# Round 2

## 2AC

#### We are sincerely sorry—Apologies are effective and best

Latiff 01 (81 B.U.L. Rev. 289, p ln)

A coerced apology can mitigate anger even if it is perceived as insincere, and regardless of the offender's level of responsibility. Two studies support this assertion. In a study by psychologists Mark Bennett and Christopher Dewberry, subjects were asked to indicate how they would respond in a hypothetical situation in which they received an unconvincing apology for a moderately serious transgression. n159 Though Bennett and Dewberry drafted the apology to be disingenuous, all of the subjects nonetheless indicated that they would accept it. n160 In another, related study, Bennett and Deborah Earwaker sought to fill the gaps to Bennett and Dewberry's study by identifying the conditions under which an apology is accepted or rejected. n161 [\*312] The experimenters found that the degree to which the apology would dissipate anger had no relation to the offender's degree of responsibility for the offense —though it was significantly related to the severity of the offense. n162 In both the high and the low responsibility conditions, subjects indicated that an apology would substantially mitigate their anger. n163 Furthermore, though the degree of responsibility did have an effect on whether the subjects would ultimately accept the apology, the "likelihood that an apology [would] be rejected is remarkably small, even when there is considerable provocation." n164 Indeed, coerced or ordered apologies can be valuable in their capacity to mitigate anger and move the victim and community closer to the resolution of a crime. As part of the remedy for the arson of a church in Kentucky founded by freed slaves, the district judge in the case ordered the offenders (all white) to apologize to the church's current congregation. n165 Bill Sircy, one of the arsonists, bowed his head in front of the congregation and exclaimed, "We're sorry, but I know that's not enough." n166 The congregation responded, "Amen!" n167 After each of the four persons involved gave an apology, the congregation responded with a round of applause. One member remarked, "I think what they did was a fantastic gesture." n168 Additionally, a court-ordered or insincere apology can be effective as a shaming sanction. "Say your boss wrongfully accused you in front of the whole office. A fair reparation would require an apology —in front of the whole office. His questionable sincerity might be of secondary importance." n169 A punitive atmosphere surrounding an apology may force an exchange of shame and power between offender and victim, thus achieving what is at the heart of a successful apologetic ritual. n170 To be sure, several judges who have ordered apologies have done so in order to shame the offenders in front of their victims or their community. n171[\*313] Apology as a shaming sanction can have both retributive and deterrent value. First, a coerced apology can heal the community by "saying the right thing" in its expression of moral condemnation for the offender's conduct. Alternative sanctions, like community service, often fail to satisfy the public thirst for retribution because they fail to reaffirm the moral order. n172 On the other hand, as Professor David Karp argues, shaming sanctions, like apology, often satisfy this "retributive" thirst by communicating and enforcing normative, as opposed to legal, standards. n173 An apology as a shaming sanction communicates that the offense has not only a legal nature, but a moral and social nature as well. n174 The ordered apology requires the offender to demonstrate knowledge of the moral order that he transgressed, and culpability for having transgressed it. n175 Additionally, an ordered apology can deter future transgressions. n176 An ordered public apology can deter wrongdoing by 1) imposing some limitation on the offender's freedom, 2) creating an unpleasant emotional experience for the offender, and 3) harming the offender's social attachments and esteem. n177 For example, some offenders might feel that an apology is a sign of weakness, and others may just not want to admit that what they did was wrong. Thus, an ordered apology will force such offenders to swallow their pride and go through a potentially embarrassing, uncomfortable experience. Further, public apologies submit the offender to the judgment of the community. Some members of the community may not wish to associate with the offender again. Accordingly, the offender's social esteem and communal attachments may suffer. n178

#### Permutation do both- the projects should be combined because the positionality of the black body and the red body are mutually constituted

Wilderson ‘10

[Frank B. III, Ph.D., Associate Professor at UC Irvine, Red, White & Black: Cinema and the Structure of U.S. Antagonisms, pages 29-31//wyo-hdm]

What are we to make of a world that responds to the most lucid enunciation of ethics with violence? What are the foundational questions of the ethico-political? Why are these questions so scandalous that they are rarely posed politically, intellectually, and cinematically—unless they are posed obliquely and unconsciously, as if by accident? Return Turtle Island to the “Savage.” Repair the demolished subjectivity of the Slave. Two simple sentences, thirteen simple words, and the structure of U.S. (and perhaps global) antagonisms would be dismantled. An “ethical modernity” would no longer sound like an oxymoron. From there we could busy ourselves with important conflicts that have been promoted to the level of antagonisms: class struggle, gender conflict, immigrants rights.¶ When pared down to thirteen words and two sentences, one cannot but wonder why questions that go to the heart of the ethico-political, questions of political ontology, are so unspeakable in intellectual meditations, political broadsides, and even socially and politically ß Marked 12:11 ß engaged feature films. Clearly they can be spoken, even a child could speak those lines, so they would pose no problem for a scholar, an activist, or a filmmaker. And yet, what is also clear—if the filmographies of socially and politically engaged directors, the archive of progressive scholars, and the plethora of Left-wing broadsides are anything to go by—is that what can so easily be spoken is now (five hundred years and two hundred fifty million Settlers/Masters on) so ubiquitously unspoken that these two simple sentences, these thirteen words not only render their speaker “crazy” but become themselves impossible to imagine.¶ Soon it will be forty years since radical politics, Left-leaning scholarship, and socially engaged feature films began to speak the unspeakable.[[1]](#endnote-1) In the 1960s and early 1970s the questions asked by radical politics and scholarship were not “Should the U.S. be overthrown?” or even “Would it be overthrown?” but rather when and how—and, for some, what—would come in its wake. Those steadfast in their conviction that there remained a discernable quantum of ethics in the U.S. writ large (and here I am speaking of everyone from Martin Luther King, Jr., prior to his 1968 shift, to the Tom Hayden wing of SDS, to the Julian Bond and Marion Barry faction of SNCC, to Bobbie Kennedy Democrats) were accountable, in their rhetorical machinations, to the paradigmatic zeitgeist of the Black Panthers, the American Indian Movement, and the Weather Underground. Radicals and progressives could deride, reject, or chastise armed struggle mercilessly and cavalierly with respect to tactics and the possibility of “success,” but they could not dismiss revolution-as-ethic because they could not make a convincing case—by way of a paradigmatic analysis—that the U.S. was an ethical formation and still hope to maintain credibility as radicals and progressives. Even Bobby Kennedy (a U.S. attorney general and presidential candidate) mused that the law and its enforcers had no ethical standing in the presence of Blacks.[[2]](#endnote-2) One could (and many did) acknowledge America’s strength and power. This seldom, however, rose to the level of an ethical assessment, but rather remained an assessment of the so-called “balance of forces.” The political discourse of Blacks, and to a lesser extent Indians, circulated too widely to credibly wed the U.S. and ethics. The raw force of COINTELPRO put an end to this trajectory toward a possible hegemony of ethical accountability. Consequently, the power of Blackness and Redness to pose the question—and the power to pose the question is the greatest power of all—retreated as did White radicals and progressives who “retired” from struggle. The question’s echo lies buried in the graves of young Black Panthers, AIM Warriors, and Black Liberation Army soldiers, or in prison cells where so many of them have been rotting (some in solitary confinement) for ten, twenty, thirty years, and at the gates of the academy where the “crazies” shout at passers-by. Gone are not only the young and vibrant voices that affected a seismic shift on the political landscape, but also the intellectual protocols of inquiry, and with them a spate of feature films that became authorized, if not by an unabashed revolutionary polemic, then certainly by a revolutionary zeitgeist.¶ Is it still possible for a dream of unfettered ethics, a dream of the Settlement and the Slave estate’s destruction, to manifest itself at the ethical core of cinematic discourse, when this dream is no longer a constituent element of political discourse in the streets nor of intellectual discourse in the academy? The answer is “no” in the sense that, as history has shown, what cannot be articulated as political discourse in the streets is doubly foreclosed upon in screenplays and in scholarly prose; but “yes” in the sense that in even the most taciturn historical moments such as ours, the grammar of Black and Red suffering breaks in on this foreclosure, albeit like the somatic compliance of hysterical symptoms—it registers in both cinema and scholarship as symptoms of awareness of the structural antagonisms. Between 1967 and 1980, we could think cinematically and intellectually of Blackness and Redness as having the coherence of full-blown discourses. But from 1980 to the present, Blackness and Redness manifests only in the rebar of cinematic and intellectual (political) discourse, that is, as unspoken grammars.¶ This grammar can be discerned in the cinematic strategies (lighting, camera angles, image composition, and acoustic strategies/design), even when the script labors for the spectator to imagine social turmoil through the rubric of conflict (that is, a rubric of problems that can be posed and conceptually solved) as opposed to the rubric of antagonism (an irreconcilable struggle between entities, or positionalities, the resolution of which is not dialectical but entails the obliteration of one of the positions). In other words, even when films narrate a story in which Blacks or Indians are beleaguered with problems that the script insists are conceptually coherent (usually having to do with poverty or the absence of “family values”), the non-narrative, or cinematic, strategies of the film often disrupt this coherence by posing the irreconcilable questions of Red and Black political ontology—or non-ontology. The grammar of antagonism breaks in on the mendacity of conflict.¶ Semiotics and linguistics teach us that when we speak, our grammar goes unspoken. Our grammar is assumed. It is the structure through which the labor of speech is possible.[[3]](#endnote-3) Likewise, the grammar of political ethics—the grammar of assumptions regarding the ontology of suffering—which underwrite Film Theory and political discourse (in this book, discourse elaborated in direct relation to radical action), and which underwrite cinematic speech (in this book, Red, White, and Black films from the mid-1960s to the present) is also unspoken. This notwithstanding, film theory, political discourse, and cinema assume an ontological grammar, a structure of suffering. And the structure of suffering which film theory, political discourse, and cinema assume crowds out other structures of suffering, regardless of the sentiment of the film or the spirit of unity mobilized by the political discourse in question. To put a finer point on it, structures of ontological suffering stand in antagonistic, rather then conflictual, relation to one another (despite the fact that antagonists themselves may not be aware of the ontological positionality from which they speak). Though this is perhaps the most controversial and out-of-step claim of this book, it is, nonetheless, the foundation of the close reading of feature films and political theory that follows.¶ The difficulty of writing a book which seeks to uncover Red, Back, and White socially engaged feature films as aesthetic accompaniments to grammars of suffering, predicated on the subject positions of the “Savage” and the Slave is that today’s intellectual protocols are not informed by Fanon’s insistence that “ontology—once it is finally admitted as leaving existence by the wayside—does not permit us to understand the being of the black man [sic]” (Black Skin, White Masks 110). In sharp contrast to the late 60s and early 70s, we now live in a political, academic, and cinematic milieu which stresses “diversity,” “unity,” “civic participation,” “hybridity,” “access,” and “contribution.” The radical fringe of political discourse amounts to little more than a passionate dream of civic reform and social stability. The distance between the protester and the police has narrowed considerably. The effect of this upon the academy is that intellectual protocols tend to privilege two of the three domains of subjectivity, namely preconscious interests (as evidenced in the work of social science around “political unity,” “social attitudes,” “civic participation,” and “diversity,”) and unconscious identification (as evidenced in the humanities’ postmodern regimes of “diversity,” “hybridity,” and “relative [rather than “master”] narratives”). Since the 1980s, intellectual protocols aligned with structural positionality (except in the work of die-hard Marxists) have been kicked to the curb. That is to say, it is hardly fashionable anymore to think the vagaries of power through the generic positions within a structure of power relations—such as man/woman, worker/boss. Instead, the academy’s ensembles of questions are fixated on specific and “unique” experience of the myriad identities that make up those structural positions. This would fine if the work led us back to a critique of the paradigm; but most of it does not. Again, the upshot of this is that the intellectual protocols now in play, and the composite effect of cinematic and political discourse since the 1980s, tend to hide rather than make explicit the grammar of suffering which underwrites the US and its foundational antagonisms. This state of affairs exacerbates—or, more precisely, mystifies and veils—the ontological death of the Slave and the “Savage” becomes (as in the 1950s) cinematic, political, and intellectual discourse of the current milieu resists being sanctioned and authorized by the irreconcilable demands of Indigenism and Blackness—academic enquiry is thus no more effective in pursuing a revolutionary critique than the legislative antics of the loyal opposition. This is how Left-leaning scholars help civil society recuperate and maintain stability. But this stability is a state of emergency for Indians and Blacks.

#### Third, focusing on the black body and the centrality of the slave occludes the dispossession of indigenous populations that made slavery in the U.S. possible in the first place

Moreton-Robinson 8

(Aileen, Queensland University Prof of Indigenous Studies, Transnational Whiteness Matters)kh

Morrison further suggests in " Black Matters" that the African American presence has also "shaped the body politic, the Constitution, and the entire history of the [USA] culture." Indigenous peoples are outside the scope of Morrison's analysis. Through the centering of the African American presence, Native American texts that have challenged, resisted and affected the American literary imagination, politics, history and the Constitution remain invisible. This silence is an interesting discursive move considering that the best-selling novels within the USA in the late eighteenth century were captivity narratives. And as Native American legal scholar Raymond Williams argues it was the positioning of Indians as incommensurable savages within the Declaration of Independence that enabled " ' the Founders' vision of America's growth and potentiality as a new form of expansionary white racial dictatorship in the world."ll The most valuable contribution of Morrison's work for my purposes is her thesis that "blackness," whether real or imagined, services the social construction and application of whiteness in its myriad forms. In this way it is utilized as a white epistemological possession. Her work opens up a space for considering how this possessiveness operates within the whiteness studies literature to displace Indigenous sovereignties and render them invisible. WHITE POSSESSIVENESS Most historians mark 1492 as the year when imperialism began to construct the old world order by taking possession of other people, their lands and resources. The possessive nature of this enterprise informed the development of a racial stratification process on a global scale that became solidified during modernity. Taking possession of Indigenous people's lands was a quintessential act of colonization and was tied to the transition from the Enlightenment to modernity, which precipitated the emergence of a new subject into history within Europe. Major social, legal, economic and political reforms had taken place changing the feudal nature of the relationship between persons and property in the 16th and 18th centuries. "These changes centered upon the rise of 'possessive individualism,' that is, upon an increasing consciousness of the distinctness of each self-owning human entity as the primary social and political value. "12 Private ownership of property both tangible and intangible operated through mechanisms of the new nation state in its regulation of the population and especially through the law. By the late 1700s people could legally enter into different kinds of contractual arrangements whereby they could own land, sell their labor and possess their identities all of which were formed through their relationship to capital and the state. A new white property owning subject emerged into history and possessiveness became embedded in everyday discourse as "a firm belief that the best in life was the expansion of self through property and property began and ended with possession of one's body."13 Within the realm of intra-subjectivity possession can mean control over one's being, ideas, one's mind, one's feelings and one's body or within inter-subjectivity it can mean the act or fact of possessing something that is beyond the subject and in other contexts it can refer to a state of being possessed by another. Within the law possession can refer to holding or occupying territory with or without actual ownership or a thing possessed such as property or wealth and it can also refer to territorial domination of a state. At an ontological level the structure of subjective possession occurs through the imposition of one's will-la-be on the thing which is perceived to lack will, thus it is open to being possessed. This enables the formally free subject to make the thing its own. Ascribing one's own subjective will onto the thing is required to make it one's property as " willful possession of what was previously a will-less thing constitutes our primary form of embodiment; it is invoked whenever we assert: this is minc."14 To be able to assert ' this is mine' requires a subject to internalize the idea that one has proprietary rights that are part of nonnative behavior, rules of interaction and social engagement. Thus possession that forms part of the ontological structure of white subjectivity is reinforced by its sociodiscursive functioning. WHITE WRITING A number of texts have been written historicizing the acquisition of white identity and the privileges conferred by its status through a trope of migration, which is based on the assumption that all those who came after the white people had taken possession are the immigrants. White possession of the nation works discursively within these texts to displace Native American sovereignties by disavowing that everyone else within the USA are immigrants whether they came in chains or by choice. The only displacement that is theorized is in relation to African Americans. Theodore Allen's work on how the Irish became white in America illustrates that the transformation of their former status as the blacks of Europe relied on their displacement by African Americans in the new country. IS David Roediger di scusses how the wages of whiteness operated to prevent class alliances between working class whites and African Americans. 16 Karen Brodkin 's excellent book on how Jews became white demonstrates that the lower status of African American workers enabled Jewish class mobility.17 Jacobsen illustrates that European migrants were able to become white through ideological and political means that operated to distinguish them from African American blackness.18 The black/white binary permeates these analyses enabling tropes of migration and slavery to work covertly in these texts erasing the continuing history of colonization and the Native American sovereign presence. Blackness becomes an epistemological possession that Allen, Roediger, Brodkin and Jacobsen deploy[ed] in analyzing whiteness and race, which forecloses the possibility that the dispossession of Native Americans was tied to migration and the establishment of slavery driven ß Marked 12:12 ß by the logic of capital. Slaves were brought to America as the property of white people to work the land that was appropriated from Native America tribes. Subsequently, migration became a means to enhance capitalist development within the USA. Migration, slavery and the dispossession of Native Americans were integral to the project of nation building. Thus the question of how anyone came to be white or black in the United States of America is inextricably tied to the dispossession of the original owners and the assumption of white possession. The various assumptions of sovereignty beginning with British 'settlers' the formation of individual states and subsequently the United States of America all came into existence through the blood-stained taking of Native American land. The USA as a white nation state cannot exist without land and clearly defined borders, it is the legally defined and asserted territorial sovereignty that provides the context for national identifications of whiteness. In this way I argue Native American dispossession indelibly marks configurations of white national identity. Ruth Frankenberg acknowledges in the introduction to her edited collection Displaying Whiteness that whiteness traveled culturally and physically, impacting on the formation of nationhood, class and empire sustained by imperialism and global capitalism. She wrote that notions of race were tied "to ideas about legitimate 'ownership' of the nation, with 'whiteness' and' Americanness' linked tightly together" and that this history was repressed. After making this statement she then moves on to discuss immigration and its effects. 19 Her acknowledgement did not progress into critical analysis that centered Native American dispossession, instead Frankenberg represses that which she acknowledges is repressed . Repression operates as a defense mechanism to protect one's perception of self and reality from an overwhelming trauma that may threaten in order to maintain one's self image. Repressing the history of Native American dispossession works to protect the possessive white self from ontological disturbance. It is far easier to extricate oneself from the history of slavery if there were no direct family and material ties to its institution and reproduction. However, it is not as easy to distance one's self from a history of Indigenous dispossession when one benefits everyday from being tied to a nation that has and continues to constitute itself as a white possession. Within the whiteness studies literature whiteness has been defined in multiple ways. It is usually perceived as unnamed, umnarked and invisible, and often as culturally empty operating only by appropriation and absence .20 It is a location of structural privilege, a subject position and cultural Praxis. Whiteness constitutes the norm operating within various institutions influencing decision making and defining itself by what it is not. 22 It is socially constructed and is a form of property that one possesses, invests in and profits from.2..1 Whiteness as a social identity works discursively becoming ubiquitous, fluid and dynamic24 operating invisibly through pedagogy.25 What these different definitions of whiteness expose is that it is something that can be possessed and it is tied to power and dominance despite being fluid, vacuous and invisible to white people. However, these different conceptualizations of whiteness, which use blackness as an epistemological possession to service what it is not, obscure the more complex way that white possession functions sociodiscursively through subjectivity and knowledge production. As something that can be possessed by subjects it must have ontological and epistemological anchors in order to function through power. As a means of controlling differently racialized populations enclosed within the borders of a given society, white subjects are disciplined, though to different degrees, to invest in the nation as a white possession that imbues them with a sense of belonging and ownership. This sense of belonging is derived from ownership as understood within the logic of capital and citizenship. In its self-legitimacy, white possession operates discursively through narratives of the home of the brave and the land of the free and through white male signifiers of the nation such as the Founding Fathers, the 'pioneer' and the 'war hero.' Against this stands the Indigenous sense of belonging, home and place in its sovereign incommensurable difference.

#### A focus on Anti-Blackness fails to address the powers of colonialism- only the critique can solve their civil society claims

Byrd ‘11

[Jodi, The Transit of Empire, Assistant Professor of American Indian Studies and English at the University of Illinois at Urbana- Champaign. – Chickasaw //wyo-hdm]

Building off ideas that African Americans are internally colonized with the United States, but eschewing land as the sign of difference between basic and internal colonialism, bell hooks writes that "even though African Americans in the United States had no country, whites took over and colonized; as a structure of domination that is defined as ownership of a people by another, colonialism aptly describes the process by which blacks were and continue to be subordinated by white supremacy."45 By identifying slavery as the original sin of the United States' colonialist project, bell hooks is able to foreground how racism continues to perpetuate the economic, social, and political oppressions African Americans face every day within the United States, but in the process she perpetuates the colonialist narratives ß Marked 12:12 ß that deny that the land ever belonged to anyone prior to the United States. Over the last thirty years, theories of internal colonialism shifted from locating it first as an analysis of the economic processes that necessitated the maintenance of ethnic difference to a primarily racialized analysis of how economic, social, and political inequalities came to be naturalized. To come at this another way, "internal colonialism" was initially operationalized in Europe to describe the economic disparities that serve to make ethnic identities within a nation-state matter. Within U.S. critical race studies, "internal colonialism" describes how racial and ethnic identities create economic and political disparities and in the process racism becomes homologous to U.S. colonialism in North America. It is this shift that allows bell hooks to write: Just as many white Americans deny both the prevalence of racism in the United States and the role they play in perpetuating and maintaining white supremacy, non-white, non-black groups, Native, Asian, Hispanic Americans, all deny their investment in anti-black sentiment even as they consistently seek to distance themselves from blackness so that they will not be seen as residing at the bottom of this society's totem pole, in the category reserved for the most despised group.46 "Native" here is grouped with "Asian" and "Hispanic" Americans, and through the enjambment American Indians are made newcomers in hooks's racial paradigms that create a white/black binary in the United States. As Aileen Moreton-Robinson has shown in her critique of whiteness studies, "blackness becomes an epistemological possession ... which forecloses the possibility that the dispossession of Native Americans was tied to migration and the establishment of slavery driven by the logics of capital."47 Ironically, hooks's framings of white/black paradigms refract < similar foreclosure with regards to indigenous dispossession. But certain in the case of the Southeastern Indian nations and their continued c enfranchisement and oppression of Freedmen, those indigenous nations have denied their investment in the logics of capital underscoring slavery and in anti-black racism. Often, this denial evolves out of fears blackness will somehow undermine indigenous claims of sovereignty and authenticity and will allow further U.S. encroachments on land, culture, and identity. However, indigenous dispossession is foreclosed for hooks, given that her metaphor for understanding the hierarchies of oppression in the U.S. is projected on top of a stereotypical reference to "totem pole," which in indigenous worlds is neither hierarchical nor oppressive.

1. For examples of Pre-1980 Settler/Master films see Haskell Wexler’s *Medium Cool* (1970), L. Cohen’s *Bone* or *Housewife* (1972), [Alan J. Pakula](http://us.imdb.com/name/nm0001587/)’s *The Parallax View* (1974),Hal Ashby’s *Coming Home* (1978), and James Bridges’ *The China Syndrome* (1979). For examples of Pre-1980 Slave films see Charles Burnett’s *Killer of Sheep* (1972), Hugh Robertson’s *Melinda* (1972), Michael Campus’ *The Mack* (1973),Ivan Dixon’s *The Spook Who Sat by the Door* (Ivan Dixon 1973),and Haile Gerima’s *Bush Mama* (1977). [↑](#endnote-ref-1)
2. After the Watts Rebellion, RFK observed: “There is no point in telling Negroes to observe the law…It has almost always been used against them…All these places—Harlem, Watts, South Side [of Chicago]—are riots wating to happen.” Quote in: Clark, Kenneth B. “The Wonder is There Have Been So Few Riots.” *New York Times Magazine*, September 5, 1965. [↑](#endnote-ref-2)
3. See Emile Benveniste. *Problems in General Linguistics*. Trans. Mary Elizabeth Meek. Coral Gables: Univ. of Miami Press, 1971. [↑](#endnote-ref-3)