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#### Presidential war powers come not from our judicial or legislative institutions, but from aesthetic performances – this allows the president to expand the scope of presidential power while seemingly decreasing it

Dudziak ’12 (2/17 Mary L – a professor of law, history and political science at the University of Southern California, is the author of “War Time: An Idea, Its History, Its Consequences.”) “How Presidential War Power is Made, or why rhetoric matters to war powers” http://balkin.blogspot.com/2012/02/how-presidential-war-power-is-made-or.html

Over at Lawfare, Benjamin Wittes found my op-ed in yesterday’s New York Times, on Obama’s double-take on the nature of our current war era, to be “perplexing.” Let me say a few words that are unlikely to lead Wittes and me to agree on everything, but at least might help crystalize what the disagreement is about. I should also say that I tend to agree with one of the underlying ideas at Lawfare, as I understand their project, and that Mark Tushnet has also made: “liberals” and “conservatives” are often talking past each other on questions of national security, and there is a need to reshift the conversation, and get beyond partisan and left/right divides. The most essential point is methodological (and if you’re looking for the direct points about my op-ed/Wittes’ post, skip ahead a couple of paragraphs). As legal scholars we tend to focus especially on law, of course. Law and society scholars, including legal historians like me, study law by going beyond it – by studying law in a broader historical and cultural context. Law exists as part of and in relation to society and culture, so that we can’t fully see law without understanding the way it is produced and understood – socially, politically, culturally. Like other legal problems, law related to war and security is a law-and-society subject. Many very smart war powers and national security law specialists have been drilling down on the complex legal issues related to the post-9/11 context, an effort that Lawfare contributes to. But as with all legal issues, there is also a law-and-society component. Although war powers and national security scholarship often draws upon historical examples, the scholarship does not tend to incorporate current important work by historians and others related to war and security. So, in my view, the law-and-society aspect of legal war and security studies is underdeveloped. Alongside of the current focus on national security law in American law schools, we need, essentially, law-and-society law & security. How does that relate to my op-ed? My piece is about Obama’s political rhetoric related to war, and I argue that he is trying to have it both ways. As a political matter, he has focused on the wars in Iraq and Afghanistan. His campaign promise was to bring these wars to an end. Early in his administration he would say “we’re in two wars.” But in 2010 he shifted, and gave a speech that said the nation is “at war with Al Qaeda.” This shift in political rhetoric enables the president to argue that he is filling his campaign promise of ending the wars that he was talking about when he got elected, but at the same time the new formulation maintains (politically) the basis for his war-related powers. Now for the law-and-society point: presidential war powers are determined not only by legal authorities and constraints, to the extent they exist, and by capacities inherent in the executive branch. As Scott Silliman put it in a national security law class at Duke last semester, the president “paints the scene.” Important work by historians helps to fill in the way presidents essentially narrate wars for the American public (my formulation, not Silliman’s), helping to generate both political sentiment and also, most simply, the conception that something happening faraway is a “war” that the security of Americans at home hinges upon. (This is not a post-9/11 problem, but was a critical Cold War issue, and also was important in earlier years.) Political scientist Adam Berinsky helps us to see that what Americans “know” about overseas conflict does not derive directly from the conflict itself, but is filtered in the same way as public opinion on other matters: it is affected by elite discourse and partisan politics. This is a long way of saying that presidential rhetoric on war and security is tremendously important and consequential. I focused only on Obama’s flip: “Ending major conflicts in two countries helps him deliver on campaign promises. But his expansive definition of war leaves in place the executive power to detain without charges, and to exercise war powers in any region where Al Qaeda has a presence.” But the ultimate problem goes beyond what looks like a political bait-and-switch. By narrating war differently, Obama is “painting the scene” differently, in a way that will not determine the scope of his war-related powers down the road, including but not limited to detention. Though not determinative, a president’s framing of a war era is a first and essential component of the generation and maintenance of presidential war powers. I take up Wittes directly, and the ways we’re talking past each other, below the fold. Wittes makes this point (emphasis added): With respect to the war against Al Qaeda and the Taliban, the United States still has troops deployed in Afghanistan who are actively fighting Al Qaeda, the Taliban, and associated forces on a daily basis. Whatever the point at which hostilities can reasonably be said to be over for purposes of conveying detention authority, we are nowhere near that point yet. And critically, I don't know anyone in the Obama administration who would argue that detention authority will persist after hostilities really are over-any more than we took our prisoners with us when we left Iraq. Indeed, if the negotiations with the Taliban that are now getting started were to produce a peace deal, it's hard for me to imagine that detention authority would persist vis a vis Taliban detainees. It’s the starting point that matters: “with respect to the war against Al Qaeda and the Taliban.” The “war” against Al Qaeda is a different way of saying “war on terror,” though it is at least a more specific form of a “war on terror.” (Wittes includes the Taliban, but Obama’s framing is not so limited, or at least not consistently limited.) The reason for the parallel is that President Bush’s “war on terror” was a conceptualization that had no limits in space or time. The potentially unlimited nature of that sort of conflict, and the way it might justify detention without end, has troubled the Supreme Court. In Hamdi, Justice O’Connor noted that Hamdi was arguing that he potentially faced “the substantial prospect of perpetual detention.” But she reasoned that the Court did not have to face the prospect of endless detention, because, in essence, the war in Afghanistan looked like an old fashioned war, limited in space and time. There were “active combat operations” against the Taliban in Afghanistan, so it was appropriate to detain Hamdi “for the duration of these hostilities.” The “war against Al Qaeda” – Obama’s formulation as of 2010 – is not limited in space and time the way a war in Afghanistan – Obama’s earlier formulation – could be. There is more to say about all of this, some of it covered in my new book, but Wittes states: "Dudziak's implicit argument seems to me altogether perverse. She seems to be saying that in a conflict in which literally tens of thousands are actively fighting today, detention authority must ebb because the government hopes aspires to wind things down. That can't be right." At this point, we are talking past each other, a consequence that, as I understand it, is one of Lawfare’s goals to avoid. Wittes is arguing that there is legal authority for detention. I’m not affirming or disputing the question of the legal limits of detention power. I’m talking about something else: presidential war rhetoric, a matter of great importance to presidential war power. My call is simply for transparency if not consistency. And so Wittes misses the op-ed’s point about Obama’s political rhetoric, and then draws a mistaken implication from that misreading. If he might complain that I could have been clearer, of course the response in part is: it was in a newspaper, with a word limit. But if he believes that I helped produce the misreading, let me just say mea culpa. And now let’s get back to trying to understand war and security in a deeper way, across ideological lines, and – one of my arguments generally – in a more nuanced and interdisciplinary way.

#### This aesthetic standard within the presidency, does not manifest itself in objective terms, rather is functions to interpret our standards of beauty, pervading all analysis of intellectual criticism

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What is the point of a presidential debate? In the context of American presidential elections, "debate" is something of a misnomer. When former French President Nicolas Sarkozy faced his Socialist challenger, François Hollande, that was a debate - addressing substantive issues and lasting more than two hours. By contrast, presidential debates in the United States are more like staged performances, where the answers to every possible question have been rehearsed endlessly with teams of coaches and advisers. The candidates in U.S. debates address carefully selected journalists who rarely follow up on a question. And the candidates' performances are scrutinized less on the substance of their arguments than on their presentation, body language, facial tics, unguarded sighs, smiles, sneers and inadvertent eye rolling. Does the candidate come across as a snob or a friendly guy whom one can trust? Do the smiles look real or fake? These "optics" can be of great importance. After all, Richard Nixon's race against John Kennedy in 1960 is said to have been lost on television: Kennedy looked cool and handsome, while Nixon scowled into the camera, with sweat trickling down his 5 o'clock shadow. In his debates with Ronald Reagan in 1980, Jimmy Carter came across as smug and humorless and Reagan as a friendly old uncle. Carter lost. In 2000, Al Gore was unable to make up his mind about which role he wished to play in his debates with George W. Bush, so he looked shifty and inauthentic, changing from arrogant to patronizing and back again. He had the better arguments, but he lost the "debates" (and the election) nonetheless. We are told that the debates this month between President Barack Obama and the Republican challenger, Mitt Romney, might decide the election. It is, according to the pundits, Romney's last chance. If Obama comes across as an elitist professor, he might lose. If Romney gets angry or makes a bad joke, his chances could be blown. Again, this is not a question of who has the best policies, or the soundest ideas; it is all about presentation. More than 67 million Americans watched the first of this year's three debates. According to public opinion polls, only about 17 percent of eligible voters have not yet made up their minds about which candidate to support. That is surprising, given the widening political gap between America's two main political parties. In private, Obama and Romney may be able to agree on many things. But the Republican Party has moved far to the right of Obama's moderate liberalism, and Romney has been pulled along with it. Then there is the great unspoken factor of racial prejudice, something even hard-core right-wing Republicans try not to express openly. A certain percentage of American voters will not vote for a black man, whatever he says or however good he looks in a debate. If policies or prejudices have not persuaded that undecided 17 percent of voters, they must be looking for something else. They want to see whether they like one man better than the other. To them, one can only assume, the debates are nothing more than a personality contest. In past elections, when there sometimes really was not much political difference between Democrats and Republicans, this made a certain sense. Broadly speaking, on economics and foreign policy, the candidates often would be in accord, with Republicans more inclined to favor the interests of big business and Democrats defending the interests of labor. So voters could not always be blamed for finding it hard to make up their minds. Since they could not make a rational choice, they followed their instincts and voted for the candidate they found most sympathetic. This time, there seems to be much less justification for such arbitrary choices. The political differences are too stark. And yet there is a reason not to dismiss the personality contest entirely. After all, the U.S. presidency is a quasi-monarchical institution, as well as a political one. The president and first lady are the king and queen of the American republic, the official faces that the U.S. presents to the outside world. It is not utterly absurd, therefore, that voters want to like the look of their presidents, quite apart from the merit of their policies. Choosing the country's most powerful politician on the basis of his presentability on television might seem arbitrary, even frivolous. But it is no more arbitrary than the accident of birth, which determines the right of kings and queens to reign over their countries. The difference is, of course, that most modern kings and queens are constitutional monarchs with no political power. And the man whom U.S. voters choose to lead their country will affect the lives of everyone, not just Americans. Because non-Americans cannot vote in U.S. elections (a pity for Obama, who would probably win a global vote by a landslide), we have to depend on the judgment of that 17 percent of undecided voters watching television this month. That is not exactly reassuring. But the American republic has one merit that monarchies lack. Good or bad, the quasi-king can be booted out every four years. Then the competition - part ideological, part beauty contest - can start all over again.

#### Aesthetic tendencies mirror the way that political practices operate – It’s no surprise that the dominant group is the one that gets to define beauty – this has historically been used as a tool to marginalize and otherize

Craig 2k6 (Maxine, “Race, beauty, and the tangled knot of a guilty pleasure” Feminist Theory 2006 7: 159)

Discourses of race and beauty are often intertwined. Racist ideologies commonly promote the appearance of the dominant group against the purported ugliness of a subordinate group. When, in his ‘Notes on the State of Virginia’ Thomas Jefferson sought to defend a continued separation of the races, he pointed to what he considered the self-evident beauty of whites (Jefferson, 1975: 187). Likewise, Nazis used assertions of superior Aryan beauty to build anti-Semitism (Mosse, 1985: 139). Claims of beauty have also been central to anti-racist resistance. When Marcus Garvey built a mass African-American movement in the early 20th century, he implored black people to ‘take down the pictures of white women from your walls. Elevate your own women to that place of honor’ (Garvey, 1968: 29). In Garvey’s nationalist rhetoric, racial pride began with an appreciation of the beauty of black women. Despite the close connections between discourses of beauty and racial politics, race has often been left out of feminist analyses of beauty. If we take the 1968 Miss America pageant protest as a historical beginning point for second wave feminist activist critiques of beauty regimes in the United States, we can see that an analysis of the interpenetration of racism and beauty regimes was present at the beginning. The organizers of the 1968 Miss America contest protest decried the racial exclusivity of the pageant, noting that there had never been a black finalist nor a single Puerto Rican, Alaskan, Hawaiian or Mexican-American winner (Morgan, 1970: 586). Though early activists found and critiqued racism and sexism in institutions of beauty, an analysis of race escaped some of the most widely read academic feminist writing on beauty that followed. This section traces the presence, absence and reappearance of race in feminist theories of beauty. My account cannot be strictly chronological, as in some cases early writers and activists had greater sensitivity to issues of race than writers who followed them. In this narrative, I organize the works considered into those that are foundational, those that engaged in a project of specifying differences in women’s experiences of beauty, and those that complicated existing theory by addressing questions of agency. Given the wealth of feminist writing relating to beauty, this survey is necessarily incomplete and will inevitably omit important work. Works are included here because they articulate central tendencies within the literature. Lois Banner’s 1983 American Beauty laid important historical groundwork for subsequent feminist scholarship on beauty. By chronicling the transformation of beauty standards in the United States, Banner demonstrated the constructed and historically specific character of ideals of beauty. As written by Banner, however, beauty’s American history is a white women’s history. Joan Jacobs Brumberg’s study of decades of young women’s diaries documents the way that the expansion of marketing to young women increased women’s self-consciousness regarding their bodies. Given that women who have enjoyed certain privileges are more likely to keep diaries and have them collected by archives, the experience documented in Brumberg’s study was primarily that lived by white middle- and upper-class women. Nonetheless, Brumberg’s 1997 The Body Project importantly challenged the common assumption that young women have always been anxious about the appearance of their bodies. Young women’s diaries written in the 19th century were less focused on outer beauty. As the reach of marketing increased throughout the 20th century, young women were more likely to write about their bodies in their diaries and more frequently expressed dissatisfaction with their shapes and weight. Published in the 1980s, essays by Iris Marion Young and Sandra Lee Bartky were also foundational.1 Young and Bartky articulated feminist analyses of women’s beauty work as a disciplinary practice policed by the force of a coercive and pervasive male gaze. These works were indispensable for later feminist writing and practice relating to beauty, yet the woman who was their subject was a racially unmarked, implicitly heterosexual woman of an unspecified class. In Young’s essay ‘Throwing Like a Girl’, the essence of the female experience is a physical passivity caused by ‘the ever-present possibility that one will be gazed upon as a mere body, as shape and flesh that presents itself as the potential object of another subject’s intentions and manipulations, rather than as a living manifestation of action and intention’ (Young, 1980: 154). Women take up the view of themselves as things ‘looked at and acted upon’, and use cosmetics, diets, and other disciplinary practices in attempts to craft themselves into more beautiful things (Young, 1980: 148). In this argument, a woman sees herself as men see her, and the embodied actions a woman takes are usurped by male intentions. She acts upon herself to realize the will of a generalized male gaze. From the present vantage point, Young’s argument appears not incorrect but incomplete. Young’s essay vividly describes and explains the selfconsciousness regarding appearance that male domination imposes on women. Whether measured by the grossly disproportionate amounts of money spent by women on beauty care or the higher rates of eating disorders and cosmetic surgery use among women, it is clear that women, as a group, work to change their appearance more than men do. The feelings of inadequacy produced by the presence of beauty standards in women’s lives are, arguably, among the most personal manifestations of gender inequality in our lives. That being said, the essential woman she describes is that racially unmarked, implicitly heterosexual woman, of unspecified class. Connected to no community, she stands alone under the male gaze. The gazing male is similarly unspecified. What happens if we rethink the argument, with the understanding that the woman under the gaze has a race, a sexual identity, an age, abilities, and more or less wealth? Does she still stand alone in relation to the gaze? Which techniques of transformation are available to her, which are impossible, and what are the meanings of those techniques within her community? When, and if, she sees herself through the eyes of a male, what is his race and how does his race affect her assumptions about what he sees? Is he also the target of an objectifying gaze? Sandra Lee Bartky similarly describes beauty work as a product of the female self-surveillance that arises from the male gaze. Yet she describes the beautifying woman as active rather than passive. According to Bartky, women actively construct feminine selves, the only selves that patriarchal regimes support, or risk the ‘annihilation’ that awaits those who refuse to embrace socially acceptable subjectivities (Bartky, 1988: 78). Bartky’s self-monitoring women, like Young’s, are generalized women who stand alone. Each woman, because she is not envisioned as a member of any social group based on race, class, age, sexuality, or ability, is equally alone, and subject to a generalized male gaze. Beginning in the 1980s, and continuing to the present, a sizeable group of scholars has engaged in a project of specifying, in various ways, women’s experiences of beauty standards. These works document and analyse the racism inherent in dominant beauty standards (Banet-Weiser, 1999; Banks, 2000; Bordo, 1993; Candelario, 2000; Chapkis, 1986; Craig, 2002; DuCille, 1996; Espiritu, 1997; Gilman, 1985; Hobson, 2003; Kaw, 2003; Lakoff and Scherr, 1984; Peiss, 1998; Weitz, 2004). Focusing on the diverse and particular ways that dominant beauty standards positioned white, black, and Asian women, these scholars argue that beauty standards maintained racial inequality as well as gender inequality. Much of this scholarship addressed the polarized positions of black women and white women in dominant beauty regimes. Dominant beauty standards that idealized fair skin, small noses and lips, and long flowing hair defined black women’s dark skin colour, facial features, and tightly curled, short hair as ugly. In many, but not all representations, black women’s bodies were also stigmatized as hypersexual, a characterization that positioned black women as the moral opposites of pure white women. The ordeal of Saartjie Baartman, the black South African woman who was transported to London and Paris in 1810 and exhibited barely clothed as an entertaining spectacle, is emblematic of the abusive representation of black women as the hypersexual other (Gilman, 1985). Saartjie Baartman was dubbed the ‘Hottentot Venus’, a name that identified her as a stigmatizing symbol of beauty for a defamed group within a colonial context (Hobson, 2003). The exclusion of non-white women, or their marginalization within representations of beauty, supported the place of white women within beauty regimes. That is, racists defined white and chaste beauty in opposition to the imputed ugliness and hypersexuality of other, racially marked, groups of women (Collins, 2004; hooks, 1992; Omolade, 1983). Writers who have considered the position of contemporary non-white women in beauty regimes have variously found categorical exclusion of women of colour, appreciation of the beauty of women of colour to the extent that they approached the appearance of whiteness, or the inclusion of a changing spectrum of women of colour in the marginalized and marked position of the exotic beauty. A shifting economic and geopolitical context underlies these alternative and unstable positions of women of colour in beauty regimes. Asian women were portrayed as monstrous in 19th-century caricatures drawn by whites engaged in nativist politics. In later periods, when exclusionary immigration laws removed Asian workers from competition with American workers, Asian women were represented as exotic beauties (Espiritu, 1997). African-American women, who were categorically excluded from representations of beauty prior to the Civil Rights Movement, have, within the past forty years, along with the emergence of a sizeable black middle class, gained inclusion in fashion industry and cinematic representations of beauty, albeit often in ways that continue to mark them as exotic (DuCille, 1996). Among these authors Susan Bordo provides the broadest theoretical basis for understanding how beauty regimes locate women in specific valued or devalued positions. She argues that representations of beauty produce norms for women, ‘against which the self continually measures, judges, “disciplines,” and “corrects” itself’ (Bordo, 1993: 25). Her argument was more than a restatement of that advanced by Bartky and Young, because of Bordo’s sustained consideration of the ways that race matters in women’s experience of dominant beauty standards. Racism and sexism intertwine in the form of a normalizing discourse that marks women of colour as abnormal and thus flawed.

#### Beauty standards’ reliance on bodily difference create classes of monsters perpetually used to oppress and eliminate entire populations

Przybyło 2010 (Ela, currently completing a PhD in Women's Studies at York University, “The Politics of Ugliness” <http://www.gla.ac.uk/media/media_180322_en.pdf>)

Ugly Specimen II: The Monstrous Body ¶ Monstrosity denotes anything that is horrifying, ambiguous, or ¶ hybridized, “the in between, the mixed, the ambivalent‟ (Braidotti ¶ 1997, p.61). Monstrosity may be characterized by excess or ¶ absence; it is ¶ excess, lack, or displacement […] [t]here can be too ¶ many parts or too few; the right ones in the wrong ¶ places or duplicated at random. (Braidotti 1999, p.290) ¶ Monsters are also unpredictable; it “will never be known what the ¶ next monster is going to look like‟, it “moves, flows, changes‟ ¶ (1999, p.300). Thus, like ugliness, the monstrous is culturally ¶ contingent, reflecting cultural anxieties, fears, and fascinations. It is ¶ a category of ambivalence, “both horrible and wonderful, object of ¶ aberration and adoration‟ (1997, p.61-62). Finally, monsters share ¶ with one another an inherent capacity to blur boundaries and ¶ binaries. ¶ Many monsters are category errors; they contradict ¶ standing cultural concepts. They may be living and dead ¶ at the same time […] or they may be incongruous ¶ fusions of the animate and inanimate. (Carroll 2000, ¶ p.40) ¶ Because they do not at all fit into binary oppositions but rather occupy ambiguous spaces in between, monsters also imply that pre- established categories are a farce, and altogether useless. In this sense, monsters are themselves “failed repetitions‟, “de-formities‟, they are embodied failures of re-production (Butler, 2006, p.173, 179).¶ But I wish to emphasize that monsters are both representations and actual bodies. For instance, women are particularly monstrous, because their bodies are subject to dramatic changes in pregnancy and childbirth. Women’s bodies deny a set form and are prone to leaking and transforming, they are “morphologically dubious‟ (Braidotti 1997, p.64). Also, monsters are tied to the feminine because a search for their origin always leads to the maternal body (Braidotti, 1999, p.291). Women’s monstrous bodies can only be understood in the context of hierarchical binaries, which privilege the fantasy of a whole, impermeable male subject at the price of a perceived leaky, unstable woman’s body. The monstrous body is feared because it does not conform to binarical systems. It exists in the interstices of binaries, between categories. For instance, woman’s body at childbirth denies easy binary divisions confusing inside/outside and self/other; it is a confusion of two bodies, which were recently one. Women’s bodies, as sites of binary and boundary blurring are “ugly‟ and disturbing.¶ Like women, “racialized‟ bodies are likewise often figured in terms of ugly monstrosity. Nöel Carroll speculates that “nonbeauty [ugliness] [...] is somehow an inadequate instantiation of the concept of human being‟ which, when applied to “racial others‟, is indicative of them figuring as “beneath or outside ethics‟ (2000, p.37, 52). Ugliness here becomes a mark of racial sub-humanity or “primitivism‟. One specific historical instance of the application of “monstrosity‟ and “ugliness‟ to an actual black body is the case of Saartjie Baartman (anglicized as Sarah Bartman), the “Hottentot Venus‟. Originally from the cape of South Africa, Baartman was brought to London in 1810 to be publically displayed on account of her large buttocks, which was medically stigmatized as “steatopygia‟ (Hobson 2003, p.88). Janell Hobson emphasizes that the popularity of the London and Paris shows, which featured Baartman, is a result of the performative situating of her as a “freak‟ (2003, p.90). Significantly, Baartman was regarded as emblematic of black women in general and “Baartman [...] came to signify the “ugliness” of her race‟ (2003, p.94, emphasis in original). Anne Fausto- Sterling likewise observes that Baartman’s popularity as a “specimen‟ or “spectacle‟ was possible because of current-day anxieties about women and the “savage other‟ (2001, p.361). Thus, Baartman’s perceived monstrous ugliness was part and parcel of the larger mechanisms of colonization and racism. Understanding black bodies, such as Baartman’s, as “ugly‟ allowed them to be exploited without moral regret, since their monstrosity enabled them to be viewed as subhuman, “beneath or outside ethics‟ (Carroll 2000, p.52). Interestingly, Jasbir Puar and Amit Rai observe that labels of monstrosity are similarly deployed against Muslims in the post- September 11 context to justify politics of racial hatred and quarantining:¶ The monsters that haunt the prose of contemporary counterterrorism emerge out of figures in the eighteenth and nineteenth centuries that have always been racialized, classed, and sexualized. The undesirable, the vagrant, the Gypsy, the savage, the Hottentot Venus [...] shares a basic kinship with the terrorist-monster. (2002, p.124) Bodies which we perceive as monstrously ugly also include those disfigured by illness or circumstance. According to Braidotti, such productions of monstrosity are connected to environmental, technological, or toxicity-based causes (1999, p.292). Again, these bodies are perceived as monstrous and ugly not because they are “aesthetically displeasing‟ but because they are jarring, because they unsettle hierarchical binaries through inhabiting ambiguous spaces in between. As Wendell argues, in the context of the visibly disabled, such bodies are “constant reminders to those who are currently measuring up that they might slip outside the standards‟ (2009, p.247). Thus not only do they blur binaries and boundaries, but disfigured bodies also remind us of the impermanence of life, the reality of mortality, and the fact that sooner or later each one of us will become “ugly;‟¶ “everyone who does not die suddenly will become a member of the subordinated group‟ (p.249, emphasis in original). Charles Feitosa, in an unpublished essay, puts it even more bluntly: “[w]e oppose ugliness as we oppose death; in opposing ugliness we are fighting against our own mortality‟ ([n.d.], p.4).¶ Monstrous ugliness is thus in a certain way, the most disheveling ugliness, an ugliness with the greatest power to shock. The ugliness of monstrosity and monstrous bodies is politically transgressive in two senses. First, it serves as an index for global and personal traumas (wars, pollution, and illness). Thus it is an embodied sign reminding us of various illnesses, viruses, and political unrest. Second, it reminds us of our own mortality, and the inability to remain “beautiful‟ permanently. In this way it demonstrates the regulatory aspect of normative ideals, the actual impossibility of conforming to these ideals, and the limits of hierarchical binaries. Monstrous bodies are ugly because they resist simple classification and demonstrate the limits of systems of classification (such as binaries). Also, monstrous bodies serve as embodiments of failed performativity. They actually are living reminders of the “regulatory fiction‟ of body and beauty ideals (Butler 2006, p.185).

#### Vote affirmative to affirm ugly.

#### Beauty as a concept allows for violence. The affirmative takes the vital step of confronting the ugly/beautiful binary to dismantle and challenge its power. This functions to reclaim and transform aesthetics to affirm the perspectives of the ugly

Mingus 2011 (Mia, Full text of a keynote address for the Femmes of Colour symposium, queer physically disabled woman of color, korean transracial and transnational adoptee writer and organizer “moving towards the ugly” http://leavingevidence.wordpress.com/2011/08/22/moving-toward-the-ugly-a-politic-beyond-desirability/)

As femmes of color—however we identify—we have to push ourselves to go deeper than consumerism, ableism, transphobia and building a politic of desirability. Especially as femmes of color. We cannot leave our folks behind, just to join the femmes of color contingent in the giant white femme parade. As the (generational) effects of global capitalism, genocide, violence, oppression and trauma settle into our bodies, we must build new understandings of bodies and gender that can reflect our histories and our resiliency, not our oppressor or our self-shame and loathing. We must shift from a politic of desirability and beauty to a politic of ugly and magnificence. That moves us closer to bodies and movements that disrupt, dismantle, disturb. Bodies and movements ready to throw down and create a different way for all of us, not just some of us. [\*share North Carolina story] The magnificence of a body that shakes, spills out, takes up space, needs help, moseys, slinks, limps, drools, rocks, curls over on itself. The magnificence of a body that doesn’t get to choose when to go to the bathroom, let alone which bathroom to use. A body that doesn’t get to choose what to wear in the morning, what hairstyle to sport, how they’re going to move or stand, or what time they’re going to bed. The magnificence of bodies that have been coded, not just undesirable and ugly, but un-human. The magnificence of bodies that are understanding gender in far more complex ways than I could explain in an hour. Moving beyond a politic of desirability to loving the ugly. Respecting Ugly for how it has shaped us and been exiled. Seeing its power and magic, seeing the reasons it has been feared. Seeing it for what it is: some of our greatest strength. Because we all do it. We all run from the ugly. And the farther we run from it, the more we stigmatize it and the more power we give beauty. Our communities are obsessed with being beautiful and gorgeous and hot. What would it mean if we were ugly? What would it mean if we didn’t run from our own ugliness or each other’s? How do we take the sting out of “ugly?” What would it mean to acknowledge our ugliness for all it has given us, how it has shaped our brilliance and taught us about how we never want to make anyone else feel? What would it take for us to be able to risk being ugly, in whatever that means for us. What would happen if we stopped apologizing for our ugly, stopped being ashamed of it? What if we let go of being beautiful, stopped chasing “pretty,” stopped sucking in and shrinking and spending enormous amounts of money and time on things that don’t make us magnificent? Where is the Ugly in you? What is it trying to teach you? And I am not saying it is easy to be ugly without apology. It is hard as fuck. It threatens our survival. I recognize the brilliance in our instinct to move toward beauty and desirability. And it takes time and for some of us it may be impossible. I know it is complicated. …And I also know that though it may be a way to survive, it will not be a way to thrive, to grow the kind of genders and world we need. And it is not attainable to everyone, even those who want it to be. What do we do with bodies that can’t change no matter how much we dress them up or down; no matter how much we want them to? What about those of us who are freaks, in the most powerful sense of the word? Freakery is that piece of disability and ableism where bodies that are deformed, disfigured, scarred and non-normatively physically disabled live. Its roots come out of monsters and goblins and beasts; from the freak shows of the 1800’s where physically disabled folks, trans and gender non-conforming folks, indigenous folks and people of color were displayed side-by-side. It is where “beauty” and “freak” got constructed day in and day out, where “whiteness” and “other” got burned into our brains. It is part of the legacy of Ugly and it is part of my legacy as a queer disabled woman of color. It is a part of all of our history as queer people of color. It is how I know we must never let ourselves be on the side of the gawking crowd ever again in any way. It is the part of me that doesn’t show my leg. It is the part of me that knows that building my gender—my anything—around desirability or beauty is not just an ableist notion of what’s important, but will always keep me chasing what doesn’t want me. Will always keep me hurling swords at the very core of me. There is only the illusion of solace in beauty. If age and disability teach us anything, it is that investing in beauty will never set us free. Beauty has always been hurled as a weapon. It has always taken the form of an exclusive club; and supposed protection against violence, isolation and pain, but this is a myth. It is not true, even for those accepted in to the club. I don’t think we can reclaim beauty. Magnificence has always been with us. Always been there in the freak shows—staring back at the gawking crowd, in the back rooms of the brothels, in the fields fresh with cotton, on the street corners in the middle of the night, as the bombs drop, in our breaths after surviving the doctor’s office, crossing the border, in the first quiet moments of a bloody face after the attack is done. Magnificence was there. Magnificence was with me in the car rides home after long days being dehumanized, abused and steeled in the medical industrial complex. It was there with me when I took my first breaths in my mother’s arms in Korea, and a week later those first days alone without her realizing I wasn’t going home. Magnificence has always been with us. If we are ever unsure about what femme should be or how to be femme, we must move toward the ugly. Not just the ugly in ourselves, but the people and communities that are ugly, undesirable, unwanted, disposable, hidden, displaced. This is the only way that we will ever create a femme-ness that can hold physically disabled folks, dark skinned people, trans and gender non-conforming folks, poor and working class folks, HIV positive folks, people living in the global south and so many more of us who are the freaks, monsters, criminals, villains of our fairytales, movies, news stories, neighborhoods and world. This is our work as femmes of color: to take the notion of beauty (and most importantly the value placed upon it) and dismantle it (challenge it), not just in gender, but wherever it is being used to harm people, to exclude people, to shame people; as a justification for violence, colonization and genocide. If you leave with anything today, leave with this: you are magnificent. There is magnificence in our ugliness. There is power in it, far greater than beauty can ever wield. Work to not be afraid of the Ugly—in each other or ourselves. Work to learn from it, to value it. Know that every time we turn away from ugliness, we turn away from ourselves. And always remember this: I would rather you be magnificent, than beautiful, any day of the week. I would rather you be ugly—magnificently ugly.

#### This embrace of imperfection is the most decisive move for breaking the status quo aesthetic contract—it exposes fully the arbitrary ironies of status quo aesthetic domination, this act can reshape consciousness and create a dialogue that denies the universality of the dominant Aesthetic.

Taylor, 1998 [Clyde R. Taylor, film scholar and literary/cultural essayist, is Professor at the Gallatin School and in Africana Studies, New York University. His publications include Vietnam and Black America and the script for Midnight Ramble, a documentary about early Black independent cinema, “The Mask of Art—breaking the aesthetic contract” ]

Espinosa's argument furthers the critique of aestheticism and the art-culzture system. To accept the ironic imperfection of resistance may be the most decisive mental act for breaking the aesthetic contract. The differ­ence between "perfect" and "imperfect" cinema fully dramatizes the iro­nies of discourse. Espinosa's trope engages an irony where the value-meaning of an imperfect work is always located outside the zone where the judgments of quality are made. If cultural production outside the capitalized zone is categorically "im­perfect," then resistant works from this area are imperfect on two grounds. First, by their origination in an unapproved cultural context, and second by their direct opposition to the values of "quality," through various re-framing techniques. The burden of two codes of representation, one sup­ported, the other opposed, must be carried by practitioners of imperfect culture. More important, the frame of knowledge emerging from resis­tance is inescapably incomplete, a work-in-progress, unavoidably "ex­perimental," unsanctioned, lacking the grounding in approved tradition. The dialogue of "imperfection" underscores the ironies of domination as well as subordination. The description of the "perfect" embodies the process I have been calling "entelechy," through which an object may be known by its highest, most ideal development as opposed to its prema­ture or incomplete manifestation, as "man" is the entelechial fulfillment of "boy" in Aristotle's reasoning, or as, in the calculus of domination, "majority" is superior to "minority," Self to Other, Subject to Object, de­veloped to underdeveloped, literate to vernacular, capitalized phenomena over lower-case experience, literature to writing, art to folk art or crafts. The point where the, ironies raised by "perfect/imperfect" resonate most widely is in the framework of the narrative of mastery against the narra­tive of liberation. Recall the double-image illustration of the simultaneous pretty woman and the unattractive old woman, "My Wife and My Mother-in-Law." The pretty young woman is favored by the master narrative. She only needs to be male to qualify as its norm-hero, but lacking that, her prettiness makes her a fit object of that hero's desire and quest. The old lady is the young belle's alter ego, her co-defining Other. The perfections of the mas­ter narrative rely on the contrasting presence of imperfections, projected, as noted before, onto the maiden, the servant, the slave. In the schema of mastery, the presence of these incomplete types is necessary for the com­pletion of the perfect story. Even more necessary, of course is the essence of corruption and imperfection, the villain who, were the narrative to be recoded, might also be viewed as a tempter of the maiden, servant and slave to rebel, and in some revisions, might even be understood to be the hero to these Others and their interests. (I hope it is clear by now that I am improvising on the foundation of Espinosa's germinal ideas.) To develop "imperfect cinema" or narration as a concept means simply to work this irony into full consciousness. It is to recognize how imper­fection has been essentialized as a characteristic of any undertaking not authorized by the social structure. Once again we must recall that the master narrative is deployed to control the interpretation of meaning in historical experience as well as in cultural works. With its reiterated theme of the inevitable progress and dominance of the Western bourgeoi­sie, its goal is always to locate perfection in the technical slickness of its self-image on the screen as an index of its relative perfection in the world. Espinosa's figure of speech brings into daylight the hidden history whereby aestheticism has "imperfected" almost everything not favorably contributing to its self-image. We should understand that all cultural pro­duction outside of Occidental culture and mainstream Western popular culture is "imperfect.**"** All popular culture, all cultural expression pro­duced anywhere, as folklore or whatever, exists in the zone of imperfection. An occasional election occurs of an expressive form perceived as achiev­ing classical status in another culture, say, Noh plays in Japan, Chinese opera, traditional African sculptures, conferring honorary perfectibility on these forms (much as respected persons of color visiting apartheid South Africa were conferred "honorary White" status). But otherwise, imperfection is ordained merely by these expressions being Other, by not being in a European language, or by not having Western stars, or using a different musical scale, the characters in their narratives not rounded to the requirements of Euro-bourgeois individualism, or presenting dances that elude description according to the movement vocabulary of ballet, or celebrating a different history than that shaped around the triumph of the West, thereby producing only an inept caricature of modernity, if at all, or honoring different gods. It is also clear that the construction of the perfect in aesthetic humanism was partner to the fabrication of White­ness out of whiteness.

#### Embracing ugly abandons the binary allowing for an active, deconstruction

Przybyło 2010 (Ela, currently completing a PhD in Women's Studies at York University, “The Politics of Ugliness” <http://www.gla.ac.uk/media/media_180322_en.pdf>)

Butler‟s „performativity‟, which acknowledges the necessarily laborious and repetitive nature of identity construction, is a meaningful way of thinking about both ugliness and deconstruction. It reminds us that binaries exist as long as we collectively and individually repeat them. If, on the other hand, we turn our back on binaries through turning them on their side, we partake in an active and strategic deconstructive process. Butler uses drag as the example par excellence of gender binary deconstruction, suggesting that the body in drag performs gender „differently‟ and thus engages in a temporary and dramatic binary confusion – „parodic repetition‟ (2006, p.186, 189). I see the possibility for ugliness to be also deployed in this way. Rivero observes this performative aspect of ugliness in the Colombian Ugly Betty, noting that ugliness is rendered in the sitcom as a „staged representation‟, „an impersonation‟ (2003, p.72). While the characters in the show shift from performances of „ugliness‟ to performances of „beauty‟ in problematic ways that suggest „everyone can be beautiful‟, the show unwittingly emphasizes the constructedness of beauty and ugliness.¶ Deploying ugliness strategically, in ways that engage in binary deconstruction, may take several forms. First, there is something already transgressive about the presence of „ugly‟ bodies in the public. Certain bodies in certain places function as „space invaders‟, according to Nirmal Puwar, because they disrupt the homogeneity of those spaces and challenge the position of the male body as the somatic norm (2004, p.67). Thus, the presence of a monstrous, dirty, or unaltered body in certain contexts is actually deconstructive and disruptive to binaries in itself. As Mary Russo, writing on the carnivalesque indicates,¶ in the everyday indicative world, women and their bodies, certain bodies, in certain public framings, in certain public spaces, are always transgressive –¶ dangerous, and in danger. (1997, p.323) Second, ugliness may be deployed strategically, through an active and exaggerated performance of ugliness in public spaces. Since the production of beauty requires not only a specific appearance but also a certain code of behaviours, feminists may strategically enact „ugly‟ behaviours as a means of deconstructing binaries such as beauty/ugliness, clean/dirty, public/private, and man/woman. Bartky refers to „disciplinary practices that produce a body which in gesture and appearance is recognizably feminine‟ (1990, p.65, emphasis added). These disciplinary practices function to prescribe the¶ body‟s sizes and contours, its appetite, posture, gestures and general comportment in space and the appearance of each of its visible parts. (p.80)¶ An excessive performance, performative confusion, or complete disregard of these normative behaviours and practices thus allows for a disruption of the conventions of beauty. Karina Eileraas, in „Witches, Bitches, and Fluids‟, explores the performed ugliness of punk and rock girl bands such as Hole. They deploy ugliness through ugly shrieks and wails (1997, p.127), ripped stockings and smudged make-up (p.129), ugly stage aggression (p.129), and the presence of ugly, dirty bodily fluids (p.132). In such ways, Eileraas argues, some girl bands perform ugliness, dismember femininity and normative feminine behaviours, and actively deconstruct spaces of beauty/ugliness and masculinity/femininity through „parad[ing], parrot[ing], and parody[ing]‟ (1997, p.135). It is exactly such multidimensional and excessive performances of ugliness, which create spaces of binary ambiguity and flux. Through acting ugly, and „doing‟ ugly, ugliness is privileged as a site of expression and as an effective feminist tool for unsettling prescriptive norms of behaviour.¶ Finally, ugliness can be deployed strategically through the very act of performative self-naming. At the beginning of this essay, I discussed Kincaid‟s strategy of deploying ugliness against neo- colonizers. Edwidge Danticat, on the other hand, provides an instance of the reappropriation or „embrace‟ of the category of ugliness through a deployment of it onto herself. Speaking of the multiple oppressions that Haitian women face, she rallies around a Haitian idiom:¶ we must scream this as far as the wind can carry our voices. “Nou lèd, nou la!” We are ugly, but we are here! (2003, p.27, emphasis added)¶ Through applying the label of ugliness onto herself (and „her people‟), Danticat immobilizes anyone who might want to hurt her by way of using the term „ugly‟ against her. She performs ugliness strategically, through „embracing‟ the category, deploying it in her own name, and reassembling it as something to be proud of. Acknowledging the political implications behind „ugliness‟ – such as racism, colonialism, sexism, and poverty – Danticat refuses to be immobilized by ugliness or by people who may use the term against her. Instead, she exploits it to her own uses, performs it, and deconstructs its meaning through reconfiguring it as a site of pride: as a site of presence, struggle, and endurance.

#### All politics is aesthetic—subordinating our 1ac to the goals of a prior political commitment is a depoliticizing move to void the interruptive potential of that aesthetic

**Schlag, '2** [Pierre, Dheidt’s Real Father/BFF and Byron White Professor of Law, University of Colorado School of Law, “Commentary: The Aesthetics of American Law” 115 Harv. L. Rev. 1047]

The various aesthetics, as suggested, are more or less conducive to various political or ethical tendencies. Perhaps a more helpful way of putting it is that political or ethical tendencies are themselves expressed in terms of the various aesthetics. It would be difficult, for instance, to articulate what we call "progressive legal thought" without the energy aesthetic and its images of energy, motion, and change. Similarly, it would be difficult to articulate multiculturalism or identity-politics without perspectivism. And similarly, it would be difficult to articulate conservatism without at some point relying on the notion of status quo and some notion of the grid. Not only do political tendencies depend upon aesthetic commitments, but arguably, it is also an intrinsic aspect of a political tendency (progressive change, multiculturalism, conservatism, etc.) to assert and affirm its own aesthetic. To put it yet another way, none of the political tendencies mentioned above are indifferent to aesthetics. **To be a conservative or a progressive is not just to take certain "substantive" positions, but to be committed to a particular aesthetic of social and political life.** At the same time, a political tendency is often obliged to play on someone else's aesthetic turf. Sometimes, even the insistent assertion of one's own aesthetic will encounter resistance, perhaps fatal resistance. Recall the failed attempts of the Supreme Court at the turn of the twentieth century to limit Congress's commerce power by drawing a grid-like distinction between commerce, on the one hand, and manufacturing, mining, and agriculture, on the other. [n222](http://www.lexisnexis.com.proxy.lib.umich.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1285963865432&returnToKey=20_T10249922497&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.350160.1565320562#n222) Or recall the "all deliberate speed" and "prompt start" formulae of Brown II, [n223](http://www.lexisnexis.com.proxy.lib.umich.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1285963865432&returnToKey=20_T10249922497&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.350160.1565320562#n223) which despite the invocation of an energy aesthetic, failed to summon the energy [\*1111] necessary to overcome the inertia of well-entrenched, architecturally inscribed dual school systems. [n224](http://www.lexisnexis.com.proxy.lib.umich.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1285963865432&returnToKey=20_T10249922497&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.350160.1565320562#n224) Another reason that a political tendency cannot simply be yoked to a particular aesthetic is that there are political objectives that each political tendency will strive to reach (the energy aesthetic), certain positions it cannot surrender (the grid aesthetic), contextual considerations that must be accommodated (the perspectivist aesthetic), and things that must be fudged because they cannot be stabilized (the dissociative aesthetic). [n225](http://www.lexisnexis.com.proxy.lib.umich.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1285963865432&returnToKey=20_T10249922497&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.350160.1565320562#n225) All of this is to say that despite its own irreducible aesthetic, each political tendency is also driven by its "substantive commitments." And in service of those commitments, any political tendency will at times opportunistically compromise or even jettison its own aesthetic. Arguably, **within any political tendency there are trade-offs, conscious or not, between form and substance, aesthetics and politics**. Viewed from the dissociative aesthetic, this very point is suspect. Indeed, it is not clear at all that politics and aesthetics are sufficiently well differentiated either conceptually or as social formations to allow us to speak cogently of a "trade-off." The relation of form and substance only arises as a political problem once form has been somehow differentiated from substance. [n226](http://www.lexisnexis.com.proxy.lib.umich.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1285963865432&returnToKey=20_T10249922497&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.350160.1565320562#n226) The felt need as well as the attempt to link form to substance and law to politics depends upon a prior separation of the two. Simply to presume an unproblematic separation is to eclipse an important point about politics and power: if law is an aesthetic construct, then **the moment at which an aesthetic is** asserted or **deployed is a** **moment of power**. [n227](http://www.lexisnexis.com.proxy.lib.umich.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1285963865432&returnToKey=20_T10249922497&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.350160.1565320562#n227) This is the point at which someone affirms a certain distinction - the grid - or asserts a normative goal - energy. The dissociative aesthetic enables us to step back and look askance: Why picture [\*1112] the situation in terms of a distinction, or a goal, at all? Why are these positions helpful or even possible? B. On Being Taken in There are, of course, **rhetorical uses of the aesthetics**. To the extent that these aesthetics are recognizable forms in law or legal thought, it becomes possible to characterize positions, arguments, and views as instances of this or that aesthetic. In other words, **a "substantive position**" **can be characterized/distorted**, for instance, **as** energy-like and then be criticized in terms of the vices characteristic of the energy **aesthetic**. Such rhetorical efforts can work precisely because we are accustomed to seeing law, legal arguments, theories, and the like in terms of these aesthetics. **Consciously or not, we will read "substantive positions" in terms of these aesthetics**. To the extent that **legal professionals** are unaware of the aesthetics of law, they **can be induced or seduced into accepting political or moral conclusions that they would not otherwise accept**. A wonderful example is provided by a typical reaction to the opinions in Griswold v. Connecticut.[n228](http://www.lexisnexis.com.proxy.lib.umich.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1285963865432&returnToKey=20_T10249922497&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.350160.1565320562#n228) Typically, law students want to find the "uncommonly silly law" [n229](http://www.lexisnexis.com.proxy.lib.umich.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1285963865432&returnToKey=20_T10249922497&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.350160.1565320562#n229) banning the sale of contraceptives unconstitutional. They also wish to recognize a constitutional right of privacy. Nonetheless, they experience Justice Stewart's dissent, which denies the existence of a constitutional right of privacy, as a solid and compelling argument. Justice Stewart writes: As to the First, Third, Fourth, and Fifth Amendments, I can find nothing in any of them to invalidate this Connecticut law ... . ... . What provision ... then, does make this state law invalid? The Court says it is the right of privacy "created by several fundamental constitutional guarantees." With all deference, I can find no such general right of privacy in the Bill of Rights, in any other part of the Constitution, or in any case ever before decided by this Court. [n230](http://www.lexisnexis.com.proxy.lib.umich.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1285963865432&returnToKey=20_T10249922497&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.350160.1565320562#n230) Why is this argument compelling? In particular, why does it seem compelling to legal professionals, including possibly Justice Stewart himself, who wanted to find this "uncommonly silly law" unconstitutional? By way of answer, notice the aesthetic representation of the Constitution in Justice Stewart's dissent. Justice Stewart repeatedly divides "The Constitution" into discrete parts: discrete provisions, distinct constitutional amendments, separate cases. He invokes and evokes the [\*1113] grid. If Justice Stewart's argument seems compelling, it is because he has pictured the Constitution as an inert thing subdivided into "parts" and "provisions," none of which contain the words "right of privacy." Correspondingly, Justice Stewart exemplifies the image of the ideal grid judge. The boundaries of the law have already been set. The grid is in place, and the question is: can a judge find a right of privacy anywhere within the boundaries of any part of the Constitution? No. Look in any part of the Constitution. It's just not there. So if Justice Stewart's ultimate conclusion seems convincing, it is largely because his grid-like depiction of the Constitution is compelling. Justice Stewart's Constitution and his argument are clear, fixed, static, and solid. His opinion has the sobriety of law. By contrast, Justice Douglas's opinion for the Court reads more like an amateur exercise in metaphysical poetry than law. Justice Douglas's Constitution is in motion. Indeed, it is so much in motion that its trajectories can seem somewhat confusing. According to Justice Douglas, the specific guarantees of the Bill of Rights yield certain "emanations"; these in turn form "penumbras." [n231](http://www.lexisnexis.com.proxy.lib.umich.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1285963865432&returnToKey=20_T10249922497&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.350160.1565320562#n231) In this case, those penumbras "create" (a word used repeatedly by Justice Douglas) a "zone of privacy." [n232](http://www.lexisnexis.com.proxy.lib.umich.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1285963865432&returnToKey=20_T10249922497&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.350160.1565320562#n232) His opinion evokes motion, expansion, sweep, light, and shadow. One will recognize the energy aesthetic at work. Justice Douglas's Constitution is energized: it moves; it does actual work. Strikingly though, his argument seems unpersuasive. The reason is simple: it looks like all the reasoning is being done by a patchwork of images and metaphors. The reader almost cannot fail to recognize that Justice Douglas's images are doing all the work (and that these images seem contrived). This contrasts sharply with Justice Stewart's opinion, in which the aesthetic remains hidden. It is hard to be taken in by an aesthetic when someone throws it in your face, which is precisely what Justice Douglas does. Notice, however, that once the aesthetics are revealed, Justice Stewart's image of the Constitution as a collection of parts organized in an inert grid is no more obviously compelling than Justice Douglas's view of the Constitution as extending the protection of rights. In fact, once we cast Justice Douglas's hyperboles aside, what he does for constitutional rights in Griswold is not very different from what Chief Justice Marshall did somewhat more elegantly for the powers of Congress in M'Culloch v. Maryland. [n233](http://www.lexisnexis.com.proxy.lib.umich.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1285963865432&returnToKey=20_T10249922497&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.350160.1565320562#n233) [\*1114] The point is that one can be taken in by the aesthetics of law. A position that may seem inexorable, or compelling, may upon reflection turn out to be an effect of operating or thinking within a particular aesthetic - **one that is itself neither necessary nor particularly appealing**. In Griswold, for instance, once one recognizes Justice Stewart's deployment of a grid-like aesthetic, his opinion loses much of its rhetorical power. [n234](http://www.lexisnexis.com.proxy.lib.umich.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1285963865432&returnToKey=20_T10249922497&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.350160.1565320562#n234)Legal professionals can be taken in by aesthetic images for the simple reason that the aesthetics are taken to be the articulation of law itself. And one ends up, as often as not, working within an aesthetic that is not at all hospitable to one's own political or ethical views. The reverse, of course, is also true: one is sometimes taken in by a political or ethical view that is not at all conducive to one's own aesthetics.

#### The aff shifts conversations to a question of how we OUGHT to live as opposed to the ways we are perceived – only this solves true liberation

Brown 95—prof at UC Berkeley (Wendy, States of Injury, 47-51)

The postmodern exposure of the imposed and created rather than dis- covered character of all knowledges—of the power-surtuscd, struggle-48produced quality of all truths, including reigning political and scientific ones—simultaneously exposes the groundlessness of discovered norms or visions. It also reveals the exclusionary and regulatory function of these norms: white women who cannot locate themselves in Nancy Hartsock’s account of women’s experience or women s desires, African American women who do not identify with Patricia Hill Collinss account of black women’s ways of knowing, are once again excluded from the Party of Humanism—this time in its feminist variant. Our alternative to reliance upon such normative claims would seem to be engagement in political struggles in which there are no trump cards such as “morality” or “truth."Our alternative, in other words, is to struggle within an amoral political habitat for temporally bound and fully contestable visions of who we are and how we ought to live. Put still another way, postmodernity unnerves feminist theory not merely because it deprives us of uncomplicated subject standing, as Christine Di Stefano suggests, or of settled ground for knowledge and norms, as Nancy Hartsock argues, or of "centered selves and “emancipatory knowledge," as Seyla Bcnhabib avers. Postmodernity unsettles feminism because it erodes the moral ground that the subject, truth, and nor- mativity coproduce in modernity. When contemporary feminist political theorists or analysts complain about the antipolitical or unpolitical nature of postmodern thought—thought that apprehends and responds to this erosion—they arc protesting, inter' aha, a Nictzschcan analysis of truth and morality as fully implicated in and by power, and thereby dplegiti- mated qua Truth and Morality Politics, including politics with passion- ate purpose and vision, can thrive without a strong theory of the subject, without Truth, and without scientifically derived norms—one only need reread Machiavelli, Gramsci, or Emma Goldman to see such a politics flourish without these things. The question is whether fnninist politics can prosper without a moral apparatus, whether feminist theorists and activists will give up substituting Truth and Morality for politics. Are we willing to engage in struggle rather than recrimination, to develop our faculties rather than avenge our subordination with moral and epistemological gestures, to fight for a world rather than conduct process on the existing one? Nictzschc insisted that extraordinary strengths of character and mind would be necessary to operate in thce domain of epistemological and religious nakedness he heralded. But in this heexcessively individualized a challenge that more importantly requires the deliberate development of postmoral and antirelativist political spaces, practices of deliberation, and modes of adjudication.49The only way through a crisis of space is to invent a new space —Fredric Jameson. “Postmodernism"Precisely because of its incessant revelation of settled practices and identi- ties as contingent, its acceleration of the tendency to melt all that is solid into air. what is called postmodernity poses the opportunity to radically sever the problem of the good from the problem of the true, to decide “what we want” rather than derive it from assumptions or arguments about “who we are.” Our capacity to exploit this opportunity positively will be hinged to our success in developing new modes and criteria for political judgment. It will also depend upon our willingness to break certain modernist radical attachments, particularly to Marxism’s promise (however failed) of meticulously articulated connections betwreen a com- prehensive critique of the present and norms for a transformed future—a science of revolution rather than a politics of oneResistance, the practice most widely associated with postmodern polit- ical discourse, responds to without fully meeting the normativity chal- lenge of postmodernity. A vital tactic in much political w’ork as wrcll as for mere survival, resistance by itself does not contain a critique, a vision, or grounds for organized collective efforts to enact either. Contemporary affection for the politics of resistance issues from postmodern criticism’s perennial authority problem: our heightened consciousncss of the will to power in all political “positions” and our wrariness about totalizing an- alyses and visions. Insofar as it eschew’s rather than revisesthese problematic practices, resistance-as-politics does not raise the dilemmas of responsibility and justification entailed in “affirming” political projects and norms. In this respect, like identity politics, and indeed sharing with identity politics an excessively local viewpoint and tendency toward positioning without mapping, the contemporary vogue of resistance is more a symptom of postmodernity’s crisis of political space than a coherent response to it. Resistance goes nowhere in particular, has no inherent attachments, and hails no particular vision; as Foucault makes clear, resistance is an effect of and reaction to power, not an arrogation of it.What postmodernity disperses and postmodern feminist politics requires are cultivated political spaces for posing and questioning feminist political norms, for discussing the nature of “the good” for women. Democratic political space is quite undcrtheonzed in contemporary femi- nist thinking, as it is everywhere in latc-twentieth-ccntury political the- ory, primarily bccausc it is so little in evidence. Dissipated by the increasing tcchnologizing of would-be political conversations and pro- cesses, by the erosion of boundaries around specifically political domains50and activities, and by the decline of movement politics, political spaces are scarcer and thinner today than even in most immediately prior epochs of Western history. In this regard, their condition mirrors the splayed and centrifuged characteristics of postmodern political power. Yet precisely because of postmodernity’s disarming tendencies toward political disori- entation, fragmentation, and technologizing, the creation of spaces where political analyses and norms can be proffered and contested is su- premely important.Political space is an old theme in Western political theory, incarnated by the polis practices of Socrates, harshly opposed by Plato in the Repub- lic, redeemed and elaborated as metaphysics by Aristotle, resuscitated as salvation for modernity by Hannah Arendt. jnd given contemporary spin in Jurgen Habermas's theories of ideal speech situations and com- municative rationality. The project of developing feminist postmodern political spaces, while enriched by pieces of this tradition, necessarily also departs from it. In contrast with Aristotle’s formulation, feminist politi- cal spaces cannot define themselves against the private sphere, bodies, reproduction and production, mortality, and all the populations and is- sues implicated in these categories. Unlike Arendt’s, these spaces cannot be pristine, ratified, and policed at their boundaries but are necessarily cluttered, attuned to earthly concerns and visions, incessantly disrupted, invaded, and reconfigured. Unlike Habermas, wc can harbor no dreams of nondistorted communication unsullied by power, or even of a ‘com- mon language,’\* but wc recognize as a permanent political condition par- tiality of understanding and expression, cultural chasms whose nature may be vigilantly identified but rarely “resolved,” and the powers of words and images that evoke, suggest, and connote rather than transmit meanings.42 Our spaces, while requiring some definition and protection, cannot be clean, sharply bounded, disembodied, or permanent: to engage postmodern modes of power and honor specifically feminist knowledges, they must be heterogenous, roving, relatively noninstitutionalized, and democratic to the point of exhaustion.Such spaces are crucial for developing the skills and practices of post- modern judgment, addressing the problem of “how to produce a discourse on justicc . . . when one no longer relies on ontology or epistemology.”43 Postmodemity’s dismantling of metaphysical foundations for justice renders us quite vulnerable to domination by technical reason 51unless we seize the opportunity this erosion also creates to develop democratic processes for formulating postepistemelogical and postontological judgments. Such judgements require learning how to have public conversations with each other, arguing from a vision about the common (“what I want for us") rather than from identity (“who I am”), and from explicitly postulated norms and potential common values rather than false essentialism or unreconstructed private interest.44 Paradoxically, such public and comparatively impersonal arguments carry potential for greater accountability than arguments from identity or interest. While the former may be interrogated to the ground by others, the latter are insulated from such inquiry with the mantle of truth worn by identity-based speech. Moreover, post identity political positions and conversations potentially replace a politics of difference with a politics of diversity—differences grasped from a perspective larger than simply one point in an ensemble. Postidentity public positioning requires an outlook that discerns structures of dominance within diffused and disorienting orders of power, thereby stretching toward a more politically potent analysis than that which our individuated and fragmented existences can generate. In contrast to Di Stefano's claim that 'shared identity” may constitute a more psychologically and politically reliable basis for “attachment and motivation on the part of potential activists,” I am suggesting that political conversation oriented toward diversity and the common, toward world rather than self, and involving a conversion of ones knowledge of the world from a situated (subject) position into a public idiom, offers us the greatest possibility of countering postmodern social fragmentations and political disintegrations.Feminists have learned well to identify and articulate our "subject positions —we have become experts at politicizing the “I”that is produced through multiple sites ofpower and subordination. But the very practice so crucial to making these elements of power visible and subjectivity political may be partly at odds with the requisites for developing political conversation among a complex and diverse “we.” We may need to learn public speaking and the pleasures of public argument not to overcome our situatedness, but in order to assume responsibility for our situations and to mobilize a collective discourse that will expand them. For the political making of a feminist future that does not reproach the history on which it is borne, we may need to loosen our attachments to subjectivity, identity, and morality and to redress our underdeveloped taste for political argument.

# 2AC

## AT T

#### 2.) Group the dialogue arguments—their attempt to create a space for dialogical communion effaces the multiplicity of identities within debate—our radical dissent is a form of reinscribing the terms of communication which is a precondition to true deliberative democracy

**Livingston 12**—Assistant prof of Government @ Cornell [**purple=slow**]

(Alexander, “Avoiding Deliberative Democracy? Micropolitics, Manipulation, and the Public Sphere”, Philosophy & Rhetoric, Vol. 45, No. 3 (2012), pp. 269-294, dml)

It is important here to stress what a critical theory of deliberative democracy is not.16 It is not the gentlemanly sport of cool, calm, and dispassionate exchange of impartial reasons. It does not depend on the knockdown force of the better argument in a single-round, one-on-one, face-to-face bout of verbal jousting. It is not the reduction of *political debate to a matter of logical demonstration. And it is not a clinical exer- cise wherein citizens are* extracted from their concrete political world and placed in an artificially domination-free space of the ideal speech situa- tion or deliberative focus group. All of these proposals, not to mention others, have been put forward in one form or another under the banner of deliberative democracy.17 If theories of deliberative democracy were limited to these options, Connolly would be right to charge them with an intel- lectualism that ignores the vagaries of lived political praxis. However, a critical theory of deliberative democracy provides both an alternative to this deliberative intellectualism as well as to Connolly’s democratic deficit. The key to this alternative approach to democracy overlooked by both Connolly and these intellectualist theories of deliberation is the complex institution of the public sphere. The public sphere is the decentered network of voluntary associations and media channels that crisscross civil society. It has no center or hub it radiates out of. Rather it is a rhizome in Deleuze and Guattari’s sense of the term: a multiplicity of lively points and intersections that hang together that lacks organization and is not subject to central control. Philippe Mengue makes just this point about the nature of the public sphere when he criticizes Deleuze and Guattari’s antipathy toward the idea of politics as the expression and contestation of public reasons. The public sphere, as he rightly notes, is precisely the kind of deterritorialized plane where movement and becoming can occur.18 Deliberative democracy is a model of democracy that explains how ideas circulate in such a public sphere; that is, how they bump into other ideas, transform them, and become transformed themselves in turn. Key to a critical theory of deliberative democracy is the claim that the exchange of reasons within this rhizomatic public sphere is what Jürgen Habermas calls “subjectless” (1996, 299). A public sphere is always more than the prudential exchange of reasons between two parties, but it is also always less than a self-reflection of a macrosubject capable of action. Rather, it is a complex mediating institution that allows ideas and reasons to become public—that is, it circulates and distributes reasons and ideas beyond the bounds of local conversations, turning them into resources to be drawn on, tested, and sometimes rejected in more local exercises of reason giving. Crucially, the reasons that do all this circulating in the public sphere must be understood in an expansive sense. At the level of democratic the- ory, no one form of discourse has a monopoly on what counts as a reason. Deliberative democracy recognizes diverse forms of communication as reason giving, including storytelling, rhetoric, and greeting. Each has a place in a deliberative politics insofar as it is capable of drawing a connec- tion between a particular claim or experience and a more general and acces- sible norm (Young 2000, 52–80; Dryzek 2000, 57–80). A public reason is always a reason for doing or avoiding doing something. First-person stories like those W. E. B. Du Bois tells in The Souls of Black Folk are vivid depic- tions of the experience of racial oppression, but they function as reasons to a nonblack audience insofar as they aim to open the eyes of white America to the complacency of its commitments to liberty and equality. A public sphere is a site where these sorts of reasons are articulated and take on broader and richer meanings, as they are received by an indefinite audience of strangers.19 The informal and diffuse network of information that spans from labor meetings to church groups to book clubs to blogs to newspapers to PTA meetings and to dissident groups carries our reasons across multiple testing sites where they are subject to uptake, rejection, or transformation, only to be recirculated again. This public exchange of reasons has the important epistemic function of improving the quality of the reasons we use to justify our interests and decisions, but the more crucial function is its critical one. The articulation and contestation of reasons in the public sphere is a motor for self-reflection. It is this function, the self-critical and self-reflection function of exposure to diverse and impersonal reasons in a public sphere, that deliberative democracy values. While the media-saturated public sphere trades in low-involvement advertising and affective manipulation, it also and more importantly can be a means of provoking us to reflect on our received identities and interests.20 These epistemic and critical functions of the public sphere come together to provide a democratic resource for inciting self- and collective transformation in novel and potentially eman- cipatory ways. Seen as a molecular interplay of constantly flowing, shifting, and transforming reasons and self-understandings that provokes new and creative (but reflective) becomings that help us cope with the challenges of political community, the circulation of ordinary talk in the public sphere is Deleuzian. The public sphere is an example of micropolitics par excellence. Once we introduce this institution of the public sphere into the discus- sion, we avail ourselves of a democratic alternative to Connolly’s politics of “cultural-corporeal infusion.” The task of generating resonance for a leftist politics can be divorced from the idea of manipulating visceral responses in favor of a politics that experiments with how reasons resonate in the public sphere, that is, with how they might function to provoke self-reflection. Reasons resonate when they make some claim on the moral and concep- tual imaginary of their audience. That is to say, their resonance is not a feature of their logical structure but rather of the receptivity of the audience to them. A reason resonates when its audience considers it what William James called a “live” hypothesis, “one which appeals as a real possibility to him to whom it is proposed” (1967, 717). Making reasons resonate, however, is the task of activists and social movements who introduce new concerns to the public sphere and rede- scribe acceptable existing practices as oppressive and harmful. To this end, an egalitarian and inclusive public sphere requires the insurgent work of its voluntary associations in the form of “deliberative enclaves” (Mansbridge 1999) or “counterpublics” (Fraser 1992) where dissidents, interests groups, social movements, and the oppressed experiment with novel discourses and redescriptions of the status quo to introduce into the public sphere’s circu- lation. When these experiments in consciousness-raising are successful, as with the feminist movement’s introduction of “date rape,” the queer move- ment’s turn away from civil unions in favor or “gay marriage” and Stephen Colbert’s introduction of “truthiness” into the American political lexicon, the terms of resonance in the public sphere change. Coining terms like “gay marriage” is not the same thing as institutionalizing it, but it does have the effect of redefining the terms of public debate around a now resonant expe- rience of exclusion that had hitherto been simply invisible or erroneously seen as harmless. To put this in the language of Deleuze, deliberative redescription can function as a war machine. The experimenting with resonating reasons in a public on the part of activists is an exercise in “plugging in” a resonance machine into the public sphere. The transformative power of the resonance machine, understood as an inventive redescription of our received practices, has the power to transform the way citizens see their shared world, their own interests, and the suffering of others. The work of counterpublics is to “smooth” the striated space of public political culture so as to displace old prejudices and allow new identities and claims to flourish.

## CP

#### What does it mean? What do you expect, we are in a debate round - any concievable response we'd have you would disagree with.

Baudrillard 76. Jean Baudrillard, *Symbolic Exchange and Death*, pg. 67

The problem of opinion polls, then, is not their objective influence at all. As far as propaganda and advertising are concerned, such influence is, as we know, largely annulled by individual or collective resistance or inertia. Their problem is the operational simulation that they institute across the entire range of social practices, the leukaemia infecting all social sub stance, replacing blood with the white lymph of the media. The question/answer circularity runs through every domain. We are slowly beginning to notice that the whole domain of surveys, polls and statistics must be revised according to the radical suspicion brought to bear on their methods. The same suspicion bears, however, on ethnology Unless you admit that the natives are totally 'natural' and incapable of simulation, then the problem is the same with the above as it is here: it is impossible to obtain a non-simulated response to a direct question, apart from merely reproducing the question. It is not even certain that we can test plants, animals or inert matter in the exact sciences with any hope of an 'objective' response. As to how those polled respond to the pollsters, how natives respond to ethnologists, the analysand to the analyst, you may be sure that there is total circularity in every case: those questioned always behave as the questioner imagines they will and solicits them to. Even the psychoanalytic transference and counter-transference collapses today under the shock of this stimulated, simulated and anticipated response, which is simply a modality of the self-fulfilling prophecy 5 So we come up against the strange paradox where whatever those polled, analysands and natives say, it is irremediably short-circuited and lost. Indeed, it is on the basis of this foreclosure that these disciplines - sociology, psychoanalysis and ethnology - will be able to develop in leaps and bounds. Such amazing development is just hot air, however, since the circular response of those polled, the analysands and the natives is nevertheless a challenge and a victorious revenge: when they turn the question back on itself, isolating it by holding the expected mirror-image response up to it, then there is no hope that the question can ever get out of what is in fact the vicious circle of power. It is exactly the same in the electoral system, where 'representa tives' no longer represent anything, by dint of controlling the electoral body's responses so well: somewhere, everything has escaped them. That is why the controlled responses of the dominated are nevertheless somehow a genuine response, a desperate vengeance which lets power bury power

## Kritik

#### Voting negative recreates the same oppressive systems they attempt to eliminate, but they fail to see that WE NEED EACH OTHER – the same systems that oppress you oppress me! You as a judge will never be able to break down ableist structures until you recognize that the same shit that disadvantages me disadvantages you too. This is a not a permutation of your story, it’s a permutation of out intentions to break down systematic forms of oppression

Mingus ’12 (Excerpts from the 5th Annual Queer & Asian Conference, “Collide, Connect, Create,” by Mia – keynote speaker queer physically disabled woman of color, korean transracial and transnational adoptee writer and organizer) http://leavingevidence.wordpress.com/2012/08/03/on-collaboration-starting-with-each-other/

I was asked to speak about collaboration and how we build alliances for social change. There is so much I could say about it, but really, to me, it comes down to our relationships. It’s not about the smartest analysis or the fanciest organizing campaign with sleek billboards, buttons and stickers. It’s about the quality of our relationships with each other, how well you can build community and how you treat people.¶ If we are truly committed to ending oppression and violence, then we must be committed to each other. Then we must live out of the simple truth that we need each other. We need each other. And this is where I would like to center my comments for today.¶ The best analysis in the world is useless if we don’t treat each other well. If we don’t invest our time and energy in learning how to love each other better, if we can’t build relationships that can last more than 2-5 years. If we can’t commit to practicing working out hard dynamics in our relationships or if we are recreating the very conditions we are fighting against inside of our collectives, organizations, and movements.¶ It doesn’t matter how much you know, if you’re not willing to work on your heart and your relationship with yourself. If you don’t know how to say, “I’m sorry,” “that really hurt my feelings,” or “I messed up.” None of this matters if you are interested in staying “right” all the time or always wanting to only talk about the places you’re oppressed and never talk about the places you are privileged.¶ All of us here know that oppression needs to be ended. All of us have been moved to come out here today. But then what? Our movements don’t lack people being inspired and motivated, it lacks what comes next: the day-in and day-out work to end oppression and violence that is not glamorous or easy.¶ Take the day-to-day work of being an ally to queer disabled API folks, for example. The work of learning about your able bodied privilege, valuing the voices of disabled queer APIs, making sure your events are accessible, fighting ableism in public and private, educating your fellow able bodied queer API comrades about their able-bodied privilege. As a queer disabled korean adoptee woman, I ask you, how are you connecting your identity as an able bodied person to your identity as a queer API? How are you connecting your fight for queer APIs to fighting ableism? How are you making sure that queer API community and family building is accessible for all queer APIs? How are you actively listening, valuing and learning about queer disabled APIs?¶ Because you can know about something and it doesn’t mean that your behavior is going to change. It’s the white middle class way of activism, isn’t it? If I know different, then I will do different, but we all know that it takes much more work to change. Good intentions are not enough. We need to practice. We have to be in it for the long haul.¶ Because hopefully what that sharp analysis should tell us, is that systems of oppression and violence are deeply embedded in our lives and world, intertwined with each other; and white supremacy and transphobia are not going to be ended in a campaign or in 5, 20 or 50 years. It is going to take a long time. And we have to be committed to each other through it. We have to think of our relationships as long-term relationships with each other, as people we will be working with and plan to know for the next 30, 40 years.¶ Any kind of systematic change we want to make will require us to work together to do it. And we have to have relationships strong enough to hold us as we go up against something as powerful as the state, the medical industrial complex, the prison system, the gender binary system, the church, immigration system, the war machine, global capitalism.¶ Because we’re going to mess up. Of that I am sure. We cannot, on the one hand have sharp analysis about how pervasive systems of oppression and violence are and then on the other hand, expect people to act like that’s not the world we exist in. Of course there are times we are going to do and say oppressive things, of course we are going to hurt each other, of course we are going to be violent, collude in violence or accept violence as normal.¶ We must roll up our sleeves and start doing the hard work of learning how to work through conflict, pain and hurt as if our lives depended on it—because they do. We have to learn how to have hard conversations and get skilled at talking about and dealing with shame, guilt, trauma, hurt, and anger. That’s the kind of skills building and workshops that I want to see at conferences! And not some new-aged privileged imperialist, “let’s go to India and get healed and work on our relationship disconnected from the rest of the world and injustice.” But rather, we are doing this in service of liberation because our movements, organizations, groups and communities are imploding from the inside. People get into fights and then we never see them in the same room again; most of our non-profits feel more like corporations with CEOs and dictatorships; break-ups divide entire queer communities or people are exiled or leave and never heard from again; activists are burning out or being traumatized by the very movements that seek to end trauma; campaigns fail because we don’t know how to listen and work together, so instead of coalitions, we have turf wars and undermine each other for next year’s grant that barley pays the bills.¶ We must work to transform our selves, each other and the systems we’re up against. The task in front of us is to learn how to value and practice individual, collective and systematic change together. There is no other choice. Someone once said, “ community is taking responsibility for the relationships in the group.” What if we moved from that place? What if we understood each other as our collective responsibility? What if we understood that we are all interconnected and what harms you will impact me—and THIS is why addressing power and privilege are so vital? ¶ How can we demand accountability from the state, if we can’t even hold our selves and each other accountable?¶ How do we stretch for each other and learn to live past our lifetimes? How do we live in service of people 3-5 generations to come? How do we grow our skills to be able to center our vision and think long-term? That’s the kind of thinking I want us to have. Because, the truth is, most of us won’t live to see the kind of large scale change that we dream of, but we can do our best to lay the necessary ground work for the next generation to be able to take it and run.¶ I want to leave a legacy of useful tools and substantial work for the people coming after us. I want to be able to give them loving, intact queer API communities and API women (gender queer, trans and cis) who love themselves and each other. I want to give them a world free of sexual violence. But most of all, I want to be able to leave them with a legacy of stories of how people came through harm with each other, how they risked loving each other in the face of uncertainty, how they built family and community that centered resiliency and healing.¶ Because the truth is, we need each other. We need each other. I need you and each and every one of you make my life more possible. We owe our existence to each other in so many ways. I don’t know how you have survived, but I am grateful you are here.¶ Take some time to look around at each other. Connect with each other and realize all the brilliance in this room. Commit to each other and remember that every time we turn away from each other, we turn away from ourselves. Remember that loving each other as fellow queer API folks is loving ourselves. This is where coalition building, collaboration and building alliances across movements begins: with each other. Because movements, coalitions, communities… they’re all made up of individual, living, breathing people. What good is it if you claim solidarity and alliance with disabled people, if you don’t treat the disabled people you know well?¶ Commit to not letting go of each other, even when it’s hard—especially when it’s hard. Commit to finally learn that the ends do not justify the means. How many times do we have to learn that how we do the work is just as important as the work we do? Commit to thinking about after the meeting, after the protest, after the revolution. Commit to being a grounded force to end violence and oppression. Commit to being a grounded force for healing and community. Commit to learning about where each of you are different and how “our differences lie down inside of us,” as audre lorde talks about.¶ What I’m talking about is reinventing how we love each other and knowing that solidarity is love, collaboration is love. And really, isn’t that what queerness is about: loving? I am talking about growing and cultivating a deep love that starts with those closest to us and letting it permeate out. Starting with our own communities. Building strong foundations of love.¶ And I just want to be clear, I am not talking about love that isn’t accountable. I am not talking about staying in harmful and dangerous or abusive relationships. The kind of love I want us to grow is accountable and assertive. Really, I am talking about collective love, where we look out for each other…¶ I have been all over the country speaking for the past seven years and across the board, almost everyone I have met, has longed for community and love that will be able to be the foundation for justice and liberation. Community and love that are just and libratory. But most of us have been so hurt, experienced such harsh things, that we are afraid to try again. Each time community, political work or love fails us, it is that much harder to muster up the courage to try again. I know it’s hard. And I am not standing up here saying I am perfect at this by any means—far from it.¶ But what I am saying is that it is our only chance. We have to be bold. We have to be courageous. We have to be willing to risk again and again and again. In a violent and oppressive world, the work of love is never done.¶ I’d like to close with one of my favorite quotes, by a fellow korean adoptee:¶ I am realizing that our stories weave together, that acknowledgment of your story does not mean a necessary preclusion of my own. Something has been shattered. Some door flung open that I will never close. And I will lose some people when I acknowledge the door, while others will accompany me to the other side. And I cannot forget the people who are waiting there, people i have been holding my breath to see.

How progressive of you, right on! the 1AC is apt in describing the ethical injustice of indefinite detention, but leaves out how it is pertinent FOR THEM - this destroys their solvency and the potential for coalitions.

Halberstam 13 - Professor of English and Director of The Center for Feminist Research at University of Southern California. (Jack, http://www.minorcompositions.info/wp-content/uploads/2013/04/undercommons-web.pdf, The Undercommons: Fugitive Planning and Black Study) -modified

These kinds of examples get to the heart of Moten and Harney’s world of the undercommons – the undercommons is not a realm where we rebel and we create critique; it is not a place where we “take arms against a sea of troubles/and by opposing end them.” The undercommons is a space and time which is always here. Our goal – and the “we” is always the right mode of address here – is not to end the troubles but to end the world that created those particular troubles as the ones that must be opposed. Moten and Harney refuse the logic that stages refusal as inactivity, as the absence of a plan and as a mode of stalling real politics. Moten and Harney tell us to listen to the noise we make and to refuse the offers we receive to shape that noise into “music.” In the essay that many people already know best from this volume, “The University and the Undercommons,” Moten and Harney come closest to explaining their mission. Refusing to be for or against the university and in fact marking the critical academic as the player who holds the “for and against” logic in place, Moten and Harney lead us to the “Undercommons of the Enlightenment” where subversive intellectuals engage both the university and fugitivity: “where the work gets done, where the work gets subverted, where the revolution is still black, still strong.” The subversive intellectual, we learn, is unprofessional, uncollegial, passionate and disloyal. The subversive intellectual is neither trying to extend the university nor change the university, the subversive intellectual is not toiling in misery and from this place of misery articulating a “general antagonism.” In fact, the subversive intellectual enjoys the ride and wants it to be faster and wilder; she does not want a room of his or her own, she wants to be in the world, in the world with others and making the world anew. Moten insists: “Like Deleuze. I believe in the world and want to be in it. I want to be in it all the way to the end of it because I believe in another world in the world and I want to be in that. And I plan to stay a believer, like Curtis Mayfield. But that’s beyond me, and even beyond me and Stefano, and out into the world, the other thing, the other world, the joyful noise of the scattered, scatted eschaton, the undercommon refusal of the academy of misery.” The mission then for the denizens of the undercommons is to recognize that when you seek to make things better, you are not just doing it for the Other, you must also be doing it for yourself. While men may think they are being “sensitive” by turning to feminism, while white people may think they are being right on by opposing racism, no one will really be able to embrace the mission of tearing “this shit down” until they realize that the structures they oppose are not only bad for some of us, they are bad for all of us. Gender hierarchies are bad for men as well as women and they are really bad for the rest of us. Racial hierarchies are not rational and ordered, they are chaotic and nonsensical and must be opposed by precisely all those who benefit in any way from them. Or, as Moten puts it: “The coalition emerges out of your recognition that it’s [messed] up for you, in the same way that we’ve already recognized that it’s fucked up for us. I don’t need your help. I just need you to recognize that this shit is killing you, too, however much more softly, you stupid motherfucker, you know?” coalition unites us in the recognition that we must change things or die. All of us. We must all change the things that are fucked up and change cannot come in the form that we think of as “revolutionary” – not as a masculinist surge or an armed confrontation. Revolution will come in a form we cannot yet imagine. Moten and Harney propose that we prepare now for what will come by entering into study. Study, a mode of thinking with others separate from the thinking that the institution requires of you, prepares us to be embedded in what Harney calls “the with and for” and allows you to spend less time antagonized and antagonizing. Like all world-making and all world-shattering encounters, when you enter this book and learn how to be with and for, in coalition, and on the way to the place we are already making, you will also feel fear, trepidation, concern, and disorientation. The disorientation, Moten and Harney will tell you is not just unfortunate, it is necessary because you will no longer be in one location moving forward to another, instead you will already be part of “the “movement of things” and on the way to this “outlawed social life of nothing.” The movement of things can be felt and touched and exists in language and in fantasy, it is flight, it is motion, it is fugitivity itself. Fugitivity is not only escape, “exit” as Paolo Virno might put it, or “exodus” in the terms offered by Hardt and Negri, fugitivity is being separate from settling. It is a being in motion that has learned that “organizations are obstacles to organising ourselves” (The Invisible Committee in The Coming Insurrection) and that there are spaces and modalities that exist separate from the logical, logistical, the housed and the positioned. Moten and Harney call this mode a “being together in homelessness” which does not idealize homelessness nor merely metaphorize it. Homelessness is the state of dispossession that we seek and that we embrace: “Can this being together in homelessness, this interplay of the refusal of what has been refused, this undercommon appositionality, be a place from which emerges neither self-consciousness nor knowledge of the other but an improvisation that proceeds from somewhere on the other side of an unasked question?” I think this is what Jay-Z and Kanye West (another collaborative unit of study) call “no church in the wild.”