state seeks to manufacture security by providing social insurance systems-health services, unemployment benefits, pensions, and workers compensation-but it can provide no protection against major hazards that can pierce the thin veneer of normality and expose the inadequacies of the welfare stare As Beck puts it 'What good is a legal system which prosecutes technically manageable small risks, but legalises large scak hazards on the strength of its authority, foisting them on everyone, including even those multitudes who still resist them?' It might be tempting to conclude from this general critique that states are part of the problem rather than the solution to ecological degradation. With its roots in the peace and antinuclear movements, the green movement has long been critical of the coercive modality of state power-including the state-military-industrial complex-and might therefore be understandably sceptical toward the very poiisibility of reforming or transforming states into mare democratic and ecologically responsive structures of gosemment The notion that the state might come to represent an ecological savior and trustee appears both fanciful and dangerous rather than empowering. Yet such an anti-statist posture cannot withstand critical scrutiny from a critical ecological perspective. The problem seems to be that while states have been associated with violence, insecurity, bureaucratic domination, injustice, and ecological degradation, there is no reason to assume that any alternatives we might imagine or develop will necessarily be free of, or less burdened by, such problems. As Medley Bull warns, violence, insecurity, injustice, and ecological degradation pre-date the state system, and we cannot rule out the possibility that they are likely to survive the demise of the state system, regardless of what new political structures may arise." Now it could be plausibly argued that these problems might be Lessened under a more democratic and possibly decentralized global political architecture (as hioregionalists and other green decentralists have argued). However, there is no basis upon which to assume that they will be lessened any more than under a more deeply democratized state system. Given the seriousness and urgency of many ecological problems (e.g., global warming), building on the state governance structures that already exist seems to be a more fruitful path to rake than any attempt to move beyond or around states in the quest for environmental sustainab.ility.2t' Moreover, as a matter of principle, it can be argued that environmental benefits are public goods that ought best be managed by democratically organized public power, and not by private power." Such an approach is consistent with critical theory's concern to work creatively with current historical practices and associated understandings rather than fashion utopias that have no purchase on such practices and understandings. In short, there is more mileage to be gained by enlisting and creatively developing the existing norms,, rules, and practices of state governance in ways that make start power more democratically and ecologically accountable than designing a new architecture of global governance de novo (a daunting and despairing proposition). Skeptics should take heart from the fact that the organized coercive power of democratic states is not a totally untamed power, insofar as such power must be exercised according to the rule of law and principles of democratic oversight. This is not to deny that state power can sometimes he seriously abused (e.g., by the police or national intelligence agencies). Rather, it is merely to argue that such powers are not un- limited and beyond democratic control and redress. The focus of criti- cal ecological attention should therefore be on how effective this control and redress has been, and how it might be strengthened. The same argument may be extended to the bureaucratic arm of the state. In liberal democratic stares, with the gradual enlargement, spe- cialization, and depersonalization of state administrative power have also come legal norms and procedures that limit such power according to the principle of democratic accountability. As (,ianfranco Poggi has observed, at the same time as the political power of the state has become more extensive in terms of its subject matter and reach, so too have claims for public participation in the exercise of this power widened? This is also to acknowledge the considerable scope for further, more deep-seated democratic oversight. Indeed, it is possible to point to a raft of new ecological discursive designs that have already emerged as partial antidotes to the technocratic dimensions of the administrative state, such as community right-to-know legislation, CornmtlnLtV environmental monitoring and reporting, third-party litigation rights, environmental and technology impact assessment, statutory policy advisory committees, citizens' juries, consensus conference.,-, and public environmental inquiries. Each of these initiatives may he understood as attempts to con- front both public and private power with its consequences, to widen the range of voices and perspectives in stare administration, to expose or prevent problem displacement, and/or to ensure that the sites economic, social, and political power that create and/or are responsible for ecological risks are made answerable to all those who may suffer the consequences This is precisely where an ongoing green critical locus on the state can remain productive.