# 1NC

### First

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

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

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

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

#### “Resolved” is legislative

Jeff Parcher 1, former debate coach at Georgetown, Feb 2001 http://www.ndtceda.com/archives/200102/0790.html

Pardon me if I turn to a source besides Bill. American Heritage Dictionary: Resolve: 1. To make a firm decision about. 2. To decide or express by formal vote. 3. To separate something into constiutent parts See Syns at \*analyze\* (emphasis in orginal) 4. Find a solution to. See Syns at \*Solve\* (emphasis in original) 5. To dispel: resolve a doubt. - n 1. Firmness of purpose; resolution. 2. A determination or decision. (2) The very nature of the word "resolution" makes it a question. American Heritage: A course of action determined or decided on. A formal statement of a decision, as by a legislature. (3) The resolution is obviously a question. Any other conclusion is utterly inconceivable. Why? Context. The debate community empowers a topic committee to write a topic for ALTERNATE side debating. The committee is not a random group of people coming together to "reserve" themselves about some issue. There is context - they are empowered by a community to do something. In their deliberations, the topic community attempts to craft a resolution which can be ANSWERED in either direction. They focus on issues like ground and fairness because they know the resolution will serve as the basis for debate which will be resolved by determining the policy desirablility of that resolution. That's not only what they do, but it's what we REQUIRE them to do. We don't just send the topic committee somewhere to adopt their own group resolution. It's not the end point of a resolution adopted by a body - it's the preliminary wording of a resolution sent to others to be answered or decided upon. (4) Further context: the word resolved is used to emphasis the fact that it's policy debate. Resolved comes from the adoption of resolutions by legislative bodies. A resolution is either adopted or it is not. It's a question before a legislative body. Should this statement be adopted or not. (5) The very terms 'affirmative' and 'negative' support my view. One affirms a resolution. Affirmative and negative are the equivalents of 'yes' or 'no' - which, of course, are answers to a question.

#### Debate over a controversial point of action creates argumentative stasis—the resolution is key to decision making

Steinberg and Freely 08

(David L., lecturer of communication studies – University of Miami, and Austin J.,Boston based attorney who focuses on criminal, personal injury and civil rights law, “Argumentation and Debate: Critical Thinking for Reasoned Decision Making” p. 45//wyoccd)

Debate is a means of settling differences, so there must be a difference of opinion or a conflict of interest before there can be a debate. If everyone is in agreement on a tact or value or policy, there is no need for debate: the matter can be settled by unanimous consent. Thus, for example, it would be pointless to attempt to debate "Resolved: That two plus two equals four," because there is simply no controversy about this statement. (Controversy is an essential prerequisite of debate. Where there is no clash of ideas, proposals, interests, or expressed positions on issues, there is no debate. In addition, debate cannot produce effective decisions without clear identification of a question or questions to be answered. For example, general argument may occur about the broad topic of illegal immigration. How many illegal immigrants are in the United States? What is the impact of illegal immigration and immigrants on our economy? What is their impact on our communities? Do they commit crimes? Do they take jobs from American workers? Do they pay taxes? Do they require social services? Is it a problem that some do not speak English? Is it the responsibility of employers to discourage illegal immigration by not hiring undocumented workers? Should they have the opportunity- to gain citizenship? Docs illegal immigration pose a security threat to our country? Do illegal immigrants do work that American workers are unwilling to do? Are their rights as workers and as human beings at risk due to their status? Are they abused by employers, law enforcement, housing, and businesses? I low are their families impacted by their status? What is the moral and philosophical obligation of a nation state to maintain its borders? Should we build a wall on the Mexican border, establish a national identification can!, or enforce existing laws against employers? Should we invite immigrants to become U.S. citizens? Surely you can think of many more concerns to be addressed by a conversation about the topic area of illegal immigration. Participation in this "debate" is likely to be emotional and intense. However, it is not likely to be productive or useful without focus on a particular question and identification of a line demarcating sides in the controversy. To be discussed and resolved effectively, controversies must be stated clearly. Vague understanding results in unfocused deliberation and poor decisions, frustration, and emotional distress, as evidenced by the failure of the United States Congress to make progress on the immigration debate during the summer of 2007.¶ Someone disturbed by the problem of the growing underclass of poorly educated, socially disenfranchised youths might observe, "Public schools are doing a terrible job! They are overcrowded, and many teachers are poorly qualified in their subject areas. Even the best teachers can do little more than struggle to maintain order in their classrooms." That same concerned citizen, facing a complex range of issues, might arrive at an unhelpful decision, such as "We ought to do something about this" or. worse. "It's too complicated a problem to deal with." Groups of concerned citizens worried about the state of public education could join together to express their frustrations, anger, disillusionment, and emotions regarding the schools, but without a focus for their discussions, they could easily agree about the sorry state of education without finding points of clarity or potential solutions. A gripe session would follow. But if a precise question is posed—such as "What can be done to improve public education?"—then a more profitable area of discussion is opened up simply by placing a focus on the search for a concrete solution step. One or more judgments can be phrased in the form of debate propositions, motions for parliamentary debate, or bills for legislative assemblies. The statements "Resolved: That the federal government should implement a program of charter schools in at-risk communities" and "Resolved: That the state of Florida should adopt a school voucher program" more clearly identify specific ways of dealing with educational problems in a manageable form, suitable for debate. They provide specific policies to be investigated and aid discussants in identifying points of difference.¶ To have a productive debate, which facilitates effective decision making by directing and placing limits on the decision to be made, the basis for argument should be clearly defined. If we merely talk about "homelessness" or "abortion" or "crime'\* or "global warming" we are likely to have an interesting discussion but not to establish profitable basis for argument. For example, the statement "Resolved: That the pen is mightier than the sword" is debatable, yet fails to provide much basis for clear argumentation. If we take this statement to mean that the written word is more effective than physical force for some purposes, we can identify a problem area: the comparative effectiveness of writing or physical force for a specific purpose.¶ Although we now have a general subject, we have not yet stated a problem. It is still too broad, too loosely worded to promote well-organized argument. What sort of writing are we concerned with—poems, novels, government documents, website development, advertising, or what? What does "effectiveness" mean in this context? What kind of physical force is being compared—fists, dueling swords, bazookas, nuclear weapons, or what? A more specific question might be. "Would a mutual defense treaty or a visit by our fleet be more effective in assuring Liurania of our support in a certain crisis?" The basis for argument could be phrased in a debate proposition such as "Resolved: That the United States should enter into a mutual defense treatv with Laurania." Negative advocates might oppose this proposition by arguing that fleet maneuvers would be a better solution. This is not to say that debates should completely avoid creative interpretation of the controversy by advocates, or that good debates cannot occur over competing interpretations of the controversy; in fact, these sorts of debates may be very engaging. The point is that debate is best facilitated by the guidance provided by focus on a particular point of difference, which will be outlined in the following discussion.

#### Debate needs middle of the road constraints; unbridled affirmation destroys dialogue that are key to political discussion

Hanghoj 08

(Thorkild Hanghøj, Phd, DREAM (Danish Research Centre on Education and Advanced Media Materials at the Institute of Literature, Media and Cultural Studies at the University of Southern Denmark. 2008 http://static.sdu.dk/mediafiles/Files/Information\_til/Studerende\_ved\_SDU/Din\_uddannelse/phd\_hum/afhandlinger/2009/ThorkilHanghoej.pdf//wyoccd)

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

#### b. Vote neg

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

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

#### Simulated national security law debates preserve agency and enhance decision-making---avoids cooption

Laura K. Donohue 13, Associate Professor of Law, Georgetown Law, 4/11, “National Security Law Pedagogy and the Role of Simulations”, http://jnslp.com/wp-content/uploads/2013/04/National-Security-Law-Pedagogy-and-the-Role-of-Simulations.pdf

The concept of simulations as an aspect of higher education, or in the law school environment, is not new.164 Moot court, after all, is a form of simulation and one of the oldest teaching devices in the law. What is new, however, is the idea of designing a civilian national security course that takes advantage of the doctrinal and experiential components of law school education and integrates the experience through a multi-day simulation. In 2009, I taught the first module based on this design at Stanford Law, which I developed the following year into a full course at Georgetown Law. It has since gone through multiple iterations. The initial concept followed on the federal full-scale Top Official (“TopOff”) exercises, used to train government officials to respond to domestic crises.165 It adapted a Tabletop Exercise, designed with the help of exercise officials at DHS and FEMA, to the law school environment. The Tabletop used one storyline to push on specific legal questions, as students, assigned roles in the discussion, sat around a table and for six hours engaged with the material. The problem with the Tabletop Exercise was that it was too static, and the rigidity of the format left little room, or time, for student agency. Unlike the government’s TopOff exercises, which gave officials the opportunity to fully engage with the many different concerns that arise in the course of a national security crisis as well as the chance to deal with externalities, the Tabletop focused on specific legal issues, even as it controlled for external chaos. The opportunity to provide a more full experience for the students came with the creation of first a one-day, and then a multi-day simulation. The course design and simulation continues to evolve. It offers a model for achieving the pedagogical goals outlined above, in the process developing a rigorous training ground for the next generation of national security lawyers.166 A. Course Design The central idea in structuring the NSL Sim 2.0 course was to bridge the gap between theory and practice by conveying doctrinal material and creating an alternative reality in which students would be forced to act upon legal concerns.167 The exercise itself is a form of problem-based learning, wherein students are given both agency and responsibility for the results. Towards this end, the structure must be at once bounded (directed and focused on certain areas of the law and legal education) and flexible (responsive to student input and decisionmaking). Perhaps the most significant weakness in the use of any constructed universe is the problem of authenticity. Efforts to replicate reality will inevitably fall short. There is simply too much uncertainty, randomness, and complexity in the real world. One way to address this shortcoming, however, is through design and agency. The scenarios with which students grapple and the structural design of the simulation must reflect the national security realm, even as students themselves must make choices that carry consequences. Indeed, to some extent, student decisions themselves must drive the evolution of events within the simulation.168 Additionally, while authenticity matters, it is worth noting that at some level the fact that the incident does not take place in a real-world setting can be a great advantage. That is, the simulation creates an environment where students can make mistakes and learn from these mistakes – without what might otherwise be devastating consequences. It also allows instructors to develop multiple points of feedback to enrich student learning in a way that would be much more difficult to do in a regular practice setting. NSL Sim 2.0 takes as its starting point the national security pedagogical goals discussed above. It works backwards to then engineer a classroom, cyber, and physical/simulation experience to delve into each of these areas. As a substantive matter, the course focuses on the constitutional, statutory, and regulatory authorities in national security law, placing particular focus on the interstices between black letter law and areas where the field is either unsettled or in flux. A key aspect of the course design is that it retains both the doctrinal and experiential components of legal education. Divorcing simulations from the doctrinal environment risks falling short on the first and third national security pedagogical goals: (1) analytical skills and substantive knowledge, and (3) critical thought. A certain amount of both can be learned in the course of a simulation; however, the national security crisis environment is not well-suited to the more thoughtful and careful analytical discussion. What I am thus proposing is a course design in which doctrine is paired with the type of experiential learning more common in a clinical realm. The former precedes the latter, giving students the opportunity to develop depth and breadth prior to the exercise. In order to capture problems related to adaptation and evolution, addressing goal [1(d)], the simulation itself takes place over a multi-day period. Because of the intensity involved in national security matters (and conflicting demands on student time), the model makes use of a multi-user virtual environment. The use of such technology is critical to creating more powerful, immersive simulations.169 It also allows for continual interaction between the players. Multi-user virtual environments have the further advantage of helping to transform the traditional teaching culture, predominantly concerned with manipulating textual and symbolic knowledge, into a culture where students learn and can then be assessed on the basis of their participation in changing practices.170 I thus worked with the Information Technology group at Georgetown Law to build the cyber portal used for NSL Sim 2.0. The twin goals of adaptation and evolution require that students be given a significant amount of agency and responsibility for decisions taken in the course of the simulation. To further this aim, I constituted a Control Team, with six professors, four attorneys from practice, a media expert, six to eight former simulation students, and a number of technology experts. Four of the professors specialize in different areas of national security law and assume roles in the course of the exercise, with the aim of pushing students towards a deeper doctrinal understanding of shifting national security law authorities. One professor plays the role of President of the United States. The sixth professor focuses on questions of professional responsibility. The attorneys from practice help to build the simulation and then, along with all the professors, assume active roles during the simulation itself. Returning students assist in the execution of the play, further developing their understanding of national security law. Throughout the simulation, the Control Team is constantly reacting to student choices. When unexpected decisions are made, professors may choose to pursue the evolution of the story to accomplish the pedagogical aims, or they may choose to cut off play in that area (there are various devices for doing so, such as denying requests, sending materials to labs to be analyzed, drawing the players back into the main storylines, and leaking information to the media). A total immersion simulation involves a number of scenarios, as well as systemic noise, to give students experience in dealing with the second pedagogical goal: factual chaos and information overload. The driving aim here is to teach students how to manage information more effectively. Five to six storylines are thus developed, each with its own arc and evolution. To this are added multiple alterations of the situation, relating to background noise. Thus, unlike hypotheticals, doctrinal problems, single-experience exercises, or even Tabletop exercises, the goal is not to eliminate external conditions, but to embrace them as part of the challenge facing national security lawyers. The simulation itself is problem-based, giving players agency in driving the evolution of the experience – thus addressing goal [2(c)]. This requires a realtime response from the professor(s) overseeing the simulation, pairing bounded storylines with flexibility to emphasize different areas of the law and the students’ practical skills. Indeed, each storyline is based on a problem facing the government, to which players must then respond, generating in turn a set of new issues that must be addressed. The written and oral components of the simulation conform to the fourth pedagogical goal – the types of situations in which national security lawyers will find themselves. Particular emphasis is placed on nontraditional modes of communication, such as legal documents in advance of the crisis itself, meetings in the midst of breaking national security concerns, multiple informal interactions, media exchanges, telephone calls, Congressional testimony, and formal briefings to senior level officials in the course of the simulation as well as during the last class session. These oral components are paired with the preparation of formal legal instruments, such as applications to the Foreign Intelligence Surveillance Court, legal memos, applications for search warrants under Title III, and administrative subpoenas for NSLs. In addition, students are required to prepare a paper outlining their legal authorities prior to the simulation – and to deliver a 90 second oral briefing after the session. To replicate the high-stakes political environment at issue in goals (1) and (5), students are divided into political and legal roles and assigned to different (and competing) institutions: the White House, DoD, DHS, HHS, DOJ, DOS, Congress, state offices, nongovernmental organizations, and the media. This requires students to acknowledge and work within the broader Washington context, even as they are cognizant of the policy implications of their decisions. They must get used to working with policymakers and to representing one of many different considerations that decisionmakers take into account in the national security domain. Scenarios are selected with high consequence events in mind, to ensure that students recognize both the domestic and international dimensions of national security law. Further alterations to the simulation provide for the broader political context – for instance, whether it is an election year, which parties control different branches, and state and local issues in related but distinct areas. The media is given a particularly prominent role. One member of the Control Team runs an AP wire service, while two student players represent print and broadcast media, respectively. The Virtual News Network (“VNN”), which performs in the second capacity, runs continuously during the exercise, in the course of which players may at times be required to appear before the camera. This media component helps to emphasize the broader political context within which national security law is practiced. Both anticipated and unanticipated decisions give rise to ethical questions and matters related to the fifth goal: professional responsibility. The way in which such issues arise stems from simulation design as well as spontaneous interjections from both the Control Team and the participants in the simulation itself. As aforementioned, professors on the Control Team, and practicing attorneys who have previously gone through a simulation, focus on raising decision points that encourage students to consider ethical and professional considerations. Throughout the simulation good judgment and leadership play a key role, determining the players’ effectiveness, with the exercise itself hitting the aim of the integration of the various pedagogical goals. Finally, there are multiple layers of feedback that players receive prior to, during, and following the simulation to help them to gauge their effectiveness. The Socratic method in the course of doctrinal studies provides immediate assessment of the students’ grasp of the law. Written assignments focused on the contours of individual players’ authorities give professors an opportunity to assess students’ level of understanding prior to the simulation. And the simulation itself provides real-time feedback from both peers and professors. The Control Team provides data points for player reflection – for instance, the Control Team member playing President may make decisions based on player input, giving students an immediate impression of their level of persuasiveness, while another Control Team member may reject a FISC application as insufficient. The simulation goes beyond this, however, focusing on teaching students how to develop (6) opportunities for learning in the future. Student meetings with mentors in the field, which take place before the simulation, allow students to work out the institutional and political relationships and the manner in which law operates in practice, even as they learn how to develop mentoring relationships. (Prior to these meetings we have a class discussion about mentoring, professionalism, and feedback). Students, assigned to simulation teams about one quarter of the way through the course, receive peer feedback in the lead-up to the simulation and during the exercise itself. Following the simulation the Control Team and observers provide comments. Judges, who are senior members of the bar in the field of national security law, observe player interactions and provide additional debriefing. The simulation, moreover, is recorded through both the cyber portal and through VNN, allowing students to go back to assess their performance. Individual meetings with the professors teaching the course similarly follow the event. Finally, students end the course with a paper reflecting on their performance and the issues that arose in the course of the simulation, develop frameworks for analyzing uncertainty, tension with colleagues, mistakes, and successes in the future. B. Substantive Areas: Interstices and Threats As a substantive matter, NSL Sim 2.0 is designed to take account of areas of the law central to national security. It focuses on specific authorities that may be brought to bear in the course of a crisis. The decision of which areas to explore is made well in advance of the course. It is particularly helpful here to think about national security authorities on a continuum, as a way to impress upon students that there are shifting standards depending upon the type of threat faced. One course, for instance, might center on the interstices between crime, drugs, terrorism and war. Another might address the intersection of pandemic disease and biological weapons. A third could examine cybercrime and cyberterrorism. This is the most important determination, because the substance of the doctrinal portion of the course and the simulation follows from this decision. For a course focused on the interstices between pandemic disease and biological weapons, for instance, preliminary inquiry would lay out which authorities apply, where the courts have weighed in on the question, and what matters are unsettled. Relevant areas might include public health law, biological weapons provisions, federal quarantine and isolation authorities, habeas corpus and due process, military enforcement and posse comitatus, eminent domain and appropriation of land/property, takings, contact tracing, thermal imaging and surveillance, electronic tagging, vaccination, and intelligence-gathering. The critical areas can then be divided according to the dominant constitutional authority, statutory authorities, regulations, key cases, general rules, and constitutional questions. This, then, becomes a guide for the doctrinal part of the course, as well as the grounds on which the specific scenarios developed for the simulation are based. The authorities, simultaneously, are included in an electronic resource library and embedded in the cyber portal (the Digital Archives) to act as a closed universe of the legal authorities needed by the students in the course of the simulation. Professional responsibility in the national security realm and the institutional relationships of those tasked with responding to biological weapons and pandemic disease also come within the doctrinal part of the course. The simulation itself is based on five to six storylines reflecting the interstices between different areas of the law. The storylines are used to present a coherent, non-linear scenario that can adapt to student responses. Each scenario is mapped out in a three to seven page document, which is then checked with scientists, government officials, and area experts for consistency with how the scenario would likely unfold in real life. For the biological weapons and pandemic disease emphasis, for example, one narrative might relate to the presentation of a patient suspected of carrying yersinia pestis at a hospital in the United States. The document would map out a daily progression of the disease consistent with epidemiological patterns and the central actors in the story: perhaps a U.S. citizen, potential connections to an international terrorist organization, intelligence on the individual’s actions overseas, etc. The scenario would be designed specifically to stress the intersection of public health and counterterrorism/biological weapons threats, and the associated (shifting) authorities, thus requiring the disease initially to look like an innocent presentation (for example, by someone who has traveled from overseas), but then for the storyline to move into the second realm (awareness that this was in fact a concerted attack). A second storyline might relate to a different disease outbreak in another part of the country, with the aim of introducing the Stafford Act/Insurrection Act line and raising federalism concerns. The role of the military here and Title 10/Title 32 questions would similarly arise – with the storyline designed to raise these questions. A third storyline might simply be well developed noise in the system: reports of suspicious activity potentially linked to radioactive material, with the actors linked to nuclear material. A fourth storyline would focus perhaps on container security concerns overseas, progressing through newspaper reports, about containers showing up in local police precincts. State politics would constitute the fifth storyline, raising question of the political pressures on the state officials in the exercise. Here, ethnic concerns, student issues, economic conditions, and community policing concerns might become the focus. The sixth storyline could be further noise in the system – loosely based on current events at the time. In addition to the storylines, a certain amount of noise is injected into the system through press releases, weather updates, private communications, and the like. The five to six storylines, prepared by the Control Team in consultation with experts, become the basis for the preparation of scenario “injects:” i.e., newspaper articles, VNN broadcasts, reports from NGOs, private communications between officials, classified information, government leaks, etc., which, when put together, constitute a linear progression. These are all written and/or filmed prior to the exercise. The progression is then mapped in an hourly chart for the unfolding events over a multi-day period. All six scenarios are placed on the same chart, in six columns, giving the Control Team a birds-eye view of the progression. C. How It Works As for the nuts and bolts of the simulation itself, it traditionally begins outside of class, in the evening, on the grounds that national security crises often occur at inconvenient times and may well involve limited sleep and competing demands.171 Typically, a phone call from a Control Team member posing in a role integral to one of the main storylines, initiates play. Students at this point have been assigned dedicated simulation email addresses and provided access to the cyber portal. The portal itself gives each team the opportunity to converse in a “classified” domain with other team members, as well as access to a public AP wire and broadcast channel, carrying the latest news and on which press releases or (for the media roles) news stories can be posted. The complete universe of legal authorities required for the simulation is located on the cyber portal in the Digital Archives, as are forms required for some of the legal instruments (saving students the time of developing these from scratch in the course of play). Additional “classified” material – both general and SCI – has been provided to the relevant student teams. The Control Team has access to the complete site. For the next two (or three) days, outside of student initiatives (which, at their prompting, may include face-to-face meetings between the players), the entire simulation takes place through the cyber portal. The Control Team, immediately active, begins responding to player decisions as they become public (and occasionally, through monitoring the “classified” communications, before they are released). This time period provides a ramp-up to the third (or fourth) day of play, allowing for the adjustment of any substantive, student, or technology concerns, while setting the stage for the breaking crisis. The third (or fourth) day of play takes place entirely at Georgetown Law. A special room is constructed for meetings between the President and principals, in the form of either the National Security Council or the Homeland Security Council, with breakout rooms assigned to each of the agencies involved in the NSC process. Congress is provided with its own physical space, in which meetings, committee hearings and legislative drafting can take place. State government officials are allotted their own area, separate from the federal domain, with the Media placed between the three major interests. The Control Team is sequestered in a different area, to which students are not admitted. At each of the major areas, the cyber portal is publicly displayed on large flat panel screens, allowing for the streaming of video updates from the media, AP wire injects, articles from the students assigned to represent leading newspapers, and press releases. Students use their own laptop computers for team decisions and communication. As the storylines unfold, the Control Team takes on a variety of roles, such as that of the President, Vice President, President’s chief of staff, governor of a state, public health officials, and foreign dignitaries. Some of the roles are adopted on the fly, depending upon player responses and queries as the storylines progress. Judges, given full access to each player domain, determine how effectively the students accomplish the national security goals. The judges are themselves well-experienced in the practice of national security law, as well as in legal education. They thus can offer a unique perspective on the scenarios confronted by the students, the manner in which the simulation unfolded, and how the students performed in their various capacities. At the end of the day, the exercise terminates and an immediate hotwash is held, in which players are first debriefed on what occurred during the simulation. Because of the players’ divergent experiences and the different roles assigned to them, the students at this point are often unaware of the complete picture. The judges and formal observers then offer reflections on the simulation and determine which teams performed most effectively. Over the next few classes, more details about the simulation emerge, as students discuss it in more depth and consider limitations created by their knowledge or institutional position, questions that arose in regard to their grasp of the law, the types of decision-making processes that occurred, and the effectiveness of their – and other students’ – performances. Reflection papers, paired with oral briefings, focus on the substantive issues raised by the simulation and introduce the opportunity for students to reflect on how to create opportunities for learning in the future. The course then formally ends.172 Learning, however, continues beyond the temporal confines of the semester. Students who perform well and who would like to continue to participate in the simulations are invited back as members of the control team, giving them a chance to deepen their understanding of national security law. Following graduation, a few students who go in to the field are then invited to continue their affiliation as National Security Law fellows, becoming increasingly involved in the evolution of the exercise itself. This system of vertical integration helps to build a mentoring environment for the students while they are enrolled in law school and to create opportunities for learning and mentorship post-graduation. It helps to keep the exercise current and reflective of emerging national security concerns. And it builds a strong community of individuals with common interests. CONCLUSION The legal academy has, of late, been swept up in concern about the economic conditions that affect the placement of law school graduates. The image being conveyed, however, does not resonate in every legal field. It is particularly inapposite to the burgeoning opportunities presented to students in national security. That the conversation about legal education is taking place now should come as little surprise. Quite apart from economic concern is the traditional introspection that follows American military engagement. It makes sense: law overlaps substantially with political power, being at once both the expression of government authority and the effort to limit the same. The one-size fits all approach currently dominating the conversation in legal education, however, appears ill-suited to address the concerns raised in the current conversation. Instead of looking at law across the board, greater insight can be gleaned by looking at the specific demands of the different fields themselves. This does not mean that the goals identified will be exclusive to, for instance, national security law, but it does suggest there will be greater nuance in the discussion of the adequacy of the current pedagogical approach. With this approach in mind, I have here suggested six pedagogical goals for national security. For following graduation, students must be able to perform in each of the areas identified – (1) understanding the law as applied, (2) dealing with factual chaos and uncertainty, (3) obtaining critical distance, (4) developing nontraditional written and oral communication skills, (5) exhibiting leadership, integrity, and good judgment in a high-stakes, highly-charged environment, and (6) creating continued opportunities for self-learning. They also must learn how to integrate these different skills into one experience, to ensure that they will be most effective when they enter the field. The problem with the current structures in legal education is that they fall short, in important ways, from helping students to meet these goals. Doctrinal courses may incorporate a range of experiential learning components, such as hypotheticals, doctrinal problems, single exercises, extended or continuing exercises, and tabletop exercises. These are important classroom devices. The amount of time required for each varies, as does the object of the exercise itself. But where they fall short is in providing a more holistic approach to national security law which will allow for the maximum conveyance of required skills. Total immersion simulations, which have not yet been addressed in the secondary literature for civilian education in national security law, may provide an important way forward. Such simulations also cure shortcomings in other areas of experiential education, such as clinics and moot court. It is in an effort to address these concerns that I developed the simulation model above. NSL Sim 2.0 certainly is not the only solution, but it does provide a starting point for moving forward. The approach draws on the strengths of doctrinal courses and embeds a total immersion simulation within a course. It makes use of technology and physical space to engage students in a multi-day exercise, in which they are given agency and responsibility for their decision making, resulting in a steep learning curve. While further adaptation of this model is undoubtedly necessary, it suggests one potential direction for the years to come.

### Second

#### First, the Will to power is a part of life, it makes violence and suffering inevitable, --we should embrace it, this is key to affirm the will to life

Nietzsche, 1886 (Friedrich, Philosopher with a hammer, “Beyond Good and Evil” The Nietzsche Channel, online, MB)

 257. EVERY elevation of the type "man," has hitherto been the work of an aristocratic society and so it will always be--a society believing in a long scale of gradations of rank and differences of worth among human beings, and requiring slavery in some form or other. Without the PATHOS OF DISTANCE, such as grows out of the incarnated difference of classes, out of the constant out-looking and down-looking of the ruling caste on subordinates and instruments, and out of their equally constant practice of obeying and commanding, of keeping down and keeping at a distance--that other more mysterious pathos could never have arisen, the longing for an ever new widening of distance within the soul itself, the formation of ever higher, rarer, further, more extended, more comprehensive states, in short, just the elevation of the type "man," the continued "self-surmounting of man," to use a moral formula in a supermoral sense. (that is to say, of the preliminary condition for the elevation of the type "man"): the truth is hard. Let us acknowledge unprejudicedly how every higher civilization hitherto has ORIGINATED! Men with a still natural nature, barbarians in every terrible sense of the word, men of prey, still in possession of unbroken strength of will and desire for power, threw themselves upon weaker, more moral, more peaceful races (perhaps trading or cattle-rearing communities), or upon old mellow civilizations in which the final vital force was flickering out in brilliant fireworks of wit and depravity. At the commencement, the noble caste was always the barbarian caste: their superiority did not consist first of all in their physical, but in their psychical power--they were more COMPLETE men (which at every point also implies the same as "more complete beasts"). 258. Corruption--as the indication that anarchy threatens to break out among the instincts, and that the foundation of the emotions, called "life," is convulsed--is something radically different according to the organization in which it manifests itself. When, for instance, an aristocracy like that of France at the beginning of the Revolution, flung away its privileges with sublime disgust and sacrificed itself to an excess of its moral sentiments, it was corruption:--it was really only the closing act of the corruption which had existed for centuries, by virtue of which that aristocracy had abdicated step by step its lordly prerogatives and lowered itself to a FUNCTION of royalty (in the end even to its decoration and parade-dress). The essential thing, however, in a good and healthy aristocracy is that it should not regard itself as a function either of the kingship or the commonwealth, but as the SIGNIFICANCE and highest justification thereof--that it should therefore accept with a good conscience the sacrifice of a legion of individuals, who, FOR ITS SAKE, must be suppressed and reduced to imperfect men, to slaves and instruments. Its fundamental belief must be precisely that society is NOT allowed to exist for its own sake, but only as a foundation and scaffolding, by means of which a select class of beings may be able to elevate themselves to their higher duties, and in general to a higher EXISTENCE: like those sun- seeking climbing plants in Java--they are called Sipo Matador,-- which encircle an oak so long and so often with their arms, until at last, high above it, but supported by it, they can unfold their tops in the open light, and exhibit their happiness. 259. To refrain mutually from injury, from violence, from exploitation, and put one's will on a par with that of others: this may result in a certain rough sense in good conduct among individuals when the necessary conditions are given (namely, the actual similarity of the individuals in amount of force and degree of worth, and their co-relation within one organization). As soon, however, as one wished to take this principle more generally, and if possible even as the FUNDAMENTAL PRINCIPLE OF SOCIETY, it would immediately disclose what it really is--namely, a Will to the DENIAL of life, a principle of dissolution and decay. Here one must think profoundly to the very basis and resist all sentimental weakness: life itself is ESSENTIALLY appropriation, injury, conquest of the strange and weak, suppression, severity, obtrusion of peculiar forms, incorporation, and at the least, putting it mildest, exploitation;--but why should one for ever use precisely these words on which for ages a disparaging purpose has been stamped? Even the organization within which, as was previously supposed, the individuals treat each other as equal--it takes place in every healthy aristocracy--must itself, if it be a living and not a dying organization, do all that towards other bodies, which the individuals within it refrain from doing to each other it will have to be the incarnated Will to Power, it will endeavour to grow, to gain ground, attract to itself and acquire ascendancy-- not owing to any morality or immorality, but because it LIVES, and because life IS precisely Will to Power. On no point, however, is the ordinary consciousness of Europeans more unwilling to be corrected than on this matter, people now rave everywhere, even under the guise of science, about coming conditions of society in which "the exploiting character" is to be absent--that sounds to my ears as if they promised to invent a mode of life which should refrain from all organic functions. "Exploitation" does not belong to a depraved, or imperfect and primitive society it belongs to the nature of the living being as a primary organic function, it is a consequence of the intrinsic Will to Power, which is precisely the Will to Life--Granting that as a theory this is a novelty--as a reality it is the FUNDAMENTAL FACT of all history let us be so far honest towards ourselves!

#### And, their imagination of a better world is a continuation of the ascetic ideal. This association of all that is good at not of this world expresses a hatred for the only one we’ve got—turns case. Fantasizing about a world without suffering produces creative impotence only our relationship to life can escape this paradox of resentment

Turlani in 2003

(Aydan, Department of Humanities and Social Sciences Faculty of Letters and Sciences
Istanbul Technical University, “Nietzsche and the Later Wittgenstein: An Offense to the Quest for Another World”, The Journal of Nietzsche Studies, 26 (2003), 55-63)

The craving for absolutely general specifications results in doing metaphysics. Unlike Wittgenstein, Nietzsche provides an account of how this craving arises. The creation of the two worlds such as apparent and real world, conditioned and unconditioned world, being and becoming is the creation of the *ressentiment* of metaphysicians. Nietzsche says, "to imagine another, more valuable world is an expression of hatred for a world that makes one suffer: the ressentiment of metaphysicians against actuality is here creative" (*WP* III 579). Escaping from this world because there is grief in it results in asceticism. **[End Page 61]** Paying respect to the ascetic ideal is longing for the world that is pure and denaturalized. Craving for frictionless surfaces, for a transcendental, pure, true, ideal, perfect world, is the result of the ressentiment of metaphysicans who suffer in this world. Metaphysicians do not affirm this world as it is, and this paves the way for many explanatory theories in philosophy. In criticizing a philosopher who pays homage to the ascetic ideal, Nietzsche says, "he wants *to escape from torture*" (*GM* III 6). The traditional philosopher or the ascetic priest continues to repeat, "'My kingdom is not of *this* world'" (*GM* III 10). This is a longing for another world in which one does not suffer. It is to escape from this world; to create another illusory, fictitious, false world. This longing for "the truth" of a world in which one does not suffer is the desire for a world of constancy. It is supposed that contradiction, change, and deception are the causes of suffering; in other words, the senses deceive; it is from the senses that all misfortunes come; reason corrects the errors; therefore reason is the road to the constant. In sum, this world is an error; the world as it ought to be exists. This will to truth, this quest for another world, this desire for the world as it ought to be, is the result of unproductive thinking. It is unproductive because it is the result of avoiding the creation of the world as it ought to be. According to Nietzsche, the will to truth is "the impotence of the will to create" (*WP* III 585). Metaphysicians end up with the creation of the "true" world in contrast to the actual, changeable, deceptive, self-contradictory world. They try to discover the true, transcendental world that is already there rather than creating a world for themselves. For Nietzsche, on the other hand, the transcendental world is the "denaturalized world" (*WP* III 586). The way out of the circle created by the *ressentiment* of metaphysicians is the will to life rather than the will to truth. The will to truth can be overcome only through a Dionysian relationship to existence. This is the way to a new philosophy, which in Wittgenstein's terms aims "to show the fly the way out of the fly-bottle" (*PI* §309).

#### And, the 1ac’s vision of a perfect world causes us to hate the one we have, leads to denial of life of this life for a more perfect one

Nietzsche, 1872 (Friedrich, philosopher, “The Birth of Tragedy” Online, MB)

Already in the preface addressed to Richard Wagner, art, and *not* morality, is presented as the truly *metaphysical* activity of man. In the book itself the suggestive sentence is repeated several times, that the existence of the world is *justified* only as an aesthetic phenomenon. Indeed, the whole book knows only an artistic meaning and crypto-meaning behind all events—a "god," if you please, but certainly only an entirely reckless and amoral artist-god who wants to experience, whether he is building or destroying, in the good and in the bad, his own joy and glory—one who, creating worlds, frees himself from the *distress* of fullness and *overfullness* and from the *affliction* of the contradictions compressed in his soul. The world—at every moment the *attained* salvation of God, as the eternally changing, eternally new vision of the most deeply afflicted, discordant, and contradictory being who can find salvation only in *appearance*: you can call this whole artists' metaphysics arbitrary, idle, fantastic; what matters is that it betrays a spirit who will one day fight at any risk whatever the *moral* interpretation and significance of existence. Here, perhaps for the first time, a pessimism "beyond good and evil" is suggested. Here that "perversity of mind" gains speech and formulation against which Schopenhauer never wearied of hurling in advance his most irate curses and thunderbolts [*Parerga and Paralipomena* (1851), II.5, 69]: a philosophy that dares to move, to demote, morality into the realm of appearance—and not merely among "appearances" or phenomena (in the sense of the idealistic **terminus technicus** [technical term]), but among "deceptions," as semblance, delusion, error, interpretation, contrivance, art. Perhaps the depth of this *antimoral* propensity is best inferred from the careful and hostile silence with which Christianity is treated throughout the whole book—Christianity as the most prodigal elaboration of the moral theme to which humanity has ever been subjected. In truth, nothing could be more opposed to the purely aesthetic interpretation and justification of the world which are taught in this book than the Christian teaching, which is, and wants to be, *only* moral and which relegates art, every art, to the realm of lies; with its absolute standards, beginning with the truthfulness of God, it negates, judges, and damns art. Behind this mode of thought and valuation, which must be hostile to art if it is at all genuine, I never failed to sense a hostility to life—a furious, vengeful antipathy to life itself: for all of life is based on semblance, art, deception, points of view [Optik], and the necessity of perspectives and error. Christianity was from the beginning, essentially and fundamentally, life's nausea and disgust with life, merely concealed behind, masked by, dressed up as, faith in "another: or "better" life. Hatred of "the world," condemnations of the passions [Affekte], fear of beauty and sensuality, a beyond invented the better to slander this life, at bottom a craving for the nothing, for the end, for respite, for "the sabbath of sabbaths"—all this always struck me, no less than the unconditional will of Christianity to recognize *only* moral values, as the most dangerous and uncanny form of all possible forms of a "will to decline"—at the very least a sign of abysmal sickness, weariness, discouragement, exhaustion, and the impoverishment of life. For, confronted with morality (especially Christian, or unconditional, morality), life must continually and inevitably be in the wrong, because life is something essentially amoral—and eventually, crushed by the weight of contempt and the eternal No, life must then be felt to be unworthy of desire and altogether worthless. Morality itself—how now? might not morality be "a will to negate life," a secret instinct of annihilation, a principle of decay, diminution, and slander—the beginning of the end? Hence, the danger of dangers? ... It was *against* morality that my instinct turned with this questionable book, long ago; it was an instinct that aligned itself with life and that discovered for itself a fundamentally opposite doctrine and valuation of life—purely artistic and *anti-Christian*. What to call it? As a philologist and man of words I baptized it, not without taking some liberty—for who could claim to know the rightful name of the Antichrist?—in the name of a Greek god: I called it *Dionysian*. —

#### Thus the alternative:

#### We should forget the 1ac in order to affirm life

Zupancic, 2003 (Alenka, Philosopher, “The Shortest Shadow: Nietzche’s philosophy of the two” Online, MB)

It is true that there is also a rather different notion present in Christianity, a notion much closer to Nietzsche’s own position—namely, the notion of mercy as situated “beyond law” (Jenseits des Rechts). Nietzsche links to this notion nothing less than the possibility of an escape from the vicious circle of punishment and guilt. But his notion of mercy is not simply that of an act of forgiveness; it can spring only from a surplus of “power” and “richness.” Illustrating this with the example of actual wealth, Nietzsche writes that the creditor becomes more human to the extent that he has grown richer: so that, finally, how much injury he can endure without suffering from it becomes the actual measure of his wealth.24 Such a creditor can now allow himself the noblest luxury possible: letting those who harm him go unpunished. In this way, the justice which began with “everything is dischargeable, everything must be discharged” ends by winking, and letting those who are incapable of discharging their debt go free. This “self-overcoming of justice” is called mercy, and remains the privilege of the most “powerful.”25 We should be careful here not to believe that the terms “rich” and “powerful” refer simply to those who have a lot of money, and hold this or that position of power.As Nietzsche points out, it is the capacity not to be injured, and not to suffer because of an injustice, that constitutes the measure of one’s richness and power—not the capacity to endure suffering and injury, to bear pain, but the capacity not to let this suffering as suffering enter the constitution of one’s subjectivity (which also means the capacity not to let oneself be subjectivized in the figure of the “subject of injury,” the figure of the victim). Those who can manage this are “rich” and “powerful” because they can manage it, not the other way around. There is also an important difference between forgiving and (what Nietzsche calls) forgetting. Forgiveness has a perverse way of involving us even further in debt. To forgive somehow always implies to pay for the other, and thus to use the very occurrence of injury and its forgiveness as a new “engagement ring.” Nietzsche makes this very point in relation to Christianity: the way God has forgiven our sins has been to pay for them, to pay for them with His own “flesh.” This is the fundamental perversity of Christianity: while forgiving, it simultaneously brandishes at us the cross, the instrument of torture, the memory of the one who suffered and died so that we could be forgiven, the memory of the one who paid for us. Christianity forgives, but does not forget. One could say that, with the eyes of the sinner fixed on the cross, forgiving creates a new debt in the very process of this act. It forgives what was done, but it does not forgive the act of forgiving itself. On the contrary, the latter establishes a new bond and a new debt. It is now infinite mercy (as the capacity of forgiving) that sustains the infinite debt, the debt as infinite. The debt is no longer brought about by our actions; it is brought about by the act of forgiving us these actions.We are indebted for forgiveness. The infinite capacity to forgive might well become the infernal flame in which we “temper” our debt and guilt. This is why Nietzsche counters the concept of forgiving with the concept of forgetting (“a good example of this in modern times is Mirabeau, who had no memory for insults and vile actions done to him and was unable to forgive simply because he—forgot”).26 This is perhaps the moment to examine in more detail what Nietzschean “forgetting” is actually about. What is the capacity of forgetting as the basis of “great health”? Nietzsche claims that memory entertains some essential relationship with pain. This is what he describes as the principle used in human “mnemotechnics”: “If something is to stay in the memory it must be burned in: only that which never ceases to hurt stays in the memory.”27 Thus, if memory is essentially related to pain (here it seems that Nietzsche claims the opposite of what psychoanalysis is claiming: that traumatic events are the privileged objects of repression; yet pain is not the same thing as trauma, just as “forgetting” is not the same thing as repressing), then forgetting refers above all to the capacity not to nurture pain. This also means the capacity not to make pain the determining ground of our actions and choices. What exactly is pain (not so much physical pain, but, rather, the “mental pain” that can haunt our lives)? It is a way in which the subject internalizes and appropriates some traumatic experience as her own bitter treasure. In other words, in relation to the traumatic event, pain is not exactly a part of this event, but already its memory (the “memory of the body”). And Nietzschean oblivion is not so much an effacement of the traumatic encounter as a preservation of its external character, of its foreignness, of its otherness. In Unfashionable Observations, Second Piece (“On the Utility and Liability of History for Life”), Nietzsche links the question of forgetting (which he employs as a synonym for the ahistorical) to the question of the act. Forgetting, oblivion, is the very condition of possibility for an act in the strong sense of the word. Memory (the “historical”) is eternal sleeplessness and alert insomnia, a state in which no great thing can happen, and which could even be said to serve this very purpose. Considering the common conception according to which memory is something monumental that “fixes” certain events, and closes us within their horizon, Nietzsche proposes a significantly different notion. It is precisely as an eternal openness, an unceasing stream, that memory can immobilize us, mortify us, make us incapable of action. Nietzsche invites us to imagine the extreme example of a human being who does not possess the power to forget. Such a human being would be condemned to see becoming everywhere: he would no longer believe in his own being, would see everything flow apart in turbulent particles, and would lose himself in this stream of becoming. He would be like the true student of Heraclitus. A human being who wanted to experience things in a thoroughly historical manner would be like someone forced to go without sleep.28 Memory holds us in eternal motion—it keeps opening numerous horizons, and this is precisely how it immobilizes us, forcing us into frenetic activity. Hence, Nietzsche advances a thesis that is as out of tune with our time as it was with his own: “every living thing can become healthy, strong and fruitful only within a defined horizon; if it is incapable of drawing a horizon around itself and too selfish, in turn, to enclose its own perspective within an alien horizon, then it will feebly waste away or hasten to its timely end.”29 Of course, Nietzsche’s aim here is not to preach narrow-mindedness and pettiness, nor is it simply to affirm the ahistorical against history and memory. On the contrary, he clearly states that it is only by thinking, reflecting, comparing, analyzing, and synthesizing (i.e. only by means of the power to utilize the past for life, and to reshape past events into history) that the human being becomes properly human.Yet, in the excess of history, the human being ceases to be human once again, no longer able to create or invent. This is why Nietzsche insists that “every great historical event” is born in the “ahistorical atmosphere,” that is to say, in conditions of oblivion and closure: Imagine a man seized and carried away by a vehement passion for a woman or for a great idea; how his world changes! Looking backward he feels he is blind, listening around he hears what is unfamiliar as a dull, insignificant sound; and those things that he perceives at all he never before perceived in this way; so palpable and near, colorful, resonant, illuminated, as though he were apprehending it with all his senses at once. All his valuations are changed and devalued; . . . It is the most unjust condition in the world, narrow, ungrateful to the past, blind to dangers, deaf to warnings; a tiny whirlpool of life in a dead sea of night and oblivion; and yet this condition—ahistorical, antihistorical through and through— is not only womb of the unjust deed, but of every just deed as well; and no artist will create a picture, no general win a victory, and no people gain its freedom without their having previously desired and striven to accomplish these deeds in just such an ahistorical condition. . . . Thus, everyone who acts loves his action infinitely more than it deserves to be loved, and the best deeds occur in such an exuberance of love that, no matter what, they must be unworthy of this love, even if their worth were otherwise incalculably great.30 If we read this passage carefully,we note that the point is not simply that the capacity to forget, or the “ahistorical condition,” is the condition of “great deeds” or “events.” On the contrary: it is the pure surplus of passion or love (for something) that brings about this closure of memory, this “ahistorical condition.” In other words, it is not that we have first to close ourselves within a defined horizon in order then to be able to accomplish something. The closure takes place with the very (“passionate”) opening toward something (“a woman or a great idea”). Nietzsche’s point is that if this surplus passion engages us “in the midst of life,” instead of mortifying us, it does so via its inducement of forgetting. Indeed, I could mention a quite common experience here: whenever something important happens to us and incites our passion,we tend to forget and dismiss the grudges and resentments we might have been nurturing before. Instead of “forgiving” those who might have injured us in the past, we forget and dismiss these injuries. If we do not, if we “work on our memory” and strive to keep these grudges alive, they will most probably affect and mortify our (new) passion.

### Third

#### The logic of testimony is flawed in its assumption that the confessional discourse can be controlled by and is limited in its effects on the confessing individual. Each time a woman takes a stand, her voice is recorded not as that of Jane Smith, but as that of all women. Individual testimony invariably comes to monopolize the meaning of womanhood in a way that establishes the story of greatest suffering as the highest truth of female identity.

Wendy Brown, Professor of Political Theory @ UC Berkeley, 1996 (“Constitutions and 'Survivor Stories': In the 'folds of our own discourse' The Pleasures and Freedoms of Silence.” 3 U Chi L Sch Roundtable 185; swp)

If, taken together, the two passages from Foucault we have been consider- ing call feminists to account in our compulsion to put everything about women into discourse, they do not yet exhaust the phenomenon of being ensnared 'in the folds of our own discourses.' For if the problem I have been discussing is easy enough to see--indeed, largely familiar to those who track techniques of co-optation--at the level of legal and bureaucratic discourse, it is altogether more disquieting when it takes the form of regulatory discourse in our own sub- and counter-cultures of resistance . . . when confessing injury becomes that which attaches us to the injury, paralyzes us within it, and prevents us from seeking or even desiring a status other than injured. In an age of social identification through attributes marked as culturally significant--gender, race, sexuality, and so forth--confessional discourse, with its truth-bearing status in a post-epistemological universe, not only regulates the confessor in the name of freeing her as Foucault described that logic, but extends beyond the confessing individual to constitute a regulatory truth about the identity group. Confessed truths are assembled and deployed as "knowledge" about the group. This phenomenon would seem to undergird a range of recurring troubles in feminism, from the "real woman" rejoinder to post-structuralist deconstructions of her, to totalizing descriptions of women's experience that are the inadvertent effects of various kinds of survivor stories. Thus, for example, the porn star who feels miserably exploited, violated and humiliated in her work invariably monopolizes the truth about sex work; as the girl with math anxieties constitutes the truth about women and math; as eating disor- ders have become the truth about women and food; as sexual abuse and viola- tion occupy the knowledge terrain of women and sexuality. In other words, even as feminism aims to affirm diversity among women and women's ex- periences, confession as the site of production of truth and its convergence with feminist suspicion and deauthorization of truth from other sources tends to reinstate a unified discourse in which the story of greatest suffering becomes the true story of woman. (I think this constitutes part of the rhetorical power of MacKinnon's work; analytically, the epistemological superiority of confes- sion substitutes for the older, largely discredited charge of false consciousness). Thus, the adult who does not suffer from her or his childhood sexual experi- ence, the lesbian who does not feel shame, the woman of color who does not primarily or "correctly" identify with her marking as such--these figures are excluded as bonafide members of the categories which also claim them. Their status within these discourses is that of being "in denial," "passing" or being a "race traitor." This is the norm-making process in feminist traditions of "breaking silence" which, ironically, silence and exclude the very women these traditions mean to empower**.** (Is it surprising, when we think in this vein, that there is so little feminist writing on heterosexual pleasure?)

#### The demand for solidarity and speaking out equate silence with weakness and forces women to participate in oppressive power structures

Ruffino, 2007

[Annamaria, MA Thesis @ LSU Dept of Comm. Studies, “UNCOMFORTABLE PERFORMANCES: DISCOVERING A SUBVERSIVE SCENARIO FOR RAPE DISCOURSE.” Online, <http://etd.lsu.edu/docs/available/etd-04042007-131147/unrestricted/THESIS.pdf>] /Wyo-MB

They suggest that representations of rape and rape survivor discourse have “paradoxically appeared to have empowering effects even while [they have] in some cases unwittingly facilitated the recuperation of dominant discourses” (263). This essay provides an excellent account of the process of normalizing the act of speaking out, through its analyses of rape discourse that occurs on both television talk-shows and in the courtroom2. While Alcoff and Gray’s work has been a primary influence on this present study, their essay does not theorize this process in terms of performance, nor does it provide adequate solutions to the problems it presents. If current performances of rape discourse no longer transgress the system, then why do we keep re-telling the same story over and over again? Alcoff and Gray note this problem: When breaking the silence is taken up as the necessary route to recovery or as a political tactic, it becomes a coercive imperative on survivors to confess, to recount our assaults, to give details, and even to do so publicly. Our refusal to comply might then be read as weakness of will or reenacted as victimization. (281) Through the inundation of survivor stories in various different media, the current tendency to equate silence automatically with shame could be a factor that causes women to engage in a type of victim rhetoric that further constitutes their oppression. And here we have a double bind that faces rape survivors: confess your detailed story, or live in shamed silence. Perform – or else. This double bind that faces rape survivors can be better articulated if we examine it through the theory of an emerging performance stratum. Jon McKenzie, in his book, Perform – or Else, presents this “perform – or else” double bind as endemic of the entire social system. Using a Forbes magazine cover as his point of departure, McKenzie claims that as a society, we are moving from the Foucauldian notion of discipline to performance as the onto-hisotrico formation of power and knowledge, which he names “performance stratum” (18). Foucault’s notion of discipline says that we moved from a society of sovereign power, in which a king enacted all punishments on the body, to a disciplinary power of institutions, wherein power worked on the person’s mind and body, thus creating a self-disciplining subject. Now, however, McKenzie shows that we are moving towards a performing power, which works on a person’s mind and body as well, but causes the person not only to self-discipline, but to perform that discipline, and perform it well. We moved from a public, sovereign policing force to disciplinary institutions instructing the subject to self-police in order to become a better person, to finally a performance stratum, which goads us to perform better. “‘Perform – or else’: this is the order word for the emerging performance stratum” (19). Throughout his overarching theory of the performance stratum, McKenzie demonstrates its various levels and building blocks, all the while maintaining the order word, or catch phrase “perform – or else.” I apply this double bind to the notion of victim rhetoric/confessional narrative surrounding rape survivors: perform your horrific story for our entertainment – or else get relegated to that place of shameful silence. A rape survivor’s two choices: confess – or repress; get named – or get shamed. Perform – or else.

#### The aff’s politics of visibility turn rape victims and “those who resist masculine oppression” into objects to be seen and manipulated

Ruffino, 2007

[Annamaria, MA Thesis @ LSU Dept of Comm. Studies, “UNCOMFORTABLE PERFORMANCES: DISCOVERING A SUBVERSIVE SCENARIO FOR RAPE DISCOURSE.” Online, <http://etd.lsu.edu/docs/available/etd-04042007-131147/unrestricted/THESIS.pdf>] /Wyo-MB

This project also throws into question the politics of visibility and invisibility specifically as questioned by Peggy Phelan. In her book, Unmarked, Phelan discusses the possible trap of visibility – recognizing that “the binary between the power of visibility and the impotency of invisibility is falsifying” (6). Visibility does not always lead to political efficacy and power, just as invisibility does not necessarily signify a weakened political stance. While this may not always be the case, Phelan argues that visibility can lead to a fetishization of the other. Mary Daly describes the process of fetishization of the female as a three part process, beginning with how a woman is “condensed into particular parts/organs of her mind/body. A woman thus shrunken/frozen is manipulable/manageable. Her fetishizers feel potency/power.... And exercise this negative and derivative potency to dis-place [sic] her energy further and further from her center, fragmenting her process, devouring her” (235). Speaking out can lead to voyeuristic fetishism of the woman, specifically the violated woman. When women speak out against sexual violence, their voices and their bodies, pushed into the realm of the visible, become seen – become objects “to be looked at” rather than political agents. Phelan claims “representation is almost always on the side of the one who looks and almost never on the side of the one who is seen” (26). By suggesting that representation is always a one-sided venture, how do we escape the trap of visibility, while still retaining the political impulses that drive consciousness-raising groups and the power and value of “speaking out”?

#### The aff’s speaking out is a form confessional discourse that traps individuals within the confines of power, this narrativization is viewed as therapeutic which undermines its political power

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When women seek therapy for their rape, they engage in a type of confessional discourse. These women turn to professionals in an attempt to find comfort, healing, or absolution. Here we come to a current problematic regarding speaking out: when used as a means of therapy or confession, rape discourse can make survivors take responsibility for the rape through very subtle means. In History of Sexuality: Volume One, Foucault problematizes confessional discourse: The confession is a ritual of discourse in which the speaking subject is also the subject of the statement; it is also a ritual that unfolds within a power relationship, for one does not confess without the presence (or virtual presence) of a partner who is not simply the interlocutor but the authority who requires the confession, prescribes and appreciates it, and intervene in order to judge, punish, forgive, console, and reconcile. (61) Confessional discourse remains a normative discursive practice that keeps women in a place without power. The power in a confessional relationship always falls on the figure of authority, and the survivor is always in a position to seek legitimacy. Speaking out in some public arenas evokes this confessional feel, by encouraging women to tell their stories, be it on television, in books, or in magazines. These stories similarly imply that the rape survivor needs to confess, or rather perform, her story to an audience, which thus becomes the virtual authority figure Foucault describes. The confessional nature of these stories implies that the rape survivor has some sort of remaining guilt that needs to be shared in order to receive absolution. Dana Cloud offers an excellent account of how the rhetorics of therapy and confession attempt to contain potential political discourse by shifting it to the realm of therapy, thus making it about the personal and private. She continues this line of argument in a chapter dedicated towards feminism, and problematizes Consciousness Raising as a tool of therapeutic discourse.

#### Confession never takes place outside the relays of power. Confessing our sins may give us some sort of emotional release but, in that action, we neglect to see how that release reinforces the will of the master and sovereign. Thus, the act of confessing becomes a perpetual relay of normalization that destroys the possibility of resistance. Each link we win is an independent case turn and reason to reject case

Foucault 1978, (Michel, Former director @ the Institut Francais at Hamburg. The History of Sexuality Volume I. 1978. pgs 59-67)

The confession is a ritual of discourse in which the speaking subject is also the subject of the statement; it is also a ritual that unfolds within a power relationship, for one does not confess without the presence (or virtual presence) of a partner who is not simply the interlocutor but the authority who requires the confession, prescribes and appreciates it, and intervenes in order to judge, punish, forgive, console, and reconcile; a ritual in which the truth is corroborated by the obstacles and resistances it has had to surmount in order to be formulated; and finally, a ritual in which the expression alone, independently of its external consequences, produces intrinsic modifications in the person who articulates it: it exonerates, redeems, and purifies him; it unburdens him of his wrongs, liberates him, and promises him salvation. For centuries, the truth of sex was, at least for the most part caught up in this discursive form. Moreover, this form was not the same as that of education (sexual education confined itself to general principles and rules of prudence); nor was it that of initiation (which remained essentially a silent prac­tice, which the act of sexual enlightenment or deflowering merely rendered laughable or violent). As we have seen, it is a form that is far removed from the one governing the “erotic art.” By virtue of the power structure immanent in it, the confessional discourse cannot come from above, as in the ars erotica, through the sovereign will of a master, but rather from below, as an obligatory act of speech which, under some imperious compulsion, breaks the bonds of discretion or forgetfulness. What secrecy it presupposes is not owing to the high price of what it has to say and the small number of those who are worthy of its benefits, but to its obscure familiarity and its general baseness. Its veracity is not guaranteed by the lofty authority of the magistery, nor by the tradition it trans­mits, but by the bond, the basic intimacy in discourse, be­tween the one who speaks and what he is speaking about. On the other hand, the agency of domination does not reside in the one who speaks (for it is he who is constrained), but in the one who listens and says nothing; not in the one who knows and answers, but in the one who questions and is not supposed to know. And this discourse of truth finally takes effect, not in the one who receives it, but in the one from whom it is wrested. With these confessed truths, we are a long way from the learned initiations into pleasure, with their technique and their mystery. On the other hand, we belong to a society which has ordered sex’s difficult knowledge, not according to the transmission of secrets, but around the slow surfacing of confidential statements.

#### The alternative is to Clothesline debate

#### Clotheslines solves the aff and avoids the links to the k—allows criticism of society’s “dirty laundry” without causing personal narrativization

Ruffino, 2007

[Annamaria, MA Thesis @ LSU Dept of Comm. Studies, “UNCOMFORTABLE PERFORMANCES: DISCOVERING A SUBVERSIVE SCENARIO FOR RAPE DISCOURSE.” Online, <http://etd.lsu.edu/docs/available/etd-04042007-131147/unrestricted/THESIS.pdf>] /Wyo-MB

As I have addressed in the previous chapters, the ultimate problem with some attempts at rape discourse lies in the danger of its being co-opted back into the mainstream. However, as Alcoff and Gray suggest, there are transgressive performances that resist these possible normative functions. They explore possibilities to “give witness to sexual violence in ways that cannot be contained, recuperated, or ignored” (288). The Clothesline Project is one example of a minor performance that has subversive potential to give witness in this manner, and its tactics suggest possibilities for avoiding the double bind, “perform – or else.” In order to describe this potential, in this chapter, I explore how Peggy Phelan’s concepts of visibility and invisibility operate in the Clothesline Project. Further, working from Carol Blair et al’s reading of the Vietnam Veteran’s Memorial and Sonja K. Foss and Cindy L. Griffin’s concept of “invitational rhetoric,” I view the Clothesline Project as a post-modern memorial, actively engaging in an invitational form of rhetoric and performance. Background of the Clothesline Project Inspired by the AIDS quilt project, the Clothesline Project began in 1990 on Hyannis, Massachusetts, the brain-child of Rachel Carey-Harper, originally part of Cape Cod’s “Take Back the Night March” (http://www.clotheslineproject.org). Since then, the Clothesline Project has toured around the country, with many places starting up their own versions of the project. Patricia Hipple, in her unpublished doctoral dissertation entitled, “Hegemonic Disguise in Resistance to Domination: The Clothesline Project’s Response to Male Violence Against Women,” describes the Clothesline Project as an event that “uses art, ritual, and folklore practices to resist gender domination. As an example of women’s expressive folk culture, the Clothesline Project constitutes and conveys the political discourse of women subjugated by sexism and gendered violence” (7). The Clothesline Project works to generate discourse regarding violence against women (not limited to rape) via the trope of hanging laundry.8 This action serves many purposes. It acts as an educational tool for those who come to view the Clothesline; it becomes a healing tool for anyone who wants to make a shirt – by hanging the shirt on the line, survivors, friends and family can literally turn their backs on some of that pain of their experience and walk away; and finally, it allows those who still suffer in silence to understand that they are not alone. Participants can choose to draw a picture, write a story, or sign their names on the shirts, whatever they feel comfortable sharing. These clothes do not tell a graphic story of each woman’s experience; there is simply not enough room on a shirt for the whole story. The t-shirts, like the TAASA and LAFSA commercials examined in Chapter Two, work enthmematically, refusing the closure of a whole story. The shirt simply hangs on a clothesline. Since the graphic stories of lived experience are not always told on the t-shirts, the Clothesline Project created a code – wherein each t-shirt represents a specific type of violence: White represents women who died because of violence; Yellow or beige represents battered or assaulted women; Red, pink, and orange are for survivors of rape and sexual assault; Blue and green t-shirts represent survivors of incest and sexual abuse; Purple or lavender represents women attacked because of their sexual orientation; Black is for women attacked for political reasons. (www.clotheslineproject.org) 8 See Patricia Hipple for a more in depth study on the history of the Clothesline Project. She provides close readings of the metaphors of hanging laundry, women’s work with textiles and clothing, and other clothesline metaphors. This color code is not definitive. The website describes how many Clothesline Project events have used different color schemes, such as a color designated for handicapped women or for gang rape. Some sites have also bought a bulk of one color t-shirt, for economic reasons, using the same color shirt to denote all of the above experiences. The Clothesline Project website encourages the use of t-shirts only, and ask that participants do not place pants or underwear on the clothesline. This may be because more intimate apparel could have an adverse effect for survivors who attend a Clothesline Project event. Also, t-shirts are inexpensive, light, and easy to transport, so there are pragmatic and functional reasons behind using t- shirts. Another possible reason for a t-shirt is that this piece of clothing can be considered a commercialized space. Many t-shirts have slogans, advertisements, or other maxims emblazoned across the front and back. This space can be seen as another marker of our identities, for many people wear advertisements for their favorite music, movies, activities, sports teams, etc. We identify ourselves by our choices in apparel, and t-shirt design is no exception. Instead of using the t-shirt as a marker of pop culture identity, the Clothesline Project employs the t-shirt as a political identity, giving space for identification of sexual violence. The t-shirt and clothesline also provide a synecdoche of the domestic private sphere. By forcing this trope out into the open as a canvas used to tell stories of violence, “it physically breaches the divide between the private and public spheres” (Hipple 159). Hanging laundry is domestic activity, usually associated with the quotidian activities of women in the domestic sphere. The Clothesline Project enacts a parodic performance of domesticity as a means of disruption. Ruth Laurion Bowman suggests that “the rhetorical construction of the domestic sphere as a private and ‘sacred’ compliment to what became the ‘profane’ public sphere” (117). Since the Clothesline Project brings the once secret and private concerns of violence against women into the public, profane space, the performance enacts a parodic breach between these two spheres by airing society’s “dirty laundry.” Not only is this move an act of parody, but it is also a disruptive act, one that grabs attention, and literally brings the private into the public and political eye. The Clothesline Project is not only politically disrupting, it is also visually so; the colorful displays arrest the eye and draw the attention of passersby. I attended a Clothesline Project at Mississippi State University in September of 2006. Walking by the clotheslines, I could not help but be drawn into the event. About two dozen shirts hung on four separate clotheslines each, marking the space as a three dimensional safe space for women to participate in the construction of survivor discourse. The clotheslines fluttered in the wind, one after another, creating a literal multidimensional space to walk through, around, and among a multiplicity of shirts and messages. The clotheslines, positioned in the Drill Field, an open space in the middle of campus, stood out against the backdrop of the campus. The event took place in late September on a beautiful sunny day, with just enough wind to make the t-shirts dance. There was nothing else immediately surrounding the clotheslines – the image of multiple t-shirts of various colors protruded into my field of vision. I had to squint in order to block out the sun and the bright colors of the t-shirts. This disruption provides a visual counterpoint for the silence, and brings violence against women, something that is considered very private, to the forefront. Patricia Hipple further examines this breach, stating that, “The Clothesline...takes images associated with the private, the domestic, and the compliant and thrusts them into the public forum. It juxtaposes soft fabric and sensual images with scenes of rape, domestic violence, battery, assault, and murder to condemn male aggression and domination” (160). Through this juxtaposition, the Clothesline Project brings the private out into the public, showing and telling the invisible stories of women to a public that is further invited to participate in this sort of shared storytelling. However, while the invisible stories are made visible, this project throws into question the politics of visibility and invisibility specifically questioned by Peggy Phelan, and especially with regard to women’s bodies.

### Case

#### Trading narrative for the ballot commodifies identity and has limited impact on the culture that one attempt’s to reform – when autobiographical narrative “wins,” it subverts its own most radical intentions by becoming an exemplar of the very culture under indictment

Coughlin 95—associate Professor of Law, Vanderbilt Law School. (Anne, REGULATING THE SELF: AUTOBIOGRAPHICAL PERFORMANCES IN OUTSIDER SCHOLARSHIP, 81 Va. L. Rev. 1229)

Although Williams is quick to detect insensitivity and bigotry in remarks made by strangers, colleagues, and friends, her taste for irony fails her when it comes to reflection on her relationship with her readers and the material benefits that her autobiographical performances have earned for her. n196 Perhaps Williams should be more inclined to thank, rather than reprimand, her editors for behaving as readers of autobiography invariably do. When we examine this literary faux pas - the incongruity between Williams's condemnation of her editors and the professional benefits their publication secured her - we detect yet another contradiction between the outsiders' use of autobiography and their desire to transform culture radically. Lejeune's characterization of autobiography as a "contract" reminds us that autobiography is a lucrative commodity. In our culture, members of the reading public avidly consume personal stories, n197 which surely explains why first-rate law journals and academic presses have been eager to market outsider narratives. No matter how unruly the self that it records, an autobiographical performance transforms that self into a form of "property in a moneyed economy" n198 and into a valuable intellectual [\*1283] asset in an academy that requires its members to publish. n199 Accordingly, we must be skeptical of the assertion that the outsiders' splendid publication record is itself sufficient evidence of the success of their endeavor. n200

Certainly, publication of a best seller may transform its author's life, with the resulting commercial success and academic renown. n201 As one critic of autobiography puts it, "failures do not get published." n202 While writing a successful autobiography may be momentous for the individual author, this success has a limited impact on culture. Indeed, the transformation of outsider authors into "success stories" subverts outsiders' radical intentions by constituting them as exemplary participants within contemporary culture, willing to market even themselves to literary and academic consumers. n203 What good does this transformation do for outsiders who are less fortunate and less articulate than middle-class law professors? n204 Although they style themselves cultural critics, the [\*1284] storytellers generally do not reflect on the meaning of their own commercial success, nor ponder its entanglement with the cultural values they claim to resist. Rather, for the most part, they seem content simply to take advantage of the peculiarly American license, identified by Professor Sacvan Bercovitch, "to have your dissent and make it too." n205

#### This is separate from T – but changing the topic to sexual violence in particular triggers disclosures among students

Branch, PhD, University of Tampa, et al, 2011

(Kathryn, “Professors’ Experiences With Student Disclosures of Sexual Assault and Intimate Partner Violence: How “Helping” Students Can Inform Teaching Practices,” http://www.academia.edu/495531/Professors\_Experiences\_with\_Student\_Disclosures\_of\_Sexual\_Assault\_and\_Domestic\_Violence)

The majority of the participants in the current sample explained that they believed the subject matter of the classes they were teaching (e.g., family violence and victimology) might have triggered student disclosures. Some participants explained that some student survivors took their course on sensitive topics not knowing certain material would be discussed in class and/or not realizing how discussing sensitive topics would affect them. Faculty can prepare students by being specific in their syllabi about when the topic will be discussed in class. If the class material is indeed serving as a potential trigger for student disclosures, faculty members teaching courses on sensitive topics (e.g., family violence and victimology) could take Murphy-Geiss’s (2008) suggestions and approach the course and the course material in an interactive manner. For example, faculty may consider adding a service-learning component to their class. This could be beneficial for both nonsurvivors and survivors in the course by exposing the prevalence of violence against women and offering a way for students to process their victimization experience. The specifics of the requirement would be left up to the discretion of the individual professor but could include activities like participation in a Take Back the Night event on campus, participation in the Clothesline project, working with a rape crisis counseling center, working with a domestic violence shelter, and so on.

#### Forcing discussion of sexual violence in the classroom – and the use of personal narratives – triggers crises for former victims. Neg students should not be obligated to clash – it is your responsibility as an educator to offer help outside the competitive environment –

Durfee, assistant professor in the women and gender studies program at Arizona State University, and Rosenberg, doctoral candidate in women studies at the University of Washington in Seattle, 2009

(Alesha and Karen, “Teaching Sensitive Issues: Feminist Pedagogy and the Practice of Advocacy-Based Counseling,” *Feminist Teacher*, Vol 19, No 2, Muse)

As instructors of courses that focus on social problems, we have found that many students have personal connections to the course material, having had similar experiences or having witnessed a friend or relative struggle with these issues. These types of personal connections to course material sometimes trigger crises for our students or bring existing crises to our attention. This may happen for several reasons. First, in our classes that focus on domestic violence, some students feel shame or guilt about their experiences. For example, survivors of domestic violence may feel "ashamed" of their abuse, want [End Page 103] to "keep the incident private," or feel that their descriptions of their experiences would not be believed if they shared them with others (Tjaden and Thoennes 50). This may happen in other disciplines or types of classes where the students self-identify as someone who has experienced the topic at hand. For example, a psychology, biology, or medical student previously diagnosed as bipolar may be ashamed or embarrassed by a conversation about human biochemistry, mental disorders, medications, or therapeutic techniques. Second, many of the teaching materials used by instructors are inherently emotive. Instructors often choose to incorporate materials such as personal narratives or movies that include dramatizations of incidents in an attempt to generate interest and stimulate discussion. These materials may overlap across disciplines. For example, a film about radiation sickness after the bombing of Hiroshima could be used in classes ranging from a "chemistry in context" course to a twentieth century history course to an international relations course. Similarly, material from the murder of Amish schoolgirls or the shootings at Virginia Tech could be used in sociology, women's studies, psychology, or anthropology courses. Unsurprisingly, these materials evoke a wide range of responses from students—including shock, disbelief, anger, tears, and/or depression—that can even compel some students to physically leave the classroom. Finally, the dynamics of the classroom environment itself can exacerbate responses to the course material. Students come from a wide range of backgrounds and experiences, and most do not know each other. This can create problems when discussing emotionally charged subjects. For example, discussions about domestic violence are often difficult to negotiate in the classroom, as domestic violence intersects with deeply held beliefs about gender, sexuality, family, and religion. Even to come up with a definition of what actions can be considered "domestic violence" can quickly reveal schisms within the classroom as to the rights and responsibilities accorded to various members of the family unit. Discussions within the classroom linking inequalities in the social structure with oppression often include stereotypical images of both the marginalized and the privileged and rely on cognitive schemas to explain and justify these social roles as well as to proscribe and prescribe behavior. These stereotypical images and norms for behavior are quite limiting and rarely reflect lived experience. Students may feel they have been victimized, but if they feel that their experiences, behaviors, or emotions do not fit into stereotypical images of victimization, they may question whether their claims of victimization are legitimate. Similarly, disjunctures exist between popularized images of oppressors and students who relate stories that reveal their exploitation of others. After these types of lectures and classroom discussions, students who have a personal connection with these issues will often contact professors. Students may reach out because they believe their instructor to be an "expert" on the topic, because the issue is no longer taboo (since it was discussed in class), and/or because they perceive that the instructor will not be judgmental. This may be done in a number of different ways—through a phone call, an email after class, a note written on a quiz or in-class assignment, a post on a class listserve, a meeting during office hours, or a simple after-class conversation. [End Page 104] It can take different forms—a confessional statement that the student has experienced these issues in the past, an offer to share personal experiences with others, a query for help for the student or a "friend," or an expression of frustration about how the topic has been framed in class or in society. After a lecture on the impacts of the drug Rohypnol (an illegal but commonly used "date rape" drug) on human physiology, a student in Alesha's Women in Contemporary Society course told her, "last semester I would have been bored by this stuff, like a lot of the other students during lecture today, but I wish they would pay attention, because these things really do happen—it happened to me last week at a party." As social scientists, these dynamics intrigued us; as instructors, we recognized that the problems that have arisen during our classes were not solely our students' problems. Rather, it was our responsibility to create a non-oppressive classroom. When we discussed these issues with other instructors, we realized that these types of reactions were quite common, even across disciplines. An instructor teaching a Science and Society course commented, "even though my lectures don't normally elicit these kinds of things, I had a student write a note to me the other day on their in-class assignment, telling me about their 'friend's problem.'"

# 2NC

### Nietzsche

And, embracing the tension of being marginalized, the tension and suffering of marginalization are prerequisites to greatness

HIGGINS '06

(Kathleen Marie, professor of philosophy at UT-Austin, CRITICAL AFFINITIES: NIETZSCHE AND AFRICAN-AMERICAN THOUGHT, p. 67)

While this conflict itself may be unavoidable, Nietzsche urges the individual tormented in this way to resist the temptation to use this as a basis for self-flagellation. Zarathustra proclaims, "I say unto you: One must still have chaos in oneself to be able to give birth to a dancing star" (Z P 5). He cautions against too much caution, and he indicates that the solution to this inner tension is self-transformation along the lines that DuBois also suggests. But the worst enemy you can encounter will always be you, yourself; you lie in wait for yourself in caves and woods. Lonely, you are going the way to yourself. And your way leads past yourself and your seven devils. You must wish to consume yourself in your own flame: how could you wish to become new unless you had first become ashes! (Z: 1 "The Creator") Instead of viewing tension as a sign that one is doing something wrong, those suffering from marginalization and the inner strife that it occasions should reassess their situation, Nietzsche contends. As he comments in Beyond Good and Evil, "The great epochs of our life come when we gain the courage to rechristen our evil as what is best in us" (BGE 116). Instead of viewing oneself as deficient for not fitting in, one can view oneself as occupying a particularly valuable role. One might see oneself as a pioneer, an adventurer, or a legislator of new values. The last of these is particularly relevant to African Americans who seek a transformation of society's values. Seeing oneself in this manner, one is in a position to heal the self-doubt that typically arises in those who are exceptions to the communal norm. Nietzsche points out that the innovator is necessarily marginalized. Thus one's sense of being outside the mainstream, even of being cast outside it, may be an unavoidable feature of being a cultural pioneer. One also can attempt to interpret one's own position as central to the unfolding development of humanity, even if this centrality is not recognized by those comfortable with their positions within the status quo. Nietzsche argues that each individual's perceptions are limited by virtue of being perspectival but are simultaneously real contributions to human understanding for exactly the same reason. This suggests that individual and minority outlooks represent an enhancement to society generally, the more so because they are not viewpoints taken for granted by the majority. Marginalization, on this view, is a precondition for assuming a particularly significant cultural role.

The ability to overcome suffering can give us brutal satisfaction – alternative action results in a distrust and hate of life.

Cioran 34 (E.M, Romanian Philosopher, Prof of Philosophy at Andrei Saguna, 1934, On the Heights of Despair, p. 6-7, AD: 7/7/09) jl

Among the many forms of the grotesque, I find the one whose roots are steeped in despair more unusual and complex. The other forms have less intensity. It is important to note that the grotesque is inconceivable without intensity of feeling. And what intensity is deeper and more organic than despair? The grotesque appears only in very negative states, when great anxiety arises from a lack of life; the grotesque is exaltation in negativity. there is a mad launch toward negativity in that bestial, agonizing grimace when the shape and lines of the face are contorted into strangely expressive forms, when the look in one's eyes changes with distant light and shadow, and one's thoughts follow the curve of similar distortions. Truly intense and irrevocable despair cannot be objectified except in grotesque expressions, because the grotesque is the absolute negation of serenity, that state of purity, transparence, and lucidity so different from the chaos and nothingness of despair. Have you ever had the brutal and amazing satisfaction of looking at yourself in the mirror after countless sleepless nights? Have you suffered the torment of insomnia, when you count the minutes for nights on end, when you feel alone in this world, when your drama seems to be the most important in history and history ceases to have meaning, ceases to exist? When the most terrifying flames grow in you and your existence appears unique and isolated in a world made only for the consummation of your agony? You must have felt those moments, as countless and infinite as suffering, in order to have a clear picture of the grotesque when you look at yourself in the mirror. It is a picture of total strain, a tense grimace to which is added the demonically seductive pallor of a man who has struggled along horrible, dark precipices. Isn’t this grotesque expression of despair similar to a precipice? It has something of the abysmal maelstrom of great depths, the seduction of the all-encompassing infinite to which we bow as we bow to fatality. How good it would be if one could die by throwing oneself into an infinite void! The complexity of the grotesque born out of despair resides in its capacity to indicate an inner infinity and to produce a paroxysm of the highest tension. How could this intense agony manifest itself in pleasant linear curves and formal purity? The grotesque essentially negates the classic, as well as any idea of style, harmony, and perfection. It is evident to anyone who understands the multiple forms of inner drama that the grotesque hides secret tragedies, indirectly expressed. Whoever has seen his face grotesquely disfigured can never forget it, because he will always be afraid of himself. Despair is followed by painful anxiety. What else does the grotesque do if it does not actualize fear and anxiety?

The morality of the affirmative depends on an external enemy to call itself good in opposition to itself – this means the affirmatives harms will always exist as they require them for their moral project turning the case

Newman 0 (Saul, Senior Lecturer in Politics @ U of London, “Anarchism and the Politics of Ressentiment,” Theory & Event - Volume 4, Issue 3, Muse, AD: 7/8/09) jl

Slave morality is characterized by the attitude of ressentiment -- the resentment and hatred of the powerless for the powerful. Nietzsche sees ressentiment as an entirely negative sentiment -- the attitude of denying what is life-affirming, saying 'no' to what is different, what is 'outside' or 'other'. Ressentiment is characterized by an orientation to the outside, rather than the focus of noble morality, which is on the self.[[7]](http://muse.jhu.edu.ts.isil.westga.edu/journals/theory_and_event/v004/4.3newman.html%22%20%5Cl%20%22fn7) While the master says 'I am good' and adds as an afterthought, 'therefore he is bad'; the slave says the opposite -- 'He (the master) is bad, therefore I am good'. Thus the invention of values comes from a comparison or opposition to that which is outside, other, different. Nietzsche says: "... in order to come about, slave morality first has to have an opposing, external world, it needs, psychologically speaking, external stimuli in order to act all, -- its action is basically a reaction."[[8]](http://muse.jhu.edu.ts.isil.westga.edu/journals/theory_and_event/v004/4.3newman.html%22%20%5Cl%20%22fn8) This reactive stance, this inability to define anything except in opposition to something else, is the attitude of ressentiment. It is the reactive stance of the weak who define themselves in opposition to the strong. The weak need the existence of this external enemy to identify themselves as 'good'. Thus the slave takes 'imaginary revenge' upon the master, as he cannot act without the existence of the master to oppose. The man of ressentiment hates the noble with an intense spite, a deep-seated, seething hatred and jealousy. It is this ressentiment, according to Nietzsche, that has poisoned the modern consciousness, and finds its expression in ideas of equality and democracy, and in radical political philosophies, like anarchism, that advocate it.

# 1NR

## Impact

#### Criticism outweighs and turns the case

#### The aff’s strategy of speaking out places its participants in the realm of visibility and networks of power. This exposes them to agents of domination that establish new forms of oppression thought judgment. Speaking out is a form of confession that allows the listener to make determinations about the authenticity of the speaking subject, those who are viewed as truthful are seen as legitimate, while those whose performance is rejected are subject to marginalization.

#### (\_\_\_\_) This form of disciplinary power turns the aff—confession becomes justification for torture and violence

Foucault 1978, (Michel, Former director @ the Institut Francais at Hamburg. The History of Sexuality Volume I. 1978. pgs 59-67)

In any case, next to the testing rituals, next to the testi­mony of witnesses, and the learned methods of observation and demonstration, the confession became one of the West’s most highly valued techniques for producing truth. We have since become a singularly confessing society. The confession has spread its effects far and wide. It plays a part in justice, medicine, education, family relationships, and love relations, in the most ordinary affairs of everyday life, and in the most solemn rites; one confesses one’s crimes, one’s sins, one’s thoughts and desires, one’s illnesses and troubles; one goes about telling, ~with the greatest precision, whatever is most difficult to tell. One confesses in public and in private, to one’s parents, one’s educators, one’s doctor, to those one loves; one admits to oneself, in pleasure and in pain, things it would be impossible to tell to anyone else, the things people write books about. One confesses—or is forced to confess. When it is not spontaneous or dictated by some internal imperative, the confession is wrung from a person by vio­lence or threat; it is driven from its hiding place in the soul, or extracted from the body. Since the Middle Ages, torture has accompanied it like a shadow, and supported it when it could go no further: the dark twins.2 The most defenseless tenderness and the bloodiest of powers have a similar need of confession. Western man has become a confessing animal. Whence a metamorphosis in literature: we have passed from a pleasure to be recounted and heard, centering on the heroic or marvelous narration of “trials” of bravery or saint­hood, to a literature ordered according to the infinite task of extracting from the depths of oneself, in between the words, a truth which the very form of the confession holds out like a shimmering mirage. Whence too this new way of philo­sophizing: seeking the fundamental relation to the true, not simply in oneself—in some forgotten knowledge, or in a certain primal trace—but in the self-examination that yields, through a multitude of fleeting impressions, the basic certainties of consciousness. The obligation to confess is now relayed through so many different points, is so deeply ingrained in us, that we no longer perceive it as the effect of a power that constrains us; on the contrary, it seems to us that truth, lodged in our most secret nature, “demands” only to surface; that if it fails to do so, this is because a constrain holds it in place, the violence of a power weighs it down, an it can finally be articulated only at the price of a kind c liberation. Confession frees, but power reduces one to silence; truth does not belong to the order of power, but share an original affinity with freedom: traditional themes in philosophy, which a “political history of truth” would have to overturn by showing that truth is not by nature free—nor error servile—but that its production is thoroughly imbue with relations of power. The confession is an example of this.

#### The impact turns the case—

#### (\_\_\_\_) Power relations-Our Foucault 78 confessional discourse reifies power relationships through a speaker that passive victim who must confess their experience to a judge that must determine that experience is legitimate- this denies the speaker of any political agency and reaffirms the patriarchal norm of the submissive feminine in the face of the dominant masculine

#### (\_\_\_\_) Exclusion- The aff’s demand for a starting point of speaking out excludes other political forms of action—this makes their solidarity hollow and dangerous. This marginalization turns their project into the message of “Speak out” or else you’re a weak subject whose experience will never be proven true- that’s Ruffino

#### (\_\_\_\_) Objectification—the aff’s forces women to put their bodies on display through their discursive performances, this reifies the same types of objectification that cause sexual violence in the first place—turns case

(\_\_\_\_) Impact—turns case, causes people have been raped to turn into a discursive spectacle

Ruffino, 2007

[Annamaria, MA Thesis @ LSU Dept of Comm. Studies, “UNCOMFORTABLE PERFORMANCES: DISCOVERING A SUBVERSIVE SCENARIO FOR RAPE DISCOURSE.” Online, <http://etd.lsu.edu/docs/available/etd-04042007-131147/unrestricted/THESIS.pdf>] /Wyo-MB

Judith Butler, in Gender Trouble, also articulates this point: “discourse becomes oppressive when it requires the speaking subject, in order to speak, participate in the very terms of that oppression” (147). Here the speaking subject (the rape survivor) must speak in a confessional mode of discourse that puts her experience and body on display. Bridget Kelly’s story then becomes a spectacle to be consumed by the television audience of America, instead of a subject speaking for political change.

#### The 1AC becomes an act that gives them the community a pleasure of entertainment. This is highly problematic. We need a method in which we can still expose the violences within our community without necessitating an act that leads to nothing but a fetisization of a 1AC and women’s bodies.

## Links

#### The affirmative does not prevent individuals from speaking out, we think that those who feel empowered by speaking out like Matea and Kendra should be allowed to do so, but we should not start from a position that speaking out needs to be necessitated or is the only way to solve the impacts of the 1AC or should be tied to a ballot because it leads to all of the impacts that I explained above.

#### The 1AC and glorification of confession leads to

#### (\_\_\_) Speak-Or Else: The affirmative locks women into a binary of choosing to relive their traumatic experience or existing in shameful silence due to a lack of will or an endorsement of their victimization. Ruffino. Their strategy equates silence with weakness that turns case, and excludes many other forms of resistance.

.Your berlant evidence states that Speaking as private subjects about sexual activities that transpired within the¶ politically charged spaces of everyday life, turns "incidents" of sexuality into opportunities for¶ reconstructing what counts as national data

By claiming that only speaking out results in opportunities is highly problematic and forcloses the ability for those to put their story on display to promote change, but don’t want their bodies to be on display to be fetishized. They tie winning to

#### (\_\_\_\_)Visibility: Politics of speaking out places the Women’s body on display through her performance. This objectifies women, turning them into an object to be fetishized through voyeurism—turns case, that’s Ruffino

#### (\_\_\_\_) Power: Confessional discourse locks women into a power relationship in which a woman must appeal to an authority figure to validate/legitimize the absolution of the violence committed against her. This is particularly true in a debate context because it transforms a critic of who did the best debating in this round into a judge who disciplines our bodies for correct or incorrect performances- That’s Ruffino.

Their Levitt evidence just says that failure to acknowledge victimization is bad, this clearly isn’t us. We put victimization on display, just without putting bodies on display.

## AT: Perm

#### 1st, still links—extend link arguments here. Any world with the aff links to our fetishization and turns the K.

#### 2nd, Can’t sovle—question of starting points for political strategy—they begin from a point of speaking out and visibility politics that destroy the subversive tactics of the alt. The clotheslines project is meant to protect women from having to put their bodies on the line

#### 3rd, begs the question, if we win the alt solves all of the aff. Than there is no need for a perm. Risk of a link is a reason to reject it.

#### 4th, They don’t get a permutation. This is a debate about political strategies to challenge masculine oppression, they don’t get to change or abandon their strategy after the 1AC because it severs out of they original justifications making the aff unintelligible, this is a voter for fairness and education. This encourages a disinterested notion of politics and debate that fails to create activism

#### They say testimonies are key but-

#### The affirmatives narratives of rape and oppression get passed around the community via the ballot, like a commodity. This spectacle of entertainment turns women’s bodies into an object—they don’t get a permutation and this turns case

Ruffino, 2007

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When we begin considering the move into a society of performance, we can also see this move take us into the realm of spectacle, and here we may look to Guy Debord. In Society of the Spectacle, Debord notes, “the spectacle is the chief product of present-day society” (18). We can look at how this spectacle plays upon survivor speech. When considering a woman self- representing via survivor discourse, whether on television, in a book, or magazine article, we have to begin to take theories of commodity and spectacle into consideration, especially considering the negative potentialities of visibility politics outlined by Phelan. Mediated images of women engaging in confessional survivor discourse have turned into a spectacular commodity. By exposing the gory details of rape via confession, the woman’s body becomes fetishized. The horror of the event become entertainment: “who can tell the most horrific rape story?” The result is mere spectacle. As Alcoff and Gray note, “the survivor speech becomes a media commodity that has a use value based on its sensationalism” (279). Rape discourse and representations of rape, including fictional representations, have become a highly profitable marketing ploy for our entertainment. In an Entertainment Weekly article entitled “Femmes Fatal: Graphic Violence Against Women is Fall TV’s Most Disturbing Trend,” Jennifer Armstrong took the fall 2005 season to task regarding the various portrayals of women being sexually assaulted. Many pilot shows portrayed women in various bondage scenarios wherein they were sexually assaulted or otherwise terrorized and tortured on primetime network television. This columnist pointed out that this imagery on primetime television suggests that this sort of criminal behavior worked on women’s bodies has become normal viewing. Not only was Armstrong interested in interrogating these images, but she also noted that the majority of primetime viewers are women. She questioned the producers of these television shows by asking if violence against women is what they think women want to see. But according to Armstrong, we have become accustomed to seeing these images. She concludes her article with the idea that our society is so used to seeing women portrayed as targets of violence that we do not even question the images.

#### Confessional discourse and the implied guilt embedded within them re-create oppressive power relationships and social control that turn case

Ruffino, 2007

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Many survivor stories told in popular magazines change the name of the woman, for her privacy and protection, reminiscent of the privacy screen in Catholic confessionals and the widespread practice of withholding the rape survivor’s name in the media.1 And occasionally, these articles are not written by the survivors themselves, but are based on interviews. Through this veil of confession, rape survivors are given an questionable contradiction: the women featured in many of these articles felt compelled to tell their stories, but felt shame enough to confess under pseudonyms. These stories protect women’s identities while at the same time subtlety question their innocence. Here, one must confess guilt privately, but for an audience, creating a contradictory performance that tells the story of implied guilt. We can see that this type of discourse suggests that a woman should feel some guilt until she speaks out about her trauma, which only normalizes the act of speaking out. As Rey Chow demonstrates: when women and minorities think that, by representing themselves, they are liberating themselves from the powers that subordinate them, they may actually be allowing such postures to work in the most effective way – from within their hearts and souls, in the form of voluntary, intimate confessions. (46) Judith Butler, in Gender Trouble, also articulates this point: “discourse becomes oppressive when it requires the speaking subject, in order to speak, participate in the very terms of that oppression” (147). Here the speaking subject (the rape survivor) must speak in a confessional mode of discourse that puts her experience and body on display.

#### The aff is a politics of recuperation that destroys the emancipatory potential of feminist resistance—the criticism of the alternative is key

Ruffino, 2007

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These two commercials attempted a minor performance that contains subversive potential. However, the commercials are both recuperated into dominant discourses; the TAASA commercial via spectacle and the LAFSA commercial via dismissal. What the Bridget Kelly commercial and the subsequent news reports tell us is that the personal can be used to counteract the political, via spectacle. Focusing solely on individual stories of victimization keeps rape survivor discourse in the realm of the normative, upholding the hegemonic constructions that portray women as passive victims and men as active aggressors. “As a result, the dominant discourse has shifted its emphasis from strategies of silencing to the development of strategies of recuperation” (Alcoff and Gray 268). The Charmaine Neville commercial while not co-opted into the realm of spectacle like the Bridget Kelly commercial, was recuperated by the questions of her validity and truthfulness. She is an African American woman whose story takes place during a crisis, and her experience is met with skepticism. Yet, she speaks out publicly despite the dominant discourses construction of her as mad or untruthful. The recuperation of these two women’s experiences shows how the dominant discourses work tacitly to “channel [survivor speech] into nonthreatening outlets” (Alcoff and Gray 268). One is compelled to recount her story by means of confession and spectacle; the other is marginalized as mad. Instead of recuperating patriarchal discourse, we need to focus our energies toward problematizing representation itself and work toward a political subversion of such representations, in order to generate modes of resistance.

## Line by line

#### Making debate a “safe space” for people to express their identity presumes that space CAN be made “safe”- all people are implicate in heteropatriarchy, white supremacy, settler colonialism, and capitalism in SOME way means their impact is inevitable and they mask their participation in oppression

Smith 2013

[Andrea Smith, 2013, The Problem with “Privilege”, <http://andrea366.wordpress.com/2013/08/14/the-problem-with-privilege-by-andrea-smith/>, uwyo//amp]

This kind of politics then challenges the notions of “safe space” often prevalent in many activist circles in the United States. The concept of safe space flows naturally from the logics of privilege. That is, once we have confessed our gender/race/settler/class privileges, we can then create a safe space where others will not be negatively impacted by these privileges. Of course because we have not dismantled heteropatriarchy, white supremacy, settler colonialism or capitalism, these confessed privileges never actually disappear in “safe spaces.” Consequently, when a person is found guilty of his/her privilege in these spaces, s/he is accused of making the space “unsafe.” This rhetorical strategy presumes that only certain privileged subjects can make the space “unsafe” as if everyone isn’t implicated in heteropatriarchy, white supremacy, settler colonialism and capitalism. Our focus is shifted from the larger systems that make the entire world unsafe, to interpersonal conduct. In addition, the accusation of “unsafe” is also levied against people of color who express anger about racism, only to find themselves accused of making the space “unsafe” because of their raised voices. The problem with safe space is the presumption that a safe space is even possible.¶ By contrast, instead of thinking of safe spaces as a refuge from colonialism, patriarchy, and white supremacy, Ruthie Gilmore suggests that safe space is not an escape from the real, but a place to practice the real we want to bring into being. “Making power” models follow this suggestion in that they do not purport to be free of oppression, only that they are trying to create the world they would like to live in now. To give one smaller example, when Incite! Women of Color Against Violence, organized, we questioned the assumption that “women of color” space is a safe space. In fact, participants began to articulate that women of color space may in fact be a very dangerous space. We realized that we could not assume alliances with each other, but we would actually have to create these alliances. One strategy that was helpful was rather than presume that we were acting “non-oppressively,” we built a structure that would presume that we were complicit in the structures of white supremacy/settler colonialism/heteropatriarchy etc. We then structured this presumption into our organizing by creating spaces where we would educate ourselves on issues in which our politics and praxis were particularly problematic. The issues we have covered include: disability, anti-Black racism, settler colonialism, Zionism and anti-Arab racism, transphobia, and many others. However, in this space, while we did not ignore our individual complicity in oppression, we developed action plans for how we would collectively try to transform our politics and praxis. Thus, this space did not create the dynamic of the confessor and the hearer of the confession. Instead, we presumed we are all implicated in these structures of oppression and that we would need to work together to undo them. Consequently, in my experience, this kind of space facilitated our ability to integrate personal and social transformation because no one had to anxiously worry about whether they were going to be targeted as a bad person with undue privilege who would need to publicly confess. The space became one that was based on principles of loving rather than punitive accountability.