# 1NC

## Offcase

### 1NC---CP

#### Evan and I affirm that the President of the United States should not have war power authorities in the area of indefinite detention, offensive cyber operations, and introduction of United States Armed Forces into conflict.

#### In addition, we affirm that the President’s war powers authority in the context of targeted killings should be limited by a cause of action allowing civil suits brought against the United States by those unlawfully injured by targeted killing operations, their heirs, or their estates in security cleared legal proceedings should be created and that free legal counsel for such proceedings should be provided.

#### Cause of action creates a deterrent effect that resolves the worst uses of drones

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At first blush, it may seem like many of these issues would be equally salient in the context of after-the-fact damages suits. But as long as such a regime was designed carefully and conscientiously, I believe that virtually all of these concerns could be mitigated. ¶ For starters, retrospective review doesn’t raise anywhere near the same concerns with regard to adversity or judicial competence. With respect to adversity, presumably those who are targeted in an individual strike could be represented as plaintiffs in a post-hoc proceeding, whether through their next friend or their heirs. And as long as they could state a viable claim for relief, it’s difficult to see any pure Article III problem with such a suit for retrospective relief.¶ As for competence, judges routinely review whether government officers acted in lawful self-defense under exigent circumstances (this is exactly what the Supreme Court’s 1985 decision in Tennessee v. Garner20 contemplates, after all). And if the Guantánamo litigation of the past five years has shown nothing else, it demonstrates that judges are also more than competent to resolve not just whether individual terrorism suspects are who the government says they are (and thus members of al Qaeda or one of its affiliates), but to do so using highly classified information in a manner that balances—albeit not always ideally—the government’s interest in secrecy with the detainee’s ability to contest the evidence against him.21 Just as Guantánamo detainees are represented in their habeas proceedings by security-cleared counsel who must comply with court-imposed protective orders and security procedures,22 so too, the subjects of targeted killing operations could have their estates represented by security-cleared counsel, who would be in a far better position to challenge the government’s evidence and to offer potentially exculpatory evidence / arguments of their own. And although the Guantánamo procedures have been developed by courts on an ad hoc basis (a process that has itself been criticized by some jurists), 23 Congress might also look to provisions it enacted in 1996 in creating the little-known Alien Terrorist Removal Court, especially 8 U.S.C. § 1534,24 as a model for such proceedings. ¶ More to the point, it should also follow that courts would be far more able as a practical matter to review the relevant questions in these cases after the fact. Although the pure membership question can probably be decided in the abstract, it should stand to reason that the imminence and infeasibility-of-capture issues will be much easier to assess in hindsight—removed from the pressures of the moment and with the benefit of the dispassionate distance that judicial review provides. To similar effect, whether the government used excessive force in relation to the object of the attack is also something that can only reasonably be assessed post hoc.¶ In addition to the substantive questions, it will also be much easier for courts to review the government’s own internal procedures after they are employed, especially if the government itself is already conducting after-action reviews that could be made part of the (classified) record in such cases. Indeed, the government’s own analysis could, in many cases, go a long way toward proving the lawfulness vel non of an individual strike.¶ As I mentioned before, there would still be a host of legal doctrines that would likely get in the way of such suits. Just to name a few, there is the present (albeit, in my view, unjustified) hostility to judicially inferred causes of actions under Bivens; the state secrets privilege;and sovereign and official immunity doctrines. But I am a firm believer that, except where the President himself is concerned (where there’s a stronger argument that immunity is constitutionally grounded),25 each of these concerns can be overcome by statute—as at least some of them arguably have been in the context of the express damages actions provided for under FISA. 26 So long as Congress creates an express cause of action for nominal damages, and so long as the statute both (1) expressly overrides state secrets and immunity doctrines; and (2) replaces them with carefully considered procedures for balancing the secrecy concerns that would arise in many—if not most—of these cases, these legal issues would be vitiated. Moreover, any concerns about exposing to liability government officers who acted in good faith and within the scope of their employment can be ameliorated by following the model of the Westfall Act, and substituting the United States as the proper defendant in any suit arising out of such an operation.27¶ Perhaps counterintuitively, I also believe that after-the-fact judicial review wouldn’t raise anywhere near the same prudential concerns as those noted above. Leaving aside how much less pressure judges would be under in such cases, it’s also generally true that damages regimes don’t have nearly the same validating effect on government action that ex ante approval does. Otherwise, one would expect to have seen a dramatic upsurge in lethal actions by law enforcement officers after each judicial decision refusing to impose individual liability arising out of a prior use of deadly force. So far as I know, no such evidence exists.¶ Of course, damages actions aren’t a perfect solution here. It’s obvious, but should be said anyway, that in a case in which the government does act unlawfully, no amount of damages will make the victim (or his heirs) whole. It’s also inevitable that, like much of the Guantánamo litigation, most of these suits would be resolved under extraordinary secrecy, and so there would be far less public accountability for targeted killings than, ideally, we might want. Some might also object to this proposal as being unnecessary—that, given existing criminal laws and executive orders, there is already a sufficiently clear prohibition on unlawful strikes to render any such damages regime unnecessarily superfluous. ¶ At least as to this last objection, it bears emphasizing that the existing laws depend entirely upon the beneficence of the Executive Branch, since they assume both that the government will (1) willfully disclose details of unlawful operations rather than cover them up; and (2) prosecute its own in cases in which they cross the line. Given both prior practice and unconfirmed contemporary reports of targeted killing operations that appear to raise serious legality issues, such as “signature strikes,” it doesn’t seem too much of a stretch to doubt that these remedies will prove sufficient.¶ In addition, there are two enormous upsides to damages actions that, in my mind, make them a least-worst solution—even if they are deeply, fundamentally flawed:¶ First, if nothing else, the specter of damages, even nominal damages, should have a deterrent effect on future government officers, such that, if a targeted killing operation ever was carried out in a way that violated the relevant legal rules, there would be liability—and, as importantly, precedent—such that the next government official in a similar context might think twice, and might make sure that he’s that much more convinced that the individual in question is who the government claims, and that there’s no alternative to the use of lethal force. Second, at least where the targets of such force are U.S. citizens, I believe that there is a non-frivolous argument that the Constitution may even compel at least some form of judicial process. 28 Compared to the alternatives, nominal damages actions litigated under carefully circumscribed rules of secrecy may be the only way to balance all of the relevant private, government, and legal interests at stake in such cases.¶ \* \* \*¶ In his concurrence in the Supreme Court’s famous decision in the Steel Seizure case, Justice Frankfurter suggested that “The accretion of dangerous power does not come in a day. It does come, however slowly, from the generative force of unchecked disregard of the restrictions that fence in even the most disinterested assertion of authority.”¶ 29 It seems to me, Mr. Chairman, that targeted killing operations by the Executive Branch present the legislature with two realistic choices: Congress could accept with minimal scrutiny the Executive Branch’s claims that these operations are carried out lawfully and with every relevant procedural safeguard to maximize their accuracy—and thereby open the door to the “unchecked disregard” of which Justice Frankfurter warned. Or Congress could require the government to defend those assertions in individual cases before a neutral magistrate invested with the independence guaranteed by the Constitution’s salary and tenure protections. So long as the government’s interests in secrecy are adequately protected in such proceedings, and so long as these operations really are consistent with the Constitution and laws of the United States, what does the government have to hide?

#### Net-benefit:

#### Some limited Targeted killing’s vital to counterterrorism---disrupts leadership and makes carrying out attacks impossible

Kenneth Anderson 13, Professor of International Law at American University, June 2013, “The Case for Drones,” Commentary, Vol. 135, No. 6

Targeted killing of high-value terrorist targets, by contrast, is the end result of a long, independent intelligence process. What the drone adds to that intelligence might be considerable, through its surveillance capabilities -- but much of the drone's contribution will be tactical, providing intelligence that assists in the planning and execution of the strike itself, in order to pick the moment when there might be the fewest civilian casualties.

Nonetheless, in conjunction with high-quality intelligence, drone warfare offers an unparalleled means to strike directly at terrorist organizations without needing a conventional or counterinsurgency approach to reach terrorist groups in their safe havens. It offers an offensive capability, rather than simply defensive measures, such as homeland security alone. Drone warfare offers a raiding strategy directly against the terrorists and their leadership.

If one believes, as many of the critics of drone warfare do, that the proper strategies of counterterrorism are essentially defensive -- including those that eschew the paradigm of armed conflict in favor of law enforcement and criminal law -- then the strategic virtue of an offensive capability against the terrorists themselves will seem small. But that has not been American policy since 9/11, not under the Bush administration, not under the Obama administration -- and not by the Congress of the United States, which has authorized hundreds of billions of dollars to fight the war on terror aggressively. The United States has used many offensive methods in the past dozen years: Regime change of states offering safe havens, counter-insurgency war, special operations, military and intelligence assistance to regimes battling our common enemies are examples of the methods that are just of military nature.

Drone warfare today is integrated with a much larger strategic counterterrorism target -- one in which, as in Afghanistan in the late 1990s, radical Islamist groups seize governance of whole populations and territories and provide not only safe haven, but also an honored central role to transnational terrorist groups. This is what current conflicts in Yemen and Mali threaten, in counterterrorism terms, and why the United States, along with France and even the UN, has moved to intervene militarily. Drone warfare is just one element of overall strategy, but it has a clear utility in disrupting terrorist leadership. It makes the planning and execution of complex plots difficult if only because it is hard to plan for years down the road if you have some reason to think you will be struck down by a drone but have no idea when. The unpredictability and terrifying anticipation of sudden attack, which terrorists have acknowledged in communications, have a significant impact on planning and organizational effectiveness.

#### Nuclear terrorism is feasible --- high risk of theft and attacks escalate

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Hundreds of scientific papers and reports have been published on nuclear terrorism. International conferences have been held on this threat with participation of Russian organizations, including IMEMO and the Institute of U.S. and Canadian Studies. Recommendations on how to combat the threat have been issued by the International Luxembourg Forum on Preventing Nuclear Catastrophe, Pugwash Conferences on Science and World Affairs, Russian-American Elbe Group, and other organizations. The UN General Assembly adopted the International Convention for the Suppression of Acts of Nuclear Terrorism in 2005 and cooperation among intelligence services of leading states in this sphere is developing.¶ At the same time, these efforts fall short for a number of reasons, partly because various acts of nuclear terrorism are possible. Dispersal of radioactive material by detonation of conventional explosives (“dirty bombs”) is a method that is most accessible for terrorists. With the wide spread of radioactive sources, raw materials for such attacks have become much more accessible than weapons-useable nuclear material or nuclear weapons. The use of “dirty bombs” will not cause many immediate casualties, but it will result into long-term radioactive contamination, contributing to the spread of panic and socio-economic destabilization.¶ Severe **consequences can be caused by sabotaging nuclear power plants, research reactors, and radioactive materials storage facilities. Large cities are especially vulnerable to such attacks. A large city may host dozens of research reactors with a nuclear power plant or a couple of spent nuclear fuel storage facilities and dozens of large radioactive materials storage facilities located nearby.** The past few years have seen significant efforts made to enhance organizational and physical aspects of security at facilities, especially at nuclear power plants. Efforts have also been made to improve security culture. But these efforts do not preclude the possibility that well-trained terrorists may be able to penetrate nuclear facilities.¶ Some estimates show that sabotage of a research reactor in a metropolis may expose hundreds of thousands to high doses of radiation. A formidable part of the city would become uninhabitable for a long time.¶ Of all the scenarios, it is building an improvised nuclear device by terrorists that poses the maximum risk. **There are no engineering problems that cannot be solved if terrorists decide to build a simple “gun-type” nuclear device.** Information on the design of such devices, as well as implosion-type devices, is available in the public domain. It is the acquisition of weapons-grade uranium that presents the sole serious obstacle. Despite numerous preventive measures taken, we cannot rule out the possibility that such materials can be bought on the black market. Theft of weapons-grade uranium is also possible. Research reactor fuel is considered to be particularly vulnerable to theft, as it is scattered at sites in dozens of countries. There are about 100 research reactors in the world that run on weapons-grade uranium fuel, according to the International Atomic Energy Agency (IAEA).¶ A terrorist “gun-type” uranium bomb can have a yield of least 10-15 kt, which is comparable to the yield of the bomb dropped on Hiroshima. The explosion of such a bomb in a modern metropolis can kill and wound hundreds of thousands and cause serious economic damage. There will also be long-term sociopsychological and political consequences.¶ The vast majority of states have introduced unprecedented security and surveillance measures at transportation and other large-scale public facilities after the terrorist attacks in the United States, Great Britain, Italy, and other countries. These measures have proved burdensome for the countries’ populations, but the public has accepted them as necessary. A nuclear terrorist attack will make the public accept further measures meant to enhance control even if these measures significantly restrict the democratic liberties they are accustomed to. Authoritarian states could be expected to adopt even more restrictive measures.¶ If a nuclear terrorist act occurs, nations will delegate tens of thousands of their secret services’ best personnel to investigate and attribute the attack. Radical Islamist groups are among those capable of such an act. We can imagine what would happen if they do so, given the anti-Muslim sentiments and resentment that conventional terrorist attacks by Islamists have generated in developed democratic countries. Mass deportation of the non-indigenous population and severe sanctions would follow such an attack in what will cause **violent protests in the Muslim world**. **Series of armed clashing terrorist attacks may follow**. The prediction that Samuel Huntington has made in his book “The Clash of Civilizations and the Remaking of World Order” may come true. Huntington’s book clearly demonstrates that it is not Islamic extremists that are the cause of the Western world’s problems. Rather there is a deep, intractable conflict that is rooted in the fault lines that run between Islam and Christianity. This is especially dangerous for Russia because these fault lines run across its territory. To sum it up, the political leadership of Russia has every reason to revise its list of factors that could undermine strategic stability.  BMD does not deserve to be even last on that list because its effectiveness in repelling massive missile strikes will be extremely low. BMD systems can prove useful only if deployed to defend against launches of individual ballistic missiles or groups of such missiles. Prioritization of other destabilizing factors—that could affect global and regional stability—merits a separate study or studies. But even without them I can conclude that nuclear terrorism should be placed on top of the list. The threat of nuclear terrorism is real, and a successful nuclear terrorist attack would lead to a radical transformation of the global order.  All of the threats on the revised list must become a subject of thorough studies by experts. States need to work hard to forge a common understanding of these threats and develop a strategy to combat them.

#### Terrorism studies are epistemologically and methodologically valid --- our authors are self-reflexive

Michael J. Boyle 8, School of International Relations, University of St. Andrews, and John Horgan, International Center for the Study of Terrorism, Department of Psychology, Pennsylvania State University, April 2008, “A Case Against Critical Terrorism Studies,” Critical Studies On Terrorism, Vol. 1, No. 1, p. 51-64

 Jackson (2007c) calls for the development of an explicitly CTS on the basis of what he argues preceded it, dubbed ‘Orthodox Terrorism Studies’. The latter, he suggests, is characterized by: (1) its poor methods and theories, (2) its state centricity, (3) its problemsolving orientation, and (4) its institutional and intellectual links to state security projects. Jackson argues that the major defining characteristic of CTS, on the other hand, should be ‘a skeptical attitude towards accepted terrorism “knowledge”’. **An implicit presumption from this is that terrorism scholars have laboured for all of these years without being aware that their area of study has an implicit bias, as well as definitional and methodological problems.** In fact, **terrorism scholars are** not only well aware of these problems, but also have provided their own searchingcritiques of the field at various points during the last few decades (e.g. Silke 1996, Crenshaw 1998, Gordon 1999, Horgan 2005, esp. ch. 2, ‘Understanding Terrorism’). **Some of those scholars** most associated with the critique of empiricismimplied in ‘Orthodox Terrorism Studies’ **have also engaged in** deeply critical examinations **of the nature of sources, methods, and data in the study of terrorism**. For example, Jackson (2007a) regularly cites the handbook produced by **Schmid and Jongman** (1988) to support his claims that theoretical progress has been limited. But this fact was well recognized by the authors; indeed, in the introduction of the second edition they **point out** that they have not revised their chapter on theories of terrorism from the first edition, because the **failure to address** persistent conceptual and **data problems** has undermined progress in the field. The point of their handbook was to sharpen and make more comprehensive the result of research on terrorism, not to glide over its methodological and definitional failings (Schmid and Jongman 1988, p. xiv). Similarly, **Silke’s** (2004) **volume on the state of the field of terrorism research performed a similar function**, highlighting the shortcomings of the field, in particular the lack of rigorous primary data collection. **A non-reflective community of scholars does not produce such scathing indictments of its own work.**

#### Extinction---equivalent to full-scale nuclear war

Owen B. Toon 7, chair of the Department of Atmospheric and Oceanic Sciences at CU-Boulder, et al., April 19, 2007, “Atmospheric effects and societal consequences of regional scale nuclear conflicts and acts of individual nuclear terrorism,” online: http://climate.envsci.rutgers.edu/pdf/acp-7-1973-2007.pdf

To an increasing extent, **people are congregating in the world’s great urban centers, creating megacities with populations exceeding 10 million individuals**. At the same time, **advanced technology has designed nuclear explosives of such small size they can be easily transported in a car**, small plane or boat **to the heart of a city**. We demonstrate here that **a single detonation in the 15 kiloton range can produce urban fatalities approaching one million** in some cases, **and casualties** exceeding one million. Thousands of small weapons still exist in the arsenals of the U.S. and Russia, and there are at least six other countries with substantial nuclear weapons inventories. In all, thirty-three countries control sufficient amounts of highly enriched uranium or plutonium to assemble nuclear explosives. A conflict between any of these countries involving 50-100 weapons with yields of 15 kt has the potential to create fatalities rivaling those of the Second World War. Moreover, **even a single surface nuclear explosion**, or an air burst in rainy conditions, **in a city center is likely to cause the entire metropolitan area to be abandoned at least for decades** owing to infrastructure damage and radioactive contamination. As the aftermath of hurricane Katrina in Louisiana suggests, **the economic consequences of even a localized nuclear catastrophe would most likely have severe national and** international economic consequences. Striking effects result even from relatively small nuclear attacks because low yield detonations are most effective against city centers where business and social activity as well as population are concentrated. Rogue nations and terrorists would be most likely to strike there. Accordingly, an organized **attack on the U.S. by a small nuclear state, or terrorists** supported by such a state, could generate casualties comparable to those once predicted for a full-scale nuclear “counterforce” exchange in a superpower conflict. Remarkably, the **estimated quantities of smoke generated by attacks totaling about one megaton of nuclear explosives** could lead to significant global climate perturbations (Robock et al., 2007). While we did not extend our casualty and damage predictions to include potential medical, social or economic impacts following the initial explosions, such analyses have been performed in the past for large-scale nuclear war scenarios (Harwell and Hutchinson, 1985). Such a study should be carried out as well for the present scenarios and physical outcomes.

### 1NC---T

#### Interpretation and violation --- the affirmative should defend the desirability of a topical government action

#### Most predictable—the agent and verb indicate a debate about hypothetical government action

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

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

#### A general subject isn’t enough—debate requires a specific point of difference in order to promote effective exchange

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

#### Vote negative:

#### 1. Preparation and clash --- changing the topic post facto manipulates balance of prep, which structurally favors the aff because they speak last and permute alternatives --- strategic fairness is key to engaging a well-prepared opponent which promotes clash, the fundamental value of debate

#### Topical fairness requirements are key to meaningful dialogue --- monopolizing strategy and prep makes the discussion one-sided and subverts any meaningful neg role

Ryan Galloway 7, Samford Comm prof, Contemporary Argumentation and Debate, Vol. 28, 2007

Debate as a dialogue sets an argumentative table, where all parties receive a relatively fair opportunity to voice their position. Anything that fails to allow participants to have their position articulated denies one side of the argumentative table a fair hearing. The affirmative side is set by the topic and fairness requirements. While affirmative teams have recently resisted affirming the topic, in fact, the topic selection process is rigorous, taking the relative ground of each topic as its central point of departure.¶ Setting the affirmative reciprocally sets the negative. The negative crafts approaches to the topic consistent with affirmative demands. The negative crafts disadvantages, counter-plans, and critical arguments premised on the arguments that the topic allows for the affirmative team. According to fairness norms, each side sits at a relatively balanced argumentative table.¶ When one side takes more than its share, competitive equity suffers. However, it also undermines the respect due to the other involved in the dialogue. When one side excludes the other, it fundamentally denies the personhood of the other participant (Ehninger, 1970, p. 110). A pedagogy of debate as dialogue takes this respect as a fundamental component. A desire to be fair is a fundamental condition of a dialogue that takes the form of a demand for equality of voice. **Far from** being **a banal request for links** to a disadvantage, fairness is a demand for respect, a demand to be heard, a demand that a voice backed by literally months upon **months of preparation**, research, and critical thinking not be silenced.¶ Affirmative cases that suspend basic fairness norms **operate to exclude** particular negative strategies. Unprepared, one side comes to the argumentative table unable to meaningfully participate in a dialogue. They are unable to “understand what ‘went on…’” and are left to the whims of time and power (Farrell, 1985, p. 114). Hugh Duncan furthers this line of reasoning:¶ Opponents not only tolerate but honor and respect each other because in doing so they enhance their own chances of thinking better and reaching sound decisions. Opposition is necessary because it sharpens thought in action. We assume that argument, discussion, and talk, among free an informed people who subordinate decisions of any kind, because it is only through such discussion that we reach agreement which binds us to a common cause…If we are to be equal…relationships among equals must find expression in many formal and informal institutions (Duncan, 1993, p. 196-197).¶ **Debate compensates for the exigencies of the world by offering a framework that maintains equality for the sake of the conversation** (Farrell, 1985, p. 114).¶ For example, an affirmative case on the 2007-2008 college topic might defend neither state nor international action in the Middle East, and yet claim to be germane to the topic in some way. The case essentially denies the arguments that state action is oppressive or that actions in the international arena are philosophically or pragmatically suspect. Instead of allowing for the dialogue to be modified by the interchange of the affirmative case and the negative response, the affirmative subverts any meaningful role to the negative team, preventing them from offering effective “counter-word” and undermining the value of a meaningful exchange of speech acts. **Germaneness and other substitutes for topical action do not accrue the dialogical benefits** of topical advocacy.

#### 2. Substantive regulations that demarcate limits are necessary for dialogue --- refusal to tailor their identity claims to normative, public stances shuts down the possibility for discussion and democratic respect

John Dryzek 6, Professor of Social and Political Theory, The Australian National University, Reconciling Pluralism and Consensus as Political Ideals, American Journal of Political Science,Vol. 50, No. 3, July 2006, Pp. 634–649

A more radical contemporary pluralism is suspicious of liberal and communitarian devices for reconciling difference. Such a critical pluralism is associated with agonists such as Connolly (1991), Honig (1993), and Mouffe (2000), and difference democrats such as Young (2000). As Honig puts it, “Difference is just another word for what used to be called pluralism” (1996, 60). Critical pluralists resemble liberals in that they begin from the variety of ways it is possible to experience the world, but stress that the experiences and perspectives of marginalized and oppressed groups are likely to be very different from dominant groups. They also have a strong suspicion of liberal theory that looks neutral but in practice supports and serves the powerful.

Difference democrats are hostile to consensus, partly because consensus decisionmaking (of the sort popular in 1970s radical groups) conceals informal oppression under the guise of concern for all by disallowing dissent (Zablocki 1980). But the real target is political theory that deploys consensus, especially deliberative and liberal theory. Young (1996, 125–26) argues that the appeals to unity and the common good that deliberative theorists under sway of the consensus ideal stress as the proper forms of political communication can often be oppressive. For deliberation so oriented all too easily equates the common good with the interests of the more powerful, thus sidelining legitimate concerns of the marginalized. Asking the underprivileged to set aside their particularistic concerns also means marginalizing their favored forms of expression, especially the telling of personal stories (Young 1996, 126).3 Speaking for an agonistic conception of democracy (to which Young also subscribes; 2000, 49–51), Mouffe states:

To negate the ineradicable character of antagonism and aim at a universal rational consensus— that is the real threat to democracy. Indeed, this can lead to violence being unrecognized and hidden behind appeals to “rationality,” as is often the case in liberal thinking. (1996, 248)

Mouffe is a radical pluralist: “By pluralism I mean the end of a substantive idea of the good life” (1996, 246). But neither Mouffe nor Young want to abolish communication in the name of pluralism and difference; much of their work advocates sustained attention to communication. Mouffe also cautions against uncritical celebration of difference, for some differences imply “subordination and should therefore be challenged by a radical democratic politics” (1996, 247). Mouffe raises the question of the terms in which engagement across difference might proceed. Participants should ideally accept that the positions of others are legitimate, though not as a result of being persuaded in argument. Instead, it is a matter of being open to conversion due to adoption of a particular kind of democratic attitude that converts antagonism into agonism, fighting into critical engagement, enemies into adversaries who are treated with respect. Respect here is notjust (liberal) toleration, but positive validation of the position of others. For Young, a communicative democracy would be composed of people showing “equal respect,” under “procedural rules of fair discussion and decisionmaking” (1996, 126). Schlosberg speaks of “agonistic respect” as “a critical pluralist ethos” (1999, 70).

Mouffe and Young both want pluralism to be regulated by a particular kind of attitude, be it respectful, agonistic, or even in Young’s (2000, 16–51) case reasonable.Thus neither proposes unregulated pluralism as an alternative to (deliberative) consensus. This regulation cannot be just procedural, for that would imply “anything goes” in terms of the substance of positions. Recall thatMouffe rejects differences that imply subordination. Agonistic ideals demand judgments about what is worthy of respect and what is not. Connolly (1991, 211) worriesabout dogmatic assertions and denials of identity that fuel existential resentments that would have to be changed to make agonism possible. Young seeks “transformation of private, self-regarding desires into public appeals to justice” (2000, 51). Thus for Mouffe, Connolly, and Young alike, regulative principles for democratic communication are not just attitudinal or procedural; they also refer to the substance of the kinds of claims that are worthy of respect. These authors would not want to legislate substance and are suspicious of the content of any alleged consensus. But in retreating from “anything goes” relativism, they need principles to regulate the substance of what rightfully belongs in democratic debate.

#### Tailoring identity claims to common topics for deliberation is possible and desirable---the 1ac’s failure to affirm topical action impedes the culture of democratic debate that’s key to effective decision-making in a pluralistic society

Amanda Anderson 6, Andrew W. Mellon Professor of Humanities and English at Brown University, Spring 2006, “Reply to My Critic(s),” Criticism, Vol. 48, No. 2, p. 281-290

MY RECENT BOOK, The Way We Argue Now, has in a sense two theses. In the first place, the book makes the case for the importance of debate and argument to any vital democratic or pluralistic intellectual culture. This is in many ways an unexceptional position, but the premise of the book is that the claims of reasoned argument are often trumped, within the current intellectual terrain, by appeals to cultural identity and what I gather more broadly under the rubric of ethos, which includes cultural identity but also forms of ethical piety and charismatic authority. In promoting argument as a universal practice keyed to a human capacity for communicative reason, my book is a critique of relativism and identity politics, or the notion that forms of cultural authenticity or group identity have a certain unquestioned legitimacy, one that cannot or should not be subjected to the challenges of reason or principle, precisely because reason and what is often called "false universalism" are, according to this pattern of thinking, always involved in forms of exclusion, power, or domination. My book insists, by contrast, that argument is a form of respect, that the ideals of democracy, whether conceived from a nationalist or an internationalist perspective, rely fundamentally upon procedures of argumentation and debate in order to legitimate themselves and to keep their central institutions vital. And the idea that one should be protected from debate, that argument is somehow injurious to persons if it does not honor their desire to have their basic beliefs and claims and solidarities accepted without challenge, is strenuously opposed. As is the notion that any attempt to ask people to agree upon processes of reason-giving argument is somehow necessarily to impose a coercive norm, one that will disable the free expression and performance of identities, feelings, or solidarities. Disagreement is, by the terms of my book, a form of respect, not a form of disrespect. And by disagreement, I don't mean simply to say that we should expect disagreement rather than agreement, which is a frequently voiced-if misconceived-criticism of Habermas. Of course we should expect disagreement. My point is that we should focus on the moment of dissatisfaction in the face of disagreement-the internal dynamic in argument that imagines argument might be the beginning of a process of persuasion and exchange that could end in agreement (or partial agreement). For those who advocate reconciling ourselves to disagreements rather than arguing them out, by contrast, there is a complacent-and in some versions, even celebratory-attitude toward fixed disagreement. Refusing these options, I make the case for dissatisfied disagreement in the final chapter of the book and argue that people should be willing to justify their positions in dialogue with one another, especially if they hope to live together in a post-traditional pluralist society. ¶ One example of the trumping of argument by ethos is the form that was taken by the late stage of the Foucault/Habermas debate, where an appeal to ethos-specifically, an appeal to Foucault's style of ironic or negative critique, often seen as most in evidence in the interviews, where he would playfully refuse labels or evade direct answers-was used to exemplify an alternative to the forms of argument employed by Habermas and like-minded critics. (I should pause to say that I provide this example, and the framing summary of the book that surrounds it, not to take up airtime through expansive self-reference, but because neither of my respondents provided any contextualizing summary of the book's central arguments, though one certainly gets an incremental sense of the book's claims from Bruce Robbins. Because I don't assume that readers of this forum have necessarily read the book, and because I believe that it is the obligation of forum participants to provide sufficient context for their remarks, I will perform this task as economically as I can, with the recognition that it might have carried more weight if provided by a respondent rather than the author.) ¶ The Foucauldian counter-critique importantly emphasizes a relation between style and position, but it obscures (1) the importance or value of the Habermasian critique and (2) the possibility that the other side of the debate might have its own ethos to advocate, one that has precisely to do with an ethos of argument, an ideal of reciprocal debate that involves taking distance on one's pre-given forms of identity or the norms of one's community, both so as to talk across differences and to articulate one's claims in relation to shared and even universal ideals. And this leads to the second thesis of the book, the insistence that an emphasis on ethos and character is interestingly present if not widely recognized in contemporary theory, and one of the ways its vitality and existential pertinence makes itself felt (even despite the occurrence of the kinds of unfair trumping moves I have mentioned). We often fail to notice this, because identity has so uniformly come to mean sociological, ascribed, or group identity-race, gender, class, nationality, ethnicity, sexuality, and so forth. Instances of the move toward character and ethos include the later Foucault (for whom ethos is a central concept), cosmopolitanism (whose aspiration it is to turn universalism into an ethos), and, more controversially, proceduralist ethics and politics (with its emphasis on sincerity and civility). Another version of this attentiveness to ethos and character appears in contemporary pragmatism, with its insistence on casualness of attitude, or insouciance in the face of contingency-recommendations that get elevated into full-fledged exemplary personae in Richard Rorty's notion of the "ironist" or Barbara Herrnstein Smiths portrait of the "postmodern skeptic." These examples-and the larger claim they support-are meant to defend theory as still living, despite the many reports of its demise, and in fact still interestingly and incessantly re-elaborating its relation to practice. This second aspect of the project is at once descriptive, motivated by the notion that characterology within theory is intrinsically interesting, and critical, in its attempt to identify how characterology can itself be used to cover or evade the claims of rational argument, as in appeals to charismatic authority or in what I identify as narrow personifications of theory (pragmatism, in its insistence on insouciance in the face of contingency, is a prime example of this second form). And as a complement to the critical agenda, there is a reconstructive agenda as well, an attempt to recuperate liberalism and proceduralism, in part by advocating the possibility, as I have suggested, of an ethos of argument. ¶ Robbins, in his extraordinarily rich and challenging response, zeroes in immediately on a crucial issue: who is to say exactly when argument is occurring or not, and what do we do when there is disagreement over the fundamentals (the primary one being over what counts as proper reasoning)? Interestingly, Robbins approaches this issue after first observing a certain tension in the book: on the one hand, The Way We Argue Now calls for dialogue, debate, argument; on the other, its project is "potentially something a bit stricter, or pushier: getting us all to agree on what should and should not count as true argument." What this point of entry into the larger issue reveals is a kind of blur that the book, I am now aware, invites. On the one hand, the book anatomizes academic debates, and in doing so is quite "debaterly" This can give the impression that what I mean by argument is a very specific form unique to disciplinary methodologies in higher education. But the book is not generally advocating a narrow practice of formal and philosophical argumentation in the culture at large, however much its author may relish adherence to the principle of non-contradiction in scholarly argument. I take pains to elaborate an ethos of argument that is linked to democratic debate and the forms of dissent that constitutional patriotism allows and even promotes. In this sense, while argument here is necessarily contextualized sociohistorically, the concept is not merely academic. It is a practice seen as integral to specific political forms and institutions in modern democracies, and to the more general activity of critique within modern societies-to the tradition of the public sphere, to speak in broad terms. Additionally, insofar as argument impels one to take distance on embedded customs, norms, and senses of given identity, it is a practice that at once acknowledges identity, the need to understand the perspectives of others, and the shared commitment to commonality and generality, to finding a way to live together under conditions of difference.¶ More than this: the book also discusses at great length and from several different angles the issue that Robbins inexplicably claims I entirely ignore: the question of disagreement about what counts as argument. In the opening essay, "Debatable Performances," I fault the proponents of communicative ethics for not having a broader understanding of public expression, one that would include the disruptions of spectacle and performance. I return to and underscore this point in my final chapter, where I espouse a democratic politics that can embrace and accommodate a wide variety of expressions and modes. This is certainly a discussion of what counts as dialogue and hence argument in the broad sense in which I mean it, and in fact I fully acknowledge that taking distance from cultural norms and given identities can be advanced not only through critical reflection, but through ironic critique and defamiliarizing performance as well. But I do insist-and this is where I take a position on the fundamental disagreements that have arisen with respect to communicative ethics-that when they have an effect, these other dimensions of experience do not remain unreflective, and insofar as they do become reflective, they are contributing to the very form of reasoned analysis that their champions sometimes imagine they must refuse in order to liberate other modes of being (the affective, the narrative, the performative, the nonrational). If a narrative of human rights violation is persuasive in court, or in the broader cultural public sphere, it is because it draws attention to a violation of humanity that is condemned on principle; if a performance jolts people out of their normative understandings of sexuality and gender, it prompts forms of understanding that can be affirmed and communicated and also can be used to justify political positions and legislative agendas.

#### The impact outweighs—deliberative debate models impart skills vital to respond to existential threats

Christian O. Lundberg 10 Professor of Communications @ University of North Carolina, Chapel Hill, “Tradition of Debate in North Carolina” in Navigating Opportunity: Policy Debate in the 21st Century By Allan D. Louden, p. 311

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

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

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

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

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

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

## Case

### WA

#### The affirmative abdicates politics for moralism---venerating oppression as the starting point for argument naturalizes states of injury that initially created the exploitation

Enns 12—Professor of Philosophy at McMaster University (Dianne, The Violence of Victimhood, 11-3)

In chapter 1 I explore an ideology prominent in the “emancipatory” discourses of the North American academy. Scholarly interest in “the other” on the part of critical theorists, feminists, and antiracist scholars concerned with the legacy of colonialism, imperialism, and patriarchy has had an enormous impact on how we view the condition and status of the victim. The “post” discourses— postmodernism, poststructuralism, postcolonialism— are in large part responsible for rightly drawing attention to “the wretched of the earth” as well as problematically venerating “the other,” a veneration that ultimately robs the subaltern (the native, woman, “those who have no part”) 18 of moral agency and responsibility. While there are a number of important intellectual and political sources of this veneration, I trace it to a tradition in what has come to be known broadly as continental philosophy, which has greatly influenced and been influenced by contemporary feminist scholarship. This veneration of the other has resulted from readings— or misreadings— of the work of Emmanuel Levinas and Frantz Fanon, among others, rendering the other a pure victim, beyond moral and epistemic reproach— a good other. Its undesirable effects include the abdication of politics for an impotent ethics; a reticence to make moral judgments in the name of sensitivity to cultures other than one's own, both cultures rendered essentialist and immutable in their incommensurability; and an impoverished sense of justice— motivated by guilt or ressentiment, synonymous with retribution.¶ We are left with a bleak picture of political practice as policing and a moral judgment premised only on accepted ideological principles. 19 A community of victims stand in judgment over those deemed responsible for their subordination. Justice becomes a matter of balancing the scales of suffering by making the perpetrator suffer as the victim has. Responsibility belongs solely to the perpetrator group. Yet no one has been able to establish why the view “from the margins” equips the victimized with a superior moral sensibility and power of judgment that others ostensibly lack on the grounds of their privilege. ¶ In chapter 1, then, we witness the antagonistic dynamic between essentialized categories of privileged and oppressed— characterized by an incommensurable, nonreciprocal, morally unequal relationship— that theorists of difference promote. Ironically, it is a mirror image of the antagonism, essentialism, and moral reproach inherent in the circumstances that reduced an individual or group to inferior status to begin with. This irony is the point of departure in chapter 2, which elaborates a theme prevalent in Mahmood Mamdani's analysis of the Rwandan genocide. Rather than privilege the view from the margins, Mamdani warns of the dangers of assuming the “worldview” of the victim, constructed as it is on the very hierarchical system politicized by the perpetrator. While a similar binary logic of victim versus perpetrator is evident in the identity politics of the West, the stakes are much higher in the context of violent conflict purported to be “ethnopolitical.” In the case of an intractable conflict like the ongoing crisis in Israel and Palestine— characterized by a severely asymmetrical power imbalance but also by the utmost conviction on both sides of a superior claim to victimhood and thus to truth, history, land, and a future state— the stakes are higher yet.¶ The focus of this second chapter is the troubling extent to which we often justify the violence of the victimized as a legitimate course of action, whether in the name of empowerment, self-determination, or— most often today— security. This is evident in analyses of Palestinian suicide bombing that justify killing on the basis of despair and misery, as well as in the American and Israeli governments' reliance on a paradigm of security to legitimize a brutal military occupation. Here we witness the moral capital of the victim writ large, each side of the struggle firm in its conviction that it fights a just war. The Palestinians fight to end an occupation of more than sixty years, with its systematized, normalized inequality and disenfranchisement, impassioned by the collective memory of expulsion. The Israelis fight a war against terror and anti-Semitism, impassioned by the collective memory of genocide and persecution. The asymmetry of political power and economic well-being is often ignored by supporters of the Israeli government and used to add moral currency to the Palestinians' position by those who act in solidarity with them. ¶ Relying on the work of Frantz Fanon and Hannah Arendt to understand the nature of political violence, particularly in its emancipatory form, I conclude in this chapter that the violence of the victim is not a justifiable response to victimhood, nor is it as inevitable as we are led to believe. ¶ The unrelenting nature of violence and counterviolence, and the willful blindness to the binary logic of victim versus perpetrator, means that dissenting voices and the actions of those who do not comply are usually ignored. As in chapter 1, the view of politics here is bleak; “never again” is the mantra of a politics of death and destruction propelled by fear— or rather of a failure of politics, and a corresponding failure to take responsibility and exercise moral agency. The solutions can be found, I argue, in the work of countless individuals and groups who are not permitted the political tools necessary to make the leaps required for a viable future for all Palestinians and Israelis. Since it is the ideological framing of the conflict that blinds us to these solutions, it is our responsibility, as bystanders, to engage in conceptual reframing, not to impose peace plans or political solutions ourselves but to stop preventing Israelis and Palestinians from creating them.¶ The third chapter elaborates the subjective or psychic effects of victimization. I seek to provide a phenomenology of victimhood based on the narratives and analyses of Jean Améry, Susan Brison, Frantz Fanon, and others who have explored the condition of victimhood and the process of recuperating a sense of self after a traumatic experience. I discuss these writers in the context of a contemporary discourse on trauma in the fields of psychology, psychoanalysis, feminism, anticolonialism, and military psychiatry. An overview of the “birth of trauma” demonstrates that we have moved from recognizing injury to naturalizing it, and to a universalization of pain and suffering that trivializes the meaning of trauma, rendering indistinguishable the experiences of those who survive genocide, rape, or sexual harassment. Historicizing the experience of victimhood makes it impossible to essentialize the condition of the victim— that victims respond in diverse ways to acts of violence and violation should not be neglected— but I point to a number of features that broadly constitute what it means to be victimized.¶ Despite the focus in chapter 3 on the psychic pain and suffering victims experience— the alienated consciousness, dehumanization, self-enslavement, “amputation,” or shattered self— I argue that our empathic regard must not preclude judgment or the acknowledgment of responsibility for wrongdoing when we consider the violence that victims themselves perpetuate. While Fanon stresses the agency of the colonized subject in the work of reversing the alienation he suffers, Améry dwells in a kind of melancholia, valorizing what Nietzsche calls ressentiment— resentment against those who tortured him in a Nazi camp and against the German people who enabled the Nazi regime to carry out genocide. ¶ How do we arrest the evolution of grief into grievance before further violence occurs in the name of victimhood? Brison provides an answer, demonstrating that victims can eventually forget their victimization, to some extent, through the long and painful process of narration. ¶ 14¶ Raped and nearly beaten to death, Brison describes the pain of displacement and exile from her own body as well as from the human community, but she recognizes that although the self can be destroyed by others, it is also created and sustained by them. The devastating loss of security her attacker caused is mitigated over time by her acceptance that absolute control over one's life is never possible— we cannot escape our vulnerability— and by narrating the event into her past. The contrast between the reflections of Améry and Brison, however, points to the power of unconscious desires and motivations that render survival an individual matter. We are not all equal in our capacity to struggle and overcome.

# 2NC

### AT: FW Excludes Performance

#### Performance by itself is not an effective political strategy---normative guidelines for discussion that enable inter-subjective dialogue is necessary to ensure performance can be effectively actuated---none of this requires discarding commitment to certain cultural communities

Amanda Anderson 6, prof of English at Johns Hopkins The Way We Argue Now, 43-4

43¶ personal history our most intimate relations. Moreover, Benhabib implies that these practices should remain private and dyadic, thereby skirting the issue of whether representations of S/M can themselves participate in any valuable cultural or political work. But public representations of S/M that play on performative conceptions of selfhood or radically denaturalize stable conceptions of gendered roles can themselves accomplish vital political work. Admittedly, such political effects depend upon concretely situated interpretive moments and are not achieved automatically. Moreover, there is certainly no guarantee, as Butler herself admits in Bodies That Matter, that denaturalizing representations will serve the cause of subversion or radical transformation. Denaturalizing representations, whether framed within S/M scenarios or not, are not immune to ethicopolitical critique; S/M is not inherently immoral, pathological, or oppressive, just as vanilla sex is not inherently egalitarian and expressive of the principles of recognition and respect. Rather than seek to condemn or defend S/M in absolute terms, we should seek to foster rigorous public debate on the meanings and effects of various public representations of gender and sexuality. Here is where critical theory’s conception of the deliberative processes of the public sphere must augment and modify any claim for the practical political importance of performativity.¶ The value of communicative ethics, in contrast to the deficiencies of Butler’s position, is that it clarifies the conditions of possibility for the cultivation of specific ethicopolitical practices and stances: self-reflexive questioning of cultural norms, openness toward difference, reciprocal recognition, and respect. It demands constant interrogation of any attempts to restrict access to the rights of full citizenship in the human community and persistently argues for the most capacious and flexible forms of respect. Benhabib’s failure to accord the practitioners of S/M a genuine respect does not, as one might assume, reveal the incommensurable relativity of the very idea of respect, and thereby disable communicative ethics at the core. Rather, by its own terms, communicative ethics must judge Benhabib’s understanding of S/M as narrow, and highly suspicious in its attempt to relegate S/M to the realm of the private.22¶ In its elaboration of a moral ideal and its reliance on the attainment of enabling intersubjective practices, communicative ethics is not fatally compromised by identity logic and hegemonic normalization. I would suggest¶ 44¶ that the best use we can make of the Butler-Benhabib dispute is to begin the difficult work of thinking beyond this impasse, especially since Butler herself is implicitly endorsing some version of individual and social ethics. Normative political philosophy justifies itself through appeal to communicative practices: it defines the subject in relational, intersubjective, and communicative terms. Promoting communicative action and rational argumentation in its broadest sense need not, and indeed does not, translate into procedures that restrict the political imagination or the subject’s relations to the multiple cultural communities in which he or she might be embedded. The subject’s relation to a specific cultural identity may extend from strongly expressed attachment, to radical redefinition, to outright rejection and negation. Communicative ethics should promote practices that can remain flexible and open-ended in the face of multiple and shifting attachments and detachments.

### AT: State Racist

#### Avoiding engaging the topic because the state is irredeemably racist over-essentializes modern black-life---switching sides on Afro-Pessimism crucial

McWhorter 9—Associate Professor in the English and Comparative Literature, Columbia (John, What African-American Studies Could Be, [www.mindingthecampus.com/originals/2009/09/by\_john\_mcwhorter\_while\_this.html](http://www.mindingthecampus.com/originals/2009/09/by_john_mcwhorter_while_this.html))

The answer common in such departments is that the principal mission is to teach students about the eternal power of racism past and present. Certainly it should be part of a liberal arts education to learn that racism is more than face-to-face abuse, and that social inequality is endemic to American society. However, too often the curriculum of African-American Studies departments gives the impression that racism and disadvantage are the most important things to note and study about being black.

The question is whether this, for all of its moral urgency in the local sense, qualifies as education under any serious definition.

Typical is the curriculum of one African-American Studies department in a solid, selective state school west of the Mississippi. In this department, racism is, essentially, everything.

One course teaches that "Housing discrimination systematically skews opportunities and life chances," another that "racism, sexism, and heterosexism shape black life chances in a 21st century context," while yet another zeroes in on "the effects of institutional racism on social policy, desegregation, integration, and affirmative action programs."

Then there is "Blacks in the Media" - or, rather, one slice of that subject: "Studying literature, comic books, comic strips, cartoons, music, theater, cinema, broadcasting, and television, students will analyze the mythical imageries which have created stereotypes." This is a common trope in writings on black performance, in which any performer can be jammed into a category such as "Mammy" or "Tragic Mulatto," sidestepping the nevertheless brilliant performances of people like Ethel Waters and Fredi Washington in the old days, or Queen Latifah and Halle Berry today.

Following from this glum desperation is a fetishization of radical politics as blacks' only constructive allegiance. One would never know the marginal import of radicalism to most black lives from its centrality to so many African-American Studies department syllabi. One course analyzes "the tradition of radical thought and the relevance of this thought to the needs and interests of the black community" - but what does the "relevance" consist of except intellectually? Yet the same department also offers a course on, more specifically, black Marxism.

According to this curriculum, being black has been so horrific that we are even challenged by the mere physicality of existence. One courses teaches that black women's bodies have to be "important spaces of resistance," while another is based on the idea that black people have been done in by various permutations of "urban spatial relations."

Because racism and inequality will always exist in some forms, this all qualifies as a bone-deep, almost willful pessimism about black potential. One would expect the thinking class of a troubled race to at least pay more lip service to looking forward. The set-jawed obsession with tabulating obstacles becomes almost peculiar, as if based on an assumption that in some way, black Americans are uniquely exempt from treating challenges as surmountable. There is even a course on black psychology whose description would get a white-run department picketed out of existence in a week, examining "manifestations of various psychological characteristics of people of African decent [sic], their cultual [sic] and behavioral norms, including the way that issues of race, class, gender and sexuality affect their cognitive, social, and emotional development."

One senses that the people teaching in African-American Studies departments feel that blackness is indeed something very different, likely because African slaves were unwilling immigrants. However, Ralph Ellison once asked "Can a people live and develop for over three hundred years simply by reacting?"

To those who would consider themselves representing black people by answering in the affirmative, there are legions of black people of all walks who would heartily disagree. There is no self-standing metric of unassailable truth that justifies intellectuals treating that disagreement - that is, the life-spirit of a people millions strong making the best of the worst for four hundred years -- as unworthy of serious address.

As to the possible objection that course descriptions do not engage these departments closely enough, a look at a few actual course syllabi is useful.

At the University of Pennsylvania, the syllabus for "Racial and Sexual Conflict" openly states that "The term paper for this course should be concerned with the structure, causes, and policies that attempt to alleviate or perpetuate racial and/or sexual discrimination in the United States." Technically, this stipulation could allow an exploration of what people have done to get past obstacles rather than merely describe them. However, the material covered in this course gives precious little support to such an endeavor.

One week, the discussion concerns the questions as to "What role does educational opportunity play in economic opportunity? How has government policy affected educational opportunity by race?" However, the readings include none of the academic literature by scholars such as Joleen Kirschenman, Kathryn Neckerman, Jomills Braddock, James McPartland and Alford Young on how attitudinal factors affect the hireability of many uneducated black men, none of the literature on solid job opportunities for people without college degrees, and nothing on organizations nationwide assisting people in taking advantage of such opportunities. In a course purporting to teach America's brightest and most ambitious students about urgent realities, how are sources such as these irrelevant?

At the University of Massachusetts at Amherst, one course exemplifies the focus on radicalism. "Race, Radicalism and African American Culture" seeks to "track the genealogy of the movement that came to be called 'Black Power,' and to situate black radical artists and intellectuals in the broader history of twentieth-century American thought, culture, and politics."

And the course covers a noble procession of figures: Marcus Garvey, W.E.B. Du Bois, Richard Wright, Paul Robeson, the Black Panthers, Amiri Baraka, Cornel West, Bell Hooks. Not to mention James Baldwin. And Malcolm X. And Stokely Carmichael. Upon which the simple question is: despite their resonance, what effect did any of these people have upon the fact that there are today more middle-class black people than poor ones? Which was more central to making whites comfortable enough with blackness to elect a black President, the legacy of Malcolm X or the legacy of Dr. King?

As to King, the course does address Bayard Rustin, who was central to organizing the March on Washington. But he was at loggerheads with black radicals as the sixties wore on. The main legacy of black radicalism has been mood and fashion. Is its centrality to so many African-American Studies departments' curricula a matter of comprehensive engagement with black political development? Or is it what happens to be a common political orientation among modern academics in the humanities, including black ones?

To the extent that the answer is the latter, students are being underserved. At Columbia, in one African-American Studies course Manning Marable assigns an article by Robin Kelley called "Beyond the 'Real' World, or Why Black Radicals Need to Wake Up and Start Dreaming." But which black radical dreams have borne fruit in a way that would elicit a salute from ordinary black people in 2009? Dr. King had a dream indeed -- but he didn't mean us to stop there.

The issue is not the quality of these courses in themselves. I will gladly assume that these professors are all excellent lecturers, assiduous researchers and dedicated mentors. Yet attention must be paid to their ideological bias nevertheless. An African-American Studies curriculum whose main message is that black Americans' most interesting experience has always been racism, still is, and that this requires radicalism as a politics of choice is not education. It is indoctrination. It proposes a single minority view as sense incarnate. This is not what education is supposed to be.

To the extent that these courses and syllabi are typical, then, there is a problem. And anyone familiar with African-American Studies departments knows that these courses and syllabi are, indeed, typical.

African-American Studies departments have a place in a liberal arts education. However, to deserve that inclusion in anything beyond a symbolic sense, they should revise their curricula in exactly two ways, simple but crucial.

First, there should be full acknowledgment in all courses that the role of racism in black people's lives and fates is receding, and to such a degree that the race's challenges today are vastly different than they were forty years ago.

The aim should not be to downplay the reality of racism, but to present precisely what education consists of: the ambiguities and challenges of real life and how one thinks about it.

Defeatism should be discouraged. Any sense that defeatism is the empirically proper position on black American history in the same way as it would have been for Pompeiians in the face of the eruption of Mount Vesuvius fails -- for the simple reason that progress for black Americans continues on so many fronts.

Most of the people in question would resist being characterized as defeatist, or as not acknowledging change. However, there is acknowledgment and there is genuflection. Plus, a claim that black radicalism is our only real future is, in itself, defeatism. Four centuries of black history give no indication that these politics will significantly affect how most black people thrive.

For example, a course like Yale's on "African-American Politics" should include not only mention of the Bradley Effect (under which whites voters have claimed in polls that they would vote for black candidates but do not at the voting booth) but also that it has been proven to be on the wane repeatedly for twenty years, including in the election of Barack Obama. Otherwise, Yale's teachings will lag behind what even Wikipedia tells us about the reality on the Bradley Effect, as opposed to its recruitment as a strategy of indoctrination.

The course I mentioned on blacks' problems with urban space flags environmental racism - but would ideally mention the important work of Christopher Foreman of the Brookings Institution (black, for the record) showing that claims along these lines have been overblown.

**MARKED**

It must also fall out of this that there will be no such thing as a course shoehorning the careers of hundreds of hard-working and excellent black artists and performers as lessons in stereotyping, or as most interesting for how they were hemmed in by racism than for what they accomplished regardless. Just as it is impossible to imagine Jewish Americans submitting themselves to so dispiriting and reductive a historiography of performance as this one, black scholars should step away from this kind of thinking as giving in to, rather than coping with, the ills of our history.

In the same vein, black popular music (including hip hop) should not be treated as most interesting in how it happened to intersect with (leftist and radical) political ideology - anymore than klezmer music, Chinese opera, or Tchaikovsky is. What about how our music is just good?

Second, an African-American Studies department should be considered larval without a course on black conservative thought - upon which courses on black radicalism would then be acceptable as alternative arguments.

Crucially, token assignment of writings of ancient three-named figures like Booker T. Washington, who wrote amidst post-Civil War conditions now ancient history, are a mere beginning. Most departments already slip in Washington, for example - although they should now regularly engage Robert Norrell's new biography that rescues the man from a century of calumny.

However, equally central to honest engagement with "black thought" are modern figures often considered controversial by the campus set, such as Shelby Steele, Thomas Sowell, Walter Williams, Debra Dickerson, and Stanley Crouch. (I will refrain from putting myself on this list, but will mention that my work is not uncommonly assigned to college students and seems not to leave them deaf to America's sociological imperfections.) Also useful, given that African-American Studies syllabi typically include some white writers, would be Stephen and Abigail Thernstrom, Lawrence Mead, Dan Subotnik and Peter Wood.

There is an argument hardly unfamiliar in the halls of ivy that black writers of this ilk are irrelevant to serious discussion because they are traitors to the race. Those charges must be permitted as free speech - but have no place in any brand of academic inquiry. All of the writers I have listed are careful thinkers deeply concerned with the fate of black America. It will not do to tar them as "not scholarly" because they do not all write in academic format or publish in obscure scholarly journals. Writings typically assigned by James Baldwin, Cornel West or even most of the others in this school are not written in this format either.

Thomas Sowell is read by millions in a nationally syndicated column, and this is in part because he is an economics and history scholar of long standing, whose books are often festooned with footnotes and references to academic work. Shelby Steele won the National Book Award, because of rhetorical skill surely the equal of writers like Patricia Williams and Michael Eric Dyson. Stanley Crouch is a polymath whose salty, "down" essence challenges anyone's claim that not being with the black radical program means not being "culturally black."

To be sure, many professors in African-American Studies departments think of themselves as doing their jobs in what they term "contesting" assorted topics. An example is Marable's "Critical Approaches to African-American Studies" at Columbia in which the contesting is the likes of "Remapping the black experience," "Redefining whiteness," and "Race-ing justice." However, this is a rearranging of furniture, very en famille. The confrontational, leftwardly politicized assumptions remain steadfast - while millions of blacks have overcome having never heard of politics of this kind.

These views, nevertheless, have value and should be heard. Yet they are not, on their own, truth. They verge into excess and anti-empiricism as readily as views from the right. There exist as many intelligent "contestings" of these leftist vieogical Violence

ws as there exist "contestings" of the writings of Shelby Steele or myself. In a university department worth the status, contesting from all sides must be heard.

### AT: Psych Violence

#### Only we access offense---arguments like framework don’t injure people, but policies do---avoiding democratic engagement means the aff can never actually transform the institutions that produce exclusion in the first place---rejecting institutional engagement turns debate into a palliative where they escaped lived realities instead of producing political habits necessary to actualize democratic politics

Amanda Anderson 6, Andrew W. Mellon Professor of Humanities and English at Brown University, Spring 2006, “Reply to My Critic(s),” Criticism, Vol. 48, No. 2, p. 281-290

Probyns piece is a mixture of affective fallacy, argument by authority, and bald ad hominem. There's a pattern here: precisely the tendency to personalize argument and to foreground what Wendy Brown has called "states of injury." Probyn says, for example, that she "felt ostracized by the books content and style." Ostracized? Argument here is seen as directly harming persons, and this is precisely the state of affairs to which I object. Argument is not injurious to persons. Policies are injurious to persons and institutionalized practices can alienate and exclude. But argument itself is not directly harmful; once one says it is, one is very close to a logic of censorship. The most productive thing to do in an open academic culture (and in societies that aspire to freedom and democracy) when you encounter a book or an argument that you disagree with is to produce a response or a book that states your disagreement. But to assert that the book itself directly harms you is tantamount to saying that you do not believe in argument or in the free exchange of ideas, that your claim to injury somehow damns your opponent's ideas.

When Probyn isn't symptomatic, she's just downright sloppy. One could work to build up the substance of points that she throws out the car window as she screeches on to her next destination, but life is short, and those with considered objections to liberalism and proceduralism would not be particularly well served by the exercise. As far as I can tell, Probyn thinks my discussion of universalism is of limited relevance (though far more appealing when put, by others, in more comfortingly equivocating terms), but she's certain my critique of appeals to identity is simply not able to accommodate the importance of identity in social and political life. As I make clear throughout the book, and particularly in my discussion of the headscarf debate in France, identity is likely to be at the center of key arguments about life in plural democracies; my point is not that identity is not relevant, but simply that it should not be used to trump or stifle argument.

In closing, I'd like to speak briefly to the question of proceduralism's relevance to democratic vitality. One important way of extending the proceduralist arguments put forth by Habeimas is to work on how institutions and practices might better promote participation in democratic life. The apathy and nonparticipation plaguing democratic institutions in the United States is a serious problem, and can be separated from the more romantic theoretical investments in a refusal to accept the terms of what counts as argument, or in assertions of inassimilable difference. With respect to the latter, which is often glorified precisely as the moment when politics or democracy is truly occurring, I would say, on the contrary democracy is not happening then-rather, the limits or deficiencies of an actually existing democracy are making themselves felt. Acknowledging struggle, conflict, and exclusion is vital to democracy, but insisting that exclusion is not so much a persistent challenge for modern liberal democracies but rather inherent to the modern liberal-democratic political form as such seems to me precisely to remain stalled in a romantic critique of Enlightenment. It all comes down to a question of whether one wants to work with the ideals of democracy or see them as essentially normative in a negative sense: this has been the legacy of a certain critique of Enlightenment, and it is astonishingly persistent in the left quarters in the academy. One hears it clearly when Robbins makes confident reference to liberalisms tendency to ignore "the founding acts of violence on which a social order is based." One encounters it in the current vogue for the work of Giorgio Agamben and Carl Schmitt. Saying that a state of exception defines modernity or is internal to the law itself may help to sharpen your diagnoses of certain historical conditions, but if absolutized as it is in these accounts, it gives you nothing but a negative diagnostic and a compensatory flight to a realm entirely other-the kind of mystical, Utopian impulse that flees from these conditions rather than confronts and fights them on terms that derive from the settled-if constantly evolving-normative basis of democratic modernity. If one is outraged by the flagrant disregard of democratic procedures in the current U.S. political regime, then one needs to be able to coherently say why democratic procedures matter, what principles underwrite them, and what historical movements and institutions have helped us to secure and support them. Argument as a critical practice and as a key component of democratic institutions and public debate has a vital role to play in such a task.

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### Wounded Attachments/Reforms Good

**Reforms are the best approach---it avoids a mobilization of politics around maintaining identity rather than articulating a future of social justice for society**

**Bhambra 10**—U Warwick—AND—Victoria Margree—School of Humanities, U Brighton (Identity Politics and the Need for a ‘Tomorrow’, http://www.academia.edu/471824/Identity\_Politics\_and\_the\_Need\_for\_a\_Tomorrow\_)

**Political mobilisation** around suffering **engenders solidarities** between those who are suffering and those who afford recognition of (and then action around) that suffering. Those who suffergenerally claim their common humanity with others in asking forpeople to look beyond the speciﬁc circumstances of their suffer-ing, and in doing so, the request is to address those speciﬁc circumstances on the basis of a humanity not bound to the circumstances. **The mistake of some forms of identity politics, then, is to associate identity with suffering**. While a recognition of historical (and contemporary) suffering is an important aspect of the political process of seeking redress for the conditions of suffering, it does not constitute identity singularly. ¶ “Wounded attachments”, we would argue, do not representthe general condition of politicised identities, but rather, are prob-lematic constructions of identities which fail to recognise (oraccept) the processes of change associated with movements. The accumulation of different sorts of challenges around similar issues generally leads to the gradual amelioration of the condi-tions which generated the identity (and the associated move-ment) in the ﬁrst instance. If the emphasis in the movement is on identity then successful reform (**even partial reform**) **reduces the injury and thus diminishes the power of the identity claim based upon that injury**. This is because reform is necessarily uneven in terms of the impact it has. This then poses a problem for those within the movement who would **wish the reforms to go further** and who see in the reforms a weakening of the identity that they believe is a necessary prerequisite for political action. **As they can no longer mobilise the injured identity – and the associated suffering – as common to all** (and thus requiring address becauseof its generalised effect), **there is often, then, a perceived need to privilege that suffering as particular and to institute a politics of guilt with regard to addressing it – truly the politics of ressentiment**. ¶ The problems arise by insisting on the necessity of political action being constituted through pre-existing identities and soli-darities (for example, those of being a woman). If, instead, it was recognised that equality for women is not separable from (or achievable separated from) wider issues of justice and equality within society then **reforms could be seen as steps towards equality**. A movement concerned with issues of social justice (of whichgender justice is an integral aspect) would allow for provisional reforms to prevailing conditions of injustice without calling into question the basis for the movement – for there would always be more to be achieved . 8 Each achievement would itself necessitate further revision of what equality would look like. And it would also necessitate revision of the particular aims that constitute the “identity” afforded by participating in that movement. In this way, identity becomes more appropriately understood as being, in part at least, about participating in a series of dialogues about what is desired for the future in terms of understandings of social justice. ¶ Focusing on the future, on how we would like things to be tomorrow, based on an understanding of where we are today, would allow for partial reforms to be seen as gains and not threats. It is only if one believes that political action can only occur in the context of identiﬁcation of past injustices as opposed to future justice that one has a problem with (partial) reforms in the present. Political identity which exists only through an enunciation of its injury and does not seek to dissolve itself as an identity can lead to the ossiﬁcation of injured relations. The “wounded attachment” occurs when the politicised identity can see no future without the injury also constituting an aspect of that future. Developing on the work of Brown, we would argue that not only does a “reformed” identity politics need to be based upon desire for the future, but that that desire should actually be a desire for the dissolution (in the future) of the identity claim. The complete success of the femi-nist movement, for instance, would mean that feminists no longerexisted, as the conditions that caused people to become feministhad been addressed. Similarly, with the dalit movement, its success would be measured by the dissolution of the identity of “dalit” as asalient political category. There would be no loss here, only a gain.¶ As we have argued, following Mohanty ([1993] 2000) andNelson (1993), it is participation in the processing of one’s ownand other’s experiences into knowledge about the world, in thecontext of communities that negotiate epistemological premises, which confers a notion of politicised identity. Since it is an under-standing of “tomorrow” (what that would be, and how it is to beachieved) that establishes one as, for example, a feminist, such an identity claim does not exclude others from participation, and it does not solicit the reiﬁcation of identity around the fact of historical or contemporary suffering. By removing these obstacles to progress, the “tomorrow” that is the goal, is more readily achievable. Identity politics, then, “needs a tomorrow” in this sense: that the raison d’être of any politicised identity is the bringing about of a tomorrow in which the social injustices of the present have been overcome. But identity politics also needs that tomorrow – today – in the sense that politicised identities need to inscribe that tomorrow into their self-deﬁnition in the present, in order to avoid consolidating activity around the maintenance of the identity rather than the overcoming of the conditions that generated it. That the tomorrow to be inscribed – today – in the self-deﬁnition of one’s political identity, is one in which that identity will no longer be required, is not a situation to be regretted, since it is rather the promise of success for any movement for justice.

#### Choosing to linguistically represent visibility of race as a starting point for politics risks empty fetishism, commoditization, surveillance, and colonial repossession

Phelan 96—chair of New York University's Department of Performance Studies (Peggy, Unmarked: the politics of performance, ed published in the Taylor & Francis e-Library, 2005, 7-11) – note p. 10 was a big picture

Visibility politics are additive rather than transformational (to say nothing of revolutionary). They lead to the stultifying “me-ism”to which realist representation is always vulnerable. Unable to see oneself reflected in a corresponding image of the Same, the spectator can reject the representation as “not about me.” Or worse, the spectator can valorize the representation which fails to reflect her likeness, as one with “universal appeal” or “transcendent power.”

Visibility politics are compatible with capitalism’s relentless appetite for new markets and with the most self-satisfying ideologies of the United States: you are welcome here as long as you are productive. The production and reproduction of visibility are part of the labor of the reproduction of capitalism. I am trying here to remember the traps of the visible and to outline, however speculatively, a different way of thinking about the political and psychic relationship between self and other, subject and object, in cultural reproduction. The psychoanalytic dimensions of the encounter between who one is and who one sees, an encounter most comprehensively explained by Lacan’s reading of Freud, can be employed as a departure point for a more emphatic accenting of the political dimensions of the encounter between self and other.

#### The affirmative’s starting point is less productive --- specific demands larger than just \_\_\_\_ are key

Adolph Reed 9, Professor of political science at the University of Pennsylvania and a member of the interim national council of the Labor Party, “The limits of anti-racism”, http://www.leftbusinessobserver.com/Antiracism.html

Antiracism is a favorite concept on the American left these days. Of course, all good sorts want to be against racism, but what does the word mean exactly?¶ The contemporary discourse of “antiracism” is focused much more on taxonomy than politics. It emphasizes the name by which we should call some strains of inequality—whether they should be broadly recognized as evidence of “racism”— over specifying the mechanisms that produce them or even the steps that can be taken to combat them. And, no, neither “overcoming racism” nor “rejecting whiteness” qualifies as such a step any more than does waiting for the “revolution” or urging God’s heavenly intervention. If organizing a rally against racism seems at present to be a more substantive political act than attending a prayer vigil for world peace, that’s only because contemporary antiracist activists understand themselves to be employing the same tactics and pursuing the same ends as their predecessors in the period of high insurgency in the struggle against racial segregation.¶ This view, however, is mistaken. The postwar activism that reached its crescendo in the South as the “civil rights movement” wasn’t a movement against a generic “racism;” it was specifically and explicitly directed toward full citizenship rights for black Americans and against the system of racial segregation that defined a specific regime of explicitly racial subordination in the South. The 1940s March on Washington Movement was also directed against specific targets,like employment discrimination in defense production. Black Power era and post-Black Power era struggles similarly focused on combating specific inequalities and pursuing specific goals like the effective exercise of voting rights and specific programs of redistribution.¶ ¶ Clarity lost¶ Whether or not one considers those goals correct or appropriate, they were clear and strategic in a way that “antiracism” simply is not. Sure, those earlier struggles relied on a discourse of racial justice, but their targets were concrete and strategic. It is only in a period of political demobilization that the historical specificities of those struggles have become smoothed out of sight in a romantic idealism that homogenizes them into timeless abstractions like “the black liberation movement”—an entity that, like Brigadoon, sporadically appears and returns impelled by its own logic.¶ Ironically, as the basis for a politics, antiracism seems to reflect, several generations downstream, the victory of the postwar psychologists in depoliticizing the critique of racial injustice by shifting its focus from the social structures that generate and reproduce racial inequality to an ultimately individual, and ahistorical, domain of “prejudice” or “intolerance.” (No doubt this shift was partly aided by political imperatives associated with the Cold War and domestic anticommunism.) Beryl Satter’s recent book on the racialized political economy of “contract buying” in Chicago in the 1950s and 1960s, Family Properties: Race, Real Estate, and the Exploitation of Black Urban America, is a good illustration of how these processes worked; Robert Self’s book on Oakland since the 1930s, American Babylon, is another. Both make abundantly clear the role of the real estate industry in creating and recreating housing segregation and ghettoization.¶ Tasty bunny¶ All too often, “racism” is the subject of sentences that imply intentional activity or is characterized as an autonomous “force.” In this kind of formulation, “racism,” a conceptual abstraction, is imagined as a material entity. Abstractions can be useful, but they shouldn’t be given independent life.¶ I can appreciate such formulations as transient political rhetoric; hyperbolic claims made in order to draw attention and galvanize opinion against some particular injustice. But as the basis for social interpretation, and particularly interpretation directed toward strategic political action, they are useless. Their principal function is to feel good and tastily righteous in the mouths of those who propound them. People do things that reproduce patterns of racialized inequality, sometimes with self-consciously bigoted motives, sometimes not. Properly speaking, however, “racism” itself doesn’t do anything more than the Easter Bunny does.¶ Yes, racism exists, as a conceptual condensation of practices and ideas that reproduce, or seek to reproduce, hierarchy along lines defined by race. Apostles of antiracism frequently can’t hear this sort of statement, because in their exceedingly simplistic version of the nexus of race and injustice there can be only the Manichean dichotomy of those who admit racism’s existence and those who deny it. There can be only Todd Gitlin (the sociologist and former SDS leader who has become, both fairly and as caricature, the symbol of a “class-first” line) and their own heroic, truth-telling selves, and whoever is not the latter must be the former. Thus the logic of straining to assign guilt by association substitutes for argument.¶ My position is—and I can’t count the number of times I’ve said this bluntly, yet to no avail, in response to those in blissful thrall of the comforting Manicheanism—that of course racism persists, in all the disparate, often unrelated kinds of social relations and “attitudes” that are characteristically lumped together under that rubric, but from the standpoint of trying to figure out how to combat even what most of us would agree is racial inequality and injustice, that acknowledgement and $2.25 will get me a ride on the subway. It doesn’t lend itself to any particular action except more taxonomic argument about what counts as racism.¶ Do what now?¶ And here’s a practical catch-22. In the logic of antiracism, exposure of the racial element of an instance of wrongdoing will lead to recognition of injustice, which in turn will lead to remedial action—though not much attention seems ever given to how this part is supposed to work. I suspect this is because the exposure part, which feels so righteously yet undemandingly good, is the real focus. But this exposure convinces only those who are already disposed to recognize.

### AT: Social Death

#### Policy focus key to combat racism---anti-blackness is not ontological

Jamelle Bouie 13, staff writer at The American Prospect, Making and Dismantling Racism, http://prospect.org/article/making-and-dismantling-racism

Over at The Atlantic, Ta-Nehisi Coates has been exploring the intersection of race and public policy, with a focus on white supremacy as a driving force in political decisions at all levels of government. This has led him to two conclusions: First, that anti-black racism as we understand it is a **creation of explicit policy choices—**the decision to exclude, marginalize, and stigmatize Africans and their descendants has as much to do with racial prejudice as does any intrinsic tribalism. And second, that it's possible to **dismantle this prejudice using public policy**. Here is Coates in his own words: Last night I had the luxury of sitting and talking with the brilliant historian Barbara Fields. One point she makes that very few Americans understand is that racism is a creation. You read Edmund Morgan’s work and actually see racism being inscribed in the law and the country changing as a result. If we accept that racism is a creation, then we must then accept that it can be destroyed. And if we accept that it can be destroyed, we must then accept that it can be destroyed by us and that it likely must be destroyed by methods kin to creation. Racism was created by policy. It will likely only be ultimately destroyed by policy. Over at his blog, Andrew Sullivan offers a reply: I don’t believe the law created racism any more than it can create lust or greed or envy or hatred. It can encourage or mitigate these profound aspects of human psychology – it can create racist structures as in the Jim Crow South or Greater Israel. But it can no more end these things that it can create them. A complementary strategy is finding ways for the targets of such hatred to become inured to them, to let the slurs sting less until they sting not at all. Not easy. But a more manageable goal than TNC’s utopianism. I can appreciate the point Sullivan is making, but I'm not sure it's relevant to Coates' argument. It is absolutely true that "Group loyalty is deep in our DNA," as Sullivan writes. And if you define racism as an overly aggressive form of group loyalty—basically just prejudice—then Sullivan is right to throw water on the idea that the law can "create racism any more than it can create lust or greed or envy or hatred." But Coates is making a more precise claim: That **there's nothing natural about the black/white divide that has defined American history**. White Europeans had contact with black Africans well before the trans-Atlantic slave trade **without the emergence of an anti-black racism**. It took particular choices made by particular people—in this case, plantation owners in colonial Virginia—to make black skin a stigma, to make the "one drop rule" a defining feature of American life for more than a hundred years. By enslaving African indentured servants and allowing their white counterparts a chance for upward mobility, colonial landowners began the process that would **make white supremacy the ideology of America**. The position of slavery generated a stigma that then justified continued enslavement—blacks are lowly, therefore we must keep them as slaves. Slavery (and later, Jim Crow) **wasn't built to reflect racism as much as it was built in tandem with it**. And later policy, in the late 19th and 20th centuries, further entrenched white supremacist attitudes. Block black people from owning homes, and they're forced to reside in crowded slums. Onlookers then use the reality of slums to deny homeownership to blacks, under the view that they're unfit for suburbs. In other words, create a prohibition preventing a marginalized group from engaging in socially sanctioned behavior—owning a home, getting married—and then blame them for the adverse consequences. Indeed, in arguing for gay marriage and responding to conservative critics, Sullivan has taken note of this exact dynamic. Here he is twelve years ago, in a column for The New Republic that builds on earlier ideas: Gay men--not because they're gay but because they are men in an all-male subculture--are almost certainly more sexually active with more partners than most straight men. (Straight men would be far more promiscuous, I think, if they could get away with it the way gay guys can.) Many gay men value this sexual freedom more than the stresses and strains of monogamous marriage (and I don't blame them). But this is not true of all gay men. Many actually yearn for social stability, for anchors for their relationships, for the family support and financial security that come with marriage. To deny this is surely to engage in the "soft bigotry of low expectations." They may be a minority at the moment. But with legal marriage, their numbers would surely grow. And they would function as emblems in gay culture of a sexual life linked to stability and love. [Emphasis added] What else is this but a variation on Coates' core argument, that society can create stigmas by using law to force particular kinds of behavior? Insofar as gay men were viewed as unusually promiscuous, it almost certainly had something to do with the fact that society refused to recognize their humanity and sanction their relationships. The absence of any institution to mediate love and desire encouraged behavior that led this same culture to say "these people are too degenerate to participate in this institution." If the prohibition against gay marriage helped create an anti-gay stigma, then lifting it—as we've seen over the last decade—has helped destroy it. There's no reason racism can't work the same way.

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

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

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

#### No social death – history proves

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

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

(the below card was read on FW in the 2NC but extended in the 2NR with the rest of the AT: Social death cards)

#### Avoiding engaging the topic because the state is irredeemably racist over-essentializes modern black-life---switching sides on Afro-Pessimism crucial

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The answer common in such departments is that the principal mission is to teach students about the eternal power of racism past and present. Certainly it should be part of a liberal arts education to learn that racism is more than face-to-face abuse, and that social inequality is endemic to American society. However, too often the curriculum of African-American Studies departments gives the impression that racism and disadvantage are the most important things to note and study about being black.

The question is whether this, for all of its moral urgency in the local sense, qualifies as education under any serious definition.

Typical is the curriculum of one African-American Studies department in a solid, selective state school west of the Mississippi. In this department, racism is, essentially, everything.

One course teaches that "Housing discrimination systematically skews opportunities and life chances," another that "racism, sexism, and heterosexism shape black life chances in a 21st century context," while yet another zeroes in on "the effects of institutional racism on social policy, desegregation, integration, and affirmative action programs."

Then there is "Blacks in the Media" - or, rather, one slice of that subject: "Studying literature, comic books, comic strips, cartoons, music, theater, cinema, broadcasting, and television, students will analyze the mythical imageries which have created stereotypes." This is a common trope in writings on black performance, in which any performer can be jammed into a category such as "Mammy" or "Tragic Mulatto," sidestepping the nevertheless brilliant performances of people like Ethel Waters and Fredi Washington in the old days, or Queen Latifah and Halle Berry today.

Following from this glum desperation is a fetishization of radical politics as blacks' only constructive allegiance. One would never know the marginal import of radicalism to most black lives from its centrality to so many African-American Studies department syllabi. One course analyzes "the tradition of radical thought and the relevance of this thought to the needs and interests of the black community" - but what does the "relevance" consist of except intellectually? Yet the same department also offers a course on, more specifically, black Marxism.

According to this curriculum, being black has been so horrific that we are even challenged by the mere physicality of existence. One courses teaches that black women's bodies have to be "important spaces of resistance," while another is based on the idea that black people have been done in by various permutations of "urban spatial relations."

Because racism and inequality will always exist in some forms, this all qualifies as a bone-deep, almost willful pessimism about black potential. One would expect the thinking class of a troubled race to at least pay more lip service to looking forward. The set-jawed obsession with tabulating obstacles becomes almost peculiar, as if based on an assumption that in some way, black Americans are uniquely exempt from treating challenges as surmountable. There is even a course on black psychology whose description would get a white-run department picketed out of existence in a week, examining "manifestations of various psychological characteristics of people of African decent [sic], their cultual [sic] and behavioral norms, including the way that issues of race, class, gender and sexuality affect their cognitive, social, and emotional development."

One senses that the people teaching in African-American Studies departments feel that blackness is indeed something very different, likely because African slaves were unwilling immigrants. However, Ralph Ellison once asked "Can a people live and develop for over three hundred years simply by reacting?"

To those who would consider themselves representing black people by answering in the affirmative, there are legions of black people of all walks who would heartily disagree. There is no self-standing metric of unassailable truth that justifies intellectuals treating that disagreement - that is, the life-spirit of a people millions strong making the best of the worst for four hundred years -- as unworthy of serious address.

As to the possible objection that course descriptions do not engage these departments closely enough, a look at a few actual course syllabi is useful.

At the University of Pennsylvania, the syllabus for "Racial and Sexual Conflict" openly states that "The term paper for this course should be concerned with the structure, causes, and policies that attempt to alleviate or perpetuate racial and/or sexual discrimination in the United States." Technically, this stipulation could allow an exploration of what people have done to get past obstacles rather than merely describe them. However, the material covered in this course gives precious little support to such an endeavor.

One week, the discussion concerns the questions as to "What role does educational opportunity play in economic opportunity? How has government policy affected educational opportunity by race?" However, the readings include none of the academic literature by scholars such as Joleen Kirschenman, Kathryn Neckerman, Jomills Braddock, James McPartland and Alford Young on how attitudinal factors affect the hireability of many uneducated black men, none of the literature on solid job opportunities for people without college degrees, and nothing on organizations nationwide assisting people in taking advantage of such opportunities. In a course purporting to teach America's brightest and most ambitious students about urgent realities, how are sources such as these irrelevant?

At the University of Massachusetts at Amherst, one course exemplifies the focus on radicalism. "Race, Radicalism and African American Culture" seeks to "track the genealogy of the movement that came to be called 'Black Power,' and to situate black radical artists and intellectuals in the broader history of twentieth-century American thought, culture, and politics."

And the course covers a noble procession of figures: Marcus Garvey, W.E.B. Du Bois, Richard Wright, Paul Robeson, the Black Panthers, Amiri Baraka, Cornel West, Bell Hooks. Not to mention James Baldwin. And Malcolm X. And Stokely Carmichael. Upon which the simple question is: despite their resonance, what effect did any of these people have upon the fact that there are today more middle-class black people than poor ones? Which was more central to making whites comfortable enough with blackness to elect a black President, the legacy of Malcolm X or the legacy of Dr. King?

As to King, the course does address Bayard Rustin, who was central to organizing the March on Washington. But he was at loggerheads with black radicals as the sixties wore on. The main legacy of black radicalism has been mood and fashion. Is its centrality to so many African-American Studies departments' curricula a matter of comprehensive engagement with black political development? Or is it what happens to be a common political orientation among modern academics in the humanities, including black ones?

To the extent that the answer is the latter, students are being underserved. At Columbia, in one African-American Studies course Manning Marable assigns an article by Robin Kelley called "Beyond the 'Real' World, or Why Black Radicals Need to Wake Up and Start Dreaming." But which black radical dreams have borne fruit in a way that would elicit a salute from ordinary black people in 2009? Dr. King had a dream indeed -- but he didn't mean us to stop there.

The issue is not the quality of these courses in themselves. I will gladly assume that these professors are all excellent lecturers, assiduous researchers and dedicated mentors. Yet attention must be paid to their ideological bias nevertheless. An African-American Studies curriculum whose main message is that black Americans' most interesting experience has always been racism, still is, and that this requires radicalism as a politics of choice is not education. It is indoctrination. It proposes a single minority view as sense incarnate. This is not what education is supposed to be.

To the extent that these courses and syllabi are typical, then, there is a problem. And anyone familiar with African-American Studies departments knows that these courses and syllabi are, indeed, typical.

African-American Studies departments have a place in a liberal arts education. However, to deserve that inclusion in anything beyond a symbolic sense, they should revise their curricula in exactly two ways, simple but crucial.

First, there should be full acknowledgment in all courses that the role of racism in black people's lives and fates is receding, and to such a degree that the race's challenges today are vastly different than they were forty years ago.

The aim should not be to downplay the reality of racism, but to present precisely what education consists of: the ambiguities and challenges of real life and how one thinks about it.

Defeatism should be discouraged. Any sense that defeatism is the empirically proper position on black American history in the same way as it would have been for Pompeiians in the face of the eruption of Mount Vesuvius fails -- for the simple reason that progress for black Americans continues on so many fronts.

Most of the people in question would resist being characterized as defeatist, or as not acknowledging change. However, there is acknowledgment and there is genuflection. Plus, a claim that black radicalism is our only real future is, in itself, defeatism. Four centuries of black history give no indication that these politics will significantly affect how most black people thrive.

For example, a course like Yale's on "African-American Politics" should include not only mention of the Bradley Effect (under which whites voters have claimed in polls that they would vote for black candidates but do not at the voting booth) but also that it has been proven to be on the wane repeatedly for twenty years, including in the election of Barack Obama. Otherwise, Yale's teachings will lag behind what even Wikipedia tells us about the reality on the Bradley Effect, as opposed to its recruitment as a strategy of indoctrination.

The course I mentioned on blacks' problems with urban space flags environmental racism - but would ideally mention the important work of Christopher Foreman of the Brookings Institution (black, for the record) showing that claims along these lines have been overblown.

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It must also fall out of this that there will be no such thing as a course shoehorning the careers of hundreds of hard-working and excellent black artists and performers as lessons in stereotyping, or as most interesting for how they were hemmed in by racism than for what they accomplished regardless. Just as it is impossible to imagine Jewish Americans submitting themselves to so dispiriting and reductive a historiography of performance as this one, black scholars should step away from this kind of thinking as giving in to, rather than coping with, the ills of our history.

In the same vein, black popular music (including hip hop) should not be treated as most interesting in how it happened to intersect with (leftist and radical) political ideology - anymore than klezmer music, Chinese opera, or Tchaikovsky is. What about how our music is just good?

Second, an African-American Studies department should be considered larval without a course on black conservative thought - upon which courses on black radicalism would then be acceptable as alternative arguments.

Crucially, token assignment of writings of ancient three-named figures like Booker T. Washington, who wrote amidst post-Civil War conditions now ancient history, are a mere beginning. Most departments already slip in Washington, for example - although they should now regularly engage Robert Norrell's new biography that rescues the man from a century of calumny.

However, equally central to honest engagement with "black thought" are modern figures often considered controversial by the campus set, such as Shelby Steele, Thomas Sowell, Walter Williams, Debra Dickerson, and Stanley Crouch. (I will refrain from putting myself on this list, but will mention that my work is not uncommonly assigned to college students and seems not to leave them deaf to America's sociological imperfections.) Also useful, given that African-American Studies syllabi typically include some white writers, would be Stephen and Abigail Thernstrom, Lawrence Mead, Dan Subotnik and Peter Wood.

There is an argument hardly unfamiliar in the halls of ivy that black writers of this ilk are irrelevant to serious discussion because they are traitors to the race. Those charges must be permitted as free speech - but have no place in any brand of academic inquiry. All of the writers I have listed are careful thinkers deeply concerned with the fate of black America. It will not do to tar them as "not scholarly" because they do not all write in academic format or publish in obscure scholarly journals. Writings typically assigned by James Baldwin, Cornel West or even most of the others in this school are not written in this format either.

Thomas Sowell is read by millions in a nationally syndicated column, and this is in part because he is an economics and history scholar of long standing, whose books are often festooned with footnotes and references to academic work. Shelby Steele won the National Book Award, because of rhetorical skill surely the equal of writers like Patricia Williams and Michael Eric Dyson. Stanley Crouch is a polymath whose salty, "down" essence challenges anyone's claim that not being with the black radical program means not being "culturally black."

To be sure, many professors in African-American Studies departments think of themselves as doing their jobs in what they term "contesting" assorted topics. An example is Marable's "Critical Approaches to African-American Studies" at Columbia in which the contesting is the likes of "Remapping the black experience," "Redefining whiteness," and "Race-ing justice." However, this is a rearranging of furniture, very en famille. The confrontational, leftwardly politicized assumptions remain steadfast - while millions of blacks have overcome having never heard of politics of this kind.

These views, nevertheless, have value and should be heard. Yet they are not, on their own, truth. They verge into excess and anti-empiricism as readily as views from the right. There exist as many intelligent "contestings" of these leftist vieogical Violence

ws as there exist "contestings" of the writings of Shelby Steele or myself. In a university department worth the status, contesting from all sides must be heard.