## 1

#### Undisclosed new affirmatives are bad—they promote argumentative disengagement, destroy negative ground and turns the aff into an echo chamber.

#### You should disclose your 1ac prior to the debate. That solves all of their offense, allows for clash, and still allows for the flexibility of new research but avoids our offense.

#### It proves they’re arguing in bad faith and that they’ve strategically deployed identity arguments for the ballot which is the worst form of cultural commodification

#### An open model creates the best politics and argumentsat

Torvalds and Diamond ‘1

[Linus (Creator of Linux) and David (freelance contributor to the New York Times and Business Week); “Why Open Source Makes Sense”; Educause Review; November/December; p. 71-2 //nick]

It's the best illustration of the limitless benefits to be derived from the open source philosophy. While the PC wasn't developed using the open source model, it is an example of a technology that was opened for any person or company to clone and improve and sell. In its purest form, the open source model allows anyone to participate in a project's development or commercial exploitation. Linux is obviously the most successful example. What started out in my messy Helsinki bedroom has grown to become the largest collaborative project in the history of the world. It began as an ideology shared by software developers who believed that computer source code should be shared freely, with the General Public License - the anticopyright - as the movement's powerful tool. It evolved to become a method for the continuous development of the best technology. And it evolved further to accept widespread market acceptance, as seen in the snowballing adoption of Linux as an operating system for web servers, and in its unexpectedly generous IPOs. What was inspired by ideology has proved itself as technology and is working in the marketplace. Now open source expanding beyond the technical and business domains. At Harvard University Law School, professors Larry Lessig (who is now at Stanford) and Charles Nesson have brought the open source model to law. They started the Open Law Project, which relies on volunteer lawyers and law students posting opinions and research on the project's Web site to help develop arguments and briefs challenging the United States Copyright Extension Act. The theory is that the strongest arguments will be developed when the largest number of legal minds are working on a project, and as a mountain of information is generated through postings and repostings. The site nicely sums up the trade off from the traditional approach: "**What we lose in secrecy, we expect to regain in depth of sources and breadth of argument."** (Put in another context: With a million eyes, all software bugs will vanish.) It's a wrinkle on how academic research has been conducted for years, but one that makes sense on a number of fronts. Think of how this approach could speed up the development of cures for diseases, for example. Or how, with the best minds on the task, international diplomacy could be strengthened. As the world becomes smaller, as the pace of life and business intensifies, and as the technology and information become available, people realise the tight-fisted approach is becoming increasingly outmoded. The theory behind open source is simple. In the case of an operating system - is free. Anyone can improve it, change it, exploit it. But those improvements, changes and exploitations have to be made freely available. Think Zen. The project belongs to no one and everyone. When a project is opened up, there is rapid and continual improvement. With teams of contributors working in parallel, the results can happen far more speedily and successfully than if the work were being conducted behind closed doors. That's what we experienced with Linux. Imagine: Instead of a tiny cloistered development team working in secret, you have a monster on your side. Potentially millions of the brightest minds are contributing to the project, and are supported by a peer-review process that has no, er, peer.

The first time people hear about the open source approach, it sounds ludicrous. That's why it has taken years for the message of its virtues to sink in. Ideology isn't what has sold the open source model. It started gaining attention when it was obvious that open source was the best method of developing and improving the highest quality technology. And now it is winning in the marketplace, an accomplishment has brought open source its greatest acceptance. Companies were able to be created around numerous value-added services, or to use open source as a way of making a technology popular. When the money rolls in, people get convinced. One of the least understood pieces of the open source puzzle is how so many good programmers would deign to work for absolutely no money. A word about motivation is in order. In a society where survival is more or less assured, money is not the greatest of motivators. It's been well established that folks do their best work when they are driven by a passion. When they are having fun. This is as true for playwrights and sculptors and entrepreneurs as it is for software engineers. The open source model gives people the opportunity to live their passion. To have fun and to work with the world's best programmers, not the few who happen to be employed by their company. Open source developers strive to earn the esteem of their peers. That's got to be highly motivating.

## 3

#### The United States federal government should lift the Cuban Embargo 12 inches.

## 2

#### Starting politics from the standpoint of an excluded identity-group is a vengeful politics of resentment—it can only position itself reactively against a universal like whiteness, inevitably re-instantiating the terms of oppression.

Bhambra ‘10

Gurminder K Bhambra, University of Warwick, and Victoria Margree, University of Brighton, “Identity Politics and the Need for a ‘Tomorrow,” academia.edu

2 The Reification of Identity

We wish to turn now to a related problem within identity politics that can be best described as the problem of the reification of politicised identities. Brown (1995) positions herself within the debate about identity politics by seeking to elaborate on “the wounded character of politicised identity’s desire” (ibid: 55); that is, the problem of “wounded attachments” whereby a claim to identity becomes over-invested in its own historical suffering and perpetuates its injury through its refusal to give up its identity claim. Brown’s argument is that where politicised identity is founded upon an experience of exclusion, for example, **exclusion** itself **becomes perversely valorised** in the continuance of that identity. In such cases, group activity operates to **maintain and reproduce** the identity created by injury (exclusion) **rather than** – and indeed, often in opposition to – **resolving the injurious** **social relations** **that generated claims around that identity in the first place**. If things have to have a history in order to have a future, then the problem becomes that of how history is constructed in order to make the future. To the extent that, for Brown, identity is associated primarily with (historical) injury, the future for that identity is then **already determined by the injury “as both bound to the history that produced it and as a reproach to the present which embodies that history**” (ibid 1995: 73). Brown’s suggestion that as it is not possible to undo the past, the focus backwards entraps the identity in reactionary practices, is, we believe, too stark and we will pursue this later in the article. Politicised identity, Brown maintains, “emerges and obtains its unifying coherence through the politicisation of exclusion from an ostensible universal, as a protest against exclusion” (ibid: 65). Its continuing existence **requires** both **a belief in** the **legitimacy of the universal ideal** (for example, ideals of opportunity, and reward in proportion to effort) and enduring exclusion from those ideals. Brown draws upon Nietzsche in arguing that such identities, produced in **reaction** to conditions of disempowerment and inequality, then **become invested in their own impotence through practices of**, for example, **reproach, complaint, and revenge**. These are “reactions” in the Nietzschean sense since they are s ubstitutes for actions or can be seen as negative forms of action. Rather than acting to remove the cause(s) of suffering, that suffering is instead ameliorated (to some extent) through “the **establishment of suffering** as the measure of social virtue” (ibid 1995: 70), and is compensated for by the **vengeful pleasures of recrimination**. Such practices, she argues, stand in sharp distinction to – in fact, provide obstacles to – **practices that would seek to dispel the conditions of exclusion.** Brown casts the dilemma discussed above in terms of a choice between past and future, and adapting Nietzsche, exhorts the adoption of a (collective) will that would become **the “redeemer of history”** (ibid: 72) through its focus on the possibilities of creating different futures. As Brown reads Nietzsche, the one thing that the will cannot exert its power over is the past, the “it was”. Confronted with its impotence with respect to the events of the past, the will is threatened with becoming simply **an “angry spectator”** mired in bitter recognition of its own helplessness. The one hope for the will is that it may, instead, achieve a kind of mastery over that past such that, although “what has happened” cannot be altered, the past can be denied **the power** of continuing to determine the present and future. It is only this **focus on the future**, Brown continues, and the capacity to make a future in the face of human frailties and injustices that **spares us** **from** a rancorous **decline into despair**. Identity politics structured by ressentiment – that is, by suffering caused by past events – can **only** break out of the cycle of “slave morality” by remaking the present **against the terms of the past**, a remaking that requires a “forgetting” of that past. An act of liberation, of self-affi rmation, this “forgetting of the past” requires an “overcoming” of the past that offers identity in relationship to suffering, in favour of a future in which identity is to be defi ned differently. In arguing thus, Brown’s work becomes aligned with a position that sees the way forward for emancipatory politics as residing in a movement away from a “politics of memory” (Kilby 2002: 203) that is committed to articulating past injustices and suffering. While we agree that investment in identities premised upon suffering can function as an obstacle to alleviating the causes of that suffering, we believe that Brown’s argument as outlined is problematic. First, following Kilby (2002), we share a concern about any turn to the future that is fi gured as a complete abandonment of the past. This is because for those who have suffered oppression and exclusion, the injunction to give up articulating a pain that is still felt may seem cruel and impossible to meet. We would argue instead that the “turn to the future” that theorists such as Brown and Grosz call for, to revitalise feminism and other emancipatory politics, need not be conceived of as a brute rejection of the past. Indeed, Brown herself recognises the problems involved here, stating that [since] erased histories and historical invisibility are themselves such integral elements of the pain inscribed in most subjugated identities [then] the counsel of forgetting, at least in its unreconstructed Nietzschean form, seems inappropriate if not cruel (1995: 74). She implies, in fact, that the demand exerted by those in pain may be no more than the demand to exorcise that pain through recognition: “all that such pain may long for – more than revenge – is the chance to be heard into a certain release, recognised into self-overcoming, incited into possibilities for triumphing over, and hence, losing itself” (1995: 74-75). Brown wishes to establish the political importance of remembering “painful” historical events but **with a crucial caveat**: that the purpose of remembering pain is to enable its release. The challenge then, according to her, is to create a political culture in which this project does not mutate into one of **remembering pain for its own sake**. Indeed, if Brown feels that this may be “a pass where we ought to part with Nietzsche” (1995: 74), then Freud may be a more suitable companion. Since his early work with Breuer, Freud’s writings have suggested the (only apparent) paradox that remembering is often a condition of forgetting. The hysterical patient, who is doomed to repeat in symptoms and compulsive actions a past she cannot adequately recall, is helped to remember that traumatic past in order then to move beyond it: she must remember in order to forget and to forget in order to be able to live in the present.7 This model seems to us to be particularly helpful for the dilemma articulated by both Brown (1995) and Kilby (2002), i nsisting as it does that “forgetting” (at least, loosening the hold of the past, in order to enable the future) cannot be achieved without first remembering the traumatic past. Indeed, this would seem to be similar to the message of Beloved, whose central motif of haunting (is the adult woman, “Beloved”, Sethe’s murdered child returned in spectral form?) dramatises the tendency of the unanalysed traumatic past to keep on returning, constraining, as it does so, the present to be like the past, and thereby, disallowing the possibility of a future different from that past. As Sarah Ahmed argues in her response to Brown, “in order to break the seal of the past, in order to move away from attachments that are hurtful, we must first bring them into the realm of political action” (2004: 33). We would add that the task of analysing the traumatic past, and thus opening up the possibility of political action, is unlikely to be achievable by individuals on their own, but that this, instead, **requires** **a “community” of participants** dedicated to the serious epistemic work of remembering and interpreting the objective social conditions that made up that past and continue in the present. The “pain” of historical injury is not simply an individual psychological issue, but stems from **objective social conditions which perpetuate**, for the most part, forms of **injustice and inequality into the present.**

#### Trading a narrative for the ballot commodifies identity—victory subverts the 1ac’s radical intentions by becoming an exemplar of culture under indictment.

Coughlin 95

Anne, associate Professor of Law, Vanderbilt Law School, 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 reactionary impulse is the condition of possibility for all violence—we must transcend exclusive identities and victimization.

Enns 12

Dianne, Professor of Philosophy at McMaster University, The Violence of Victimhood

These are responses to suffering that may at the same time prevent the conditions that lead to further suffering, opening **possibilities rather than burning bridges,** crossing over to the other, like the acrobat refusing to look at "the separation." These individuals and groups reject the worldview of the victim, literally or figuratively laying down their arms. This is not a passive refusal but an act of political will, ignited by the very pragmatic need for a bearable life. To lay down our arms means **to refuse the dictated terms of the fight**, **exit the ring**, **reject the means of defense provided**. While this appears to leave us powerless or defenseless—the other cheek turned in a display of utter passivity—it only does so if we haven't rejected the binary terms on which the power struggle is waged. **It is not the power of the sword that the victimized need**, **or the power of a moral authority** granted to the victim, but the power of political will—a power that can arise spontaneously out of shared vulnerability. It may be an act of civil disobedience, dissent, or the slow, patient work of changing attitudes—of "reviving the person inside the suit of armor"°7—in any case, the operative principle is a refusal to march blindly to the drummer's beat without reflection**, collective deliberation**, or judgment. This is the political work that we must never "neutralize": the cultivation of civil coexistence—**of communities** of fate—**that refuse violent solutions to conflict. To prevent the conditions that lead to war**—**and** the **normalization of** politics as **violence**—we need to elaborate alternatives that embrace neither consensus and unity as **Utopian peace nor dissensus and conflict** as violence. As Balibar puts it, we have to defend politics against "the twin enemies of extreme violence and consensus."00 Obedience could be worse than intolerance in situations of rising political unrest, and disobedience more important than reconciliation. In a discussion of what peoples of the former Yugoslavia need, for example, Boris Buden states unequivocally that it isn't truth commissions or reconciliation programs. The region has undergone a "depoliticization” that no truth of the past will eradicate. To repoliticize would mean to "invent a new form of political solidarity" that transcends their national, ethnic, and religious identities—a public life that includes political argument and contestation,43 not merely, as Buruma puts it, "the soothing rhetoric of healing.'"11 Disagreement, disobedience, conflict— these are indispensable ingredients in the practical work of politics and its necessary conditions. This claim does not contradict the demand to lay down one's arms. Conflict need not lead to violence. But to be vigilant against the incursion of a politics defined by the terms of war requires above all a vigilance against becoming immune to empathy and its effects. For Remarque's Paul Baumer, restoring his enemy to humanity occurs too late. We need to ward off the process of dehumanizing one's enemy before it begins. **We are already too late** **when identities are formed on the basis of** political **ideologies and** when **victims are granted an unquestioned moral authority**. To prevent the conditions of war, we must learn to see ourselves through the eyes of others.

#### Identity is only ever a confirmation of contingent relationships, not metaphysics. A politics that places a shared commitment to remedying injustice can avoid securitizing difference and reactionary politics that culminate in passivity.

Bhambra ‘10

Gurminder K Bhambra, University of Warwick, and Victoria Margree, University of Brighton, “Identity Politics and the Need for a ‘Tomorrow”

1 Exclusionary Politics

It is **inexcusable** to build analyses of historical experience around exclusions, exclusions that stipulate, for instance, that only women can understand feminine experience, only Jews can understand Jewish suffering, only formerly colonial subjects can understand colonial experience (Said 1993: 35). The idea of a politics underpinned by solidarities based on “sameness” has a long history in the critical tradition. Marx’s initial conceptualisation of the standpoint of the proletariat (albeit, significantly different from those of subsequent developments of standpoint epistemology) has been used by feminist theorists as well as those arguing for a post-colonial perspective in terms of the subaltern, and, more recently, for a dalit standpoint (Hartsock 1984, Guha 1983, Rege 1998, 2000). However, while using identity as the basis of political action has been seen to be powerful (and effective), it has also increasingly become seen as problematic. The exclusionary politics of movements such as **black** **power**, much **radical and lesbian feminism**, and latterly, movements for **ethnic purity** and/or religious integrity, for example, have yielded a deep concern with the programme of separation and isolationism that such movements are often seen to be based upon. For many critics, more troubling still has been the usually accompanying claim that only women can be feminists, or only black people can work against racism, or only dalits against caste oppression, and so on. A position which states that **only those who have experienced an injustice can understand and thus act effectively** up**on** **it** seems to rest upon an **essentialist theory of identity** which assumes that the possibility of knowledge about particular situations is restricted to one’s possession of the relevant (seemingly) irreducible traits (being female, black, dalit, and so forth). Arguably, one consequence of these separatist tendencies is that they perpetuate the individualist fallacy that oppressive social relationships can be reformed **by particular subjects** **without** the **broader** **agreement** of others who, together, constitute the **social relations** within which the injustices are embedded. But even where the limitations of a purely exclusionary form of identity politics are recognised, many theorists continue, nevertheless, to argue for a form of “strategic essentialism” (Fuss 1989, Spivak 2003) suggesting that where structures of inequality overlap with categories of identity, then a politics based on those identities is both liberatory and necessary (Bramen 2002). In our view, however, the claim for a “strategic essentialism” remains fraught with problems, for at least three reasons. First, it establishes an epistemological division between those who assert a particular identity in advancing political claims and the observer who is sympathetic to those claims but “recognises” the limitations of basing such claims on a putative identity.1 There is something highly problematic in claiming to support a political movement from the basis of being able to “see” something that the individuals constituting the movement do not see, and in then not engaging with them with regard to this. This sets the observer up in a privileged position vis-à-vis other members of the movement and thus makes solidarity difficult to achieve.2 Second, the claim for “strategic essentialism” posits solidarity, that is, collective identification around a particular standpoint, as a prerequisite for collective action to address perceived injustices. This is as against recognising that solidarities can also emerge through the actions taken to correct particular injustices and can include those who recognise the injustice as the reason for action while not directly being disadvantaged themselves. Third, the assertion of “strategic essentialism” generally occurs in the context of claiming justice through an appeal to the wider community but with no explanation as to why the wider community ought to honour this claim for justice, especially when it is often not deemed possible for them to constitute a part of the movement itself. There is a requirement of inclusivity then – in terms of demanding acceptance of the validity of the claims made – at the same time, as an assertion of its impossibility across what are posited as irreducible, essential traits (for a fuller discussion see Holmwood 1995). The arguments of this paper start out from a broad agreement that developing a politics from the basis of occupying a **particular social position** or having a **specific** (singular) **identity** is problematic for the reasons identified above, as well as for covertly legitimating – “absolving and forgiving”, in Said’s (1993: 35) words – the **ignorance of those whose understanding and actions are** necessary **for countering social injustices**. It has to be recognised that issues exist between people and are not in people: that is, problems of social injustice occur in the relationships through which subjectivities are produced and thus, all those implicated in those relationships are involved in their address. For example, sexism is not a problem for women to deal with alone, but is a problem situated in the contemporary relationships of **social and material inequalities** and requires mutual engagement for its address. This is an address which we consider is best served by the solidarities generated as a consequence of the activities around perceived injustices (that is, solidarities generated through the political movements of people working towards equality, justice) as opposed to those activities having to rely on **assumed preexisting solidarities** (that is, being female, gay, black, dalit, etc). This is **not** an argument for movements against specific injustices or inequalities to be subsumed within a wider (say, socialist) movement but, rather, an argument for movements to be **conceived** inclusively as movements where membership is not restricted to those presumed to suffer the injustice or inequality. As such, a question arises as to what would happen if the “identity” in “identity politics” were rethought along the lines of the solidarities that are generated around the address of injustices rather than the solidarity that is presumed to ensue from being the victim of an injustice. Defending “identity” against a variety of critiques from the academic left, Bramen (2002) asserts that identity can also be productive in its construction of moral and other communities. Our question, however, would be why such communities – sites of resistance and the discovery of political agency – need to be constructed around **essentialising rhetoric and restricted** (this is the implication) to those who suffer the injustice. Indeed, Bramen herself recognises that “identity politics certainly has its limitations, primarily in terms of prescribing modes of behaviour that pressure individuals to conform to certain standards of authenticity” (2002: 7-8). And this surely is a real problem; that essentialist rhetoric establishes belonging to a community, and thus identity, on the basis of presumed shared attributes or experiences that are imagined to be irreducible. As such, not only may the **community itself become oppressive** to those who do not share those attributes, or who wish to articulate experiences that differ from those expressed by the majority, but the community itself may be weakened in its resistance to **other forms of oppression** by the distraction of its **internal policing against difference.** We suggest that **alternative models of identity and community are required** from those put forward by essentialist theories, and that these are offered by the work of two theorists, Satya M ohanty and Lynn Hankinson Nelson. Mohanty’s ([1993] 2000) post-positivist, realist theorisation of identity suggests a way through the impasses of essentialism, while avoiding the excesses of the postmodernism that Bramen, among others, derides as a proposed alternative to identity politics. For Mohanty ([1993] 2000), identities must be understood as **theoretical constructions** that enable subjects to read the world in particular ways; as such, substantial claims about identity are, in fact, implicit explanations of the social world and its constitutive relations of power. Experience – that from which identity is usually thought to derive – **is not something that simply occurs**, or announces its meaning and signifi cance in a self-evident fashion: rather, experience is always a work of interpretation that is collectively produced (Scott 1991). Mohanty’s work resonates with that of Nelson (1993), who similarly insists upon the communal nature of meaning or knowledge-making. Rejecting both foundationalist views of knowledge and the postmodern alternative which announces the “death of the subject” and the impossibility of epistemology, Nelson argues instead that, it is not individuals who are the agents of epistemology, but **communities**. Since it is not possible for an individual to know something that another individual could not also (possibly) know, it must be that the ability to make sense of the world proceeds from shared conceptual frameworks and practices. Thus, it is the community that is the generator and repository of knowledge. Bringing Mohanty’s work on identity as theoretical construction together with Nelson’s work on epistemological communities therefore suggests that, “identity” is one of the knowledges that is produced and enabled for and by individuals in the context of the communities within which they exist. The post-positivist reformulation of “experience” is necessary here as it privileges understandings that emerge through the processing of experience in the context of **negotiated premises** about the world, over experience itself producing self-evident knowledge (self-evident, however, only to the one who has “had” the experience). This distinction is crucial for, if it is not the experience of, for example, sexual discrimination that “makes” one a feminist, but rather, the paradigm through which one attempts to **understand acts of sexual discrimination**, then it is not necessary to have actually had the experience oneself in order **to make the identification “feminist”**. If being a “feminist” is not a given fact of a particular social (and/or biological) location – that is, being designated “female” – but is, in Mohanty’s terms, an “achievement” – that is, something worked towards through a process of analysis and interpretation – then two implications follow. First, that not all women are feminists. Second, that feminism is something that is “achievable” by men.3 While it is accepted that experiences are not merely theoretical or conceptual constructs which can be transferred from one person to another with transparency, we think that there is something **politically self-defeating** about insisting that one can only understand an experience (or then comment upon it) if one has actually had the experience oneself. As Rege (1998) argues, to privilege knowledge claims on the basis of direct experience, or then on claims of authenticity, can lead to a **narrow identity politics** that **limits** the **emancipatory potential** of the movements or organisations making such claims. Further, if it is not possible to understand an experience one has not had, then **what point is there in listening to each other?** Following Said, such a view seems to authorise privileged groups to **ignore** the **discourses of disadvantaged ones, or,** we would add, to **place exclusive responsibility for addressing injustice with the oppressed themselves**. Indeed, as Rege suggests, reluctance to speak about the experience of others has led to an assumption on the part of some white feminists that “confronting racism is the sole responsibility of black feminists”, just as today “issues of caste become the sole responsibility of the dalit women’s organisations” (Rege 1998). Her argument for a dalit feminist standpoint, then, is not made in terms solely of the experiences of dalit women, but rather a call for others to “educate themselves about the histories, the preferred social relations and utopias and the struggles of the marginalised” (Rege 1998). This, she argues, allows “**their cause**” to become “**our cause**”, not as a form of appropriation of “their” struggle, but through the transformation of subjectivities that enables a recognition that **“their” struggle is also “our” struggle**. Following Rege, we suggest that social processes can facilitate the understanding of experiences, thus making those experiences the possible object of analysis and action for all, while recognising that they are not **equally** available or **powerful for all subjects**.4 Understandings of identity as **given and essential**, then, we suggest, need to give way to understandings which accept them as **socially constructed** and **contingent** on the work of particular, overlapping, epistemological communities that agree that this or that is a viable and recognised identity. Such an understanding avoids what Bramen identifi es as the postmodern excesses of “post-racial” theory, where in this “world without borders (“racism is real, but race is not”) one can be anything one wants to be: a black kid in Harlem can be Croatian-American, if that is what he chooses, and a white kid from Iowa can be Korean-American” (2002: 6). Unconstrained choice is not possible to the extent that, as Nelson (1993) argues, the concept of the epistemological community requires any individual knowledge claim to sustain itself in relation to standards of evaluation that already exist and that are social. Any claim to identity, then, would have to be recognised by particular communities as valid in order to be successful. This further shifts the discussion beyond the limitations of essentialist accounts of identity by recognising that the communities that confer identity are constituted through their shared epistemological frameworks and not necessarily by shared characteristics of their members conceived of as irreducible.5 Hence, the epistemological community that enables us to identify ourselves as feminists is one that is built up out of a broadly agreed upon paradigm for interpreting the world and the relations between the sexes: it is not one that is premised upon possessing the physical attribute of being a woman or upon sharing the same experiences. Since at least the 1970s, a key aspect of black and/or postcolonial feminism has been to identify the problems associated with such assumptions (see, for discussion, Rege 1998, 2000). We believe that it is the identification of injustice which calls forth action and thus allows for the construction of healthy solidarities. 6 While it is accepted that there may be important differences between those who recognise the injustice of disadvantage while being, in some respects, its beneficiary (for example, men, white people, brahmins), and those who recognise the injustice from the position of being at its effect (women, ethnic minorities, dalits), we would privilege the importance of a **shared political commitment to equality** as the basis for negotiating such differences. Our argument here is that thinking through identity claims from the basis of understanding them as epistemological communities **militates against exclusionary politics** (and its associated problems) since the emphasis comes to be on participation in a shared epistemological and political project as **opposed to** notions of **fixed characteristics** – the focus is on the activities individuals participate in rather than the characteristics they are deemed to possess. Identity is thus defined further as a function of activity located in particular social locations (understood as the complex of objective forces that influence the conditions in which one lives) rather than of nature or origin (Mohanty 1995: 109-10). As such, the communities that enable identity should not be conceived of as “imagined” since they are produced by very real actions, practices and projects.

#### Resistance via the ballot can only instill an adaptive politics of being and effaces the institutional constraints that reproduce the violent underside of liberalism

Brown 95—prof at UC Berkeley (Wendy, States of Injury, 21-3)

For some, fueled by **opprobrium toward** **regulatory norms** or other mo- dalities of domination, the language of "resistance" has taken up the ground vacated by a more expansive practice of freedom. For others, it is the discourse of “empowerment” that carries the ghost of freedom's valence ¶ 22¶. Yet as many have noted, insofar as resistance is an effect of the regime it opposes on the one hand, and insofar as its **practitioners often seek to void it of normativity to differentiate it** from the (regulatory) nature of what it opposes on the other, it is **at best** politically rebellious; **at worst**, politically amorphous. Resistance stands **against**, **not for**; it is re-action to domination, rarely willing to admit to a desire for it, and it is **neutral** with regard to possible political direction. Resistance is in no way constrained to a radical or emancipatory aim. a fact that emerges clearly as soon as one analogizes Foucault's notion of resistance to its companion terms in Freud or Nietzsche. Yet in some ways this point is less a critique of Foucault, who especially in his later years made clear that his political commitments were not identical with his theoretical ones (and un- apologetically revised the latter), than a sign of his misappropriation. For Foucault, resistance **marks the presence of power** and expands our under- standing of its mechanics, but it is in this regard an analytical strategy rather than an expressly political one. "Where there is power, there is resistance, and yet. or rather consequently, **this resistance is never in a position of exteriority to power**. . . . (T]he strictly relational character of power relationships . . . depends upon a multiplicity of points of resis- tance: these play the role of adversary, target, support, or handle in power relations.\*39 This appreciation of the extent to which resistance is by no means inherently subversive of power also reminds us that it is only by recourse to a very non-Foucaultian moral evaluation of power as bad or that which is to be overcome that it is possible to equate resistance with that which is good, progressive, or seeking an end to domination. ¶ If popular and academic notions of resistance attach, however weakly at times, to a tradition of protest, the other contemporary substitute for a discourse of freedom—“empowerment”—would seem to correspond more closely to a tradition of **idealist reconciliation**. The language of resistance implicitly acknowledges the extent to which protest always transpires inside the regime; “empowerment,” in contrast, registers the possibility of generating one’s capacities, one’s “self-esteem,” one’s life course, without capitulating to constraints by particular regimes of power. But in so doing, contemporary discourses of empowerment **too often signal** **an oddly adaptive** **and harmonious relationship with domination** insofar as they locate an individual’s sense of worth and capacity in the register of individual feelings, a register implicitly **located on some- thing of an other worldly plane** **vis-a-vis** social and **political power**. In this regard, despite its apparent locution of resistance to subjection, contem- porary discourses of empowerment partake strongly of liberal solipsism—the radical decontextualization of the subject characteristic of¶ 23¶ liberal discourse that is **key to the fictional sovereign individualism of liberalism**. Moreover, in its almost exclusive focus on subjects’ emotional bearing and self-regard, empowerment is a formulation that **converges with a regime’s own legitimacy needs** in masking the power of the regime.¶ This is not to suggest that talk of empowerment is always only illusion or delusion. It is to argue, rather, that while the notion of empowerment articulates that feature of freedom concerned with action, with being more than the consumer subject figured in discourses of rights and eco- nomic democracy, contemporary deployments of that notion also **draw so heavily on an undeconstructed subjectivity** that they risk establishing a wide chasm between the (experience of) empowerment and an actual **capacity to shape the terms of political, social, or economic life**. Indeed, the possibility that one can “feel empowered” without being so **forms an important element of** **legitimacy** for the antidemocratic dimensions of liberalism.

#### Our alternative is to recognize debate as a site of contingent commonality in which we can forge bonds of argumentation beyond identity---the affirmative’s focus on subjectivity abdicates the flux of politics and debate for the incontestable truth of identity

Brown ‘95

Wendy, professor at Berkeley, *States of Injury POWER AND FREEDOM IN LATE MODERNITY, 47-51*

The postmodern exposure of the imposed and created rather than dis- covered character of all knowledges—of the power-surtuscd, struggle-¶48¶produced quality of all truths, including reigning political and scientific ones—simultaneously exposes the groundlessness of discovered norms or visions. It also reveals the exclusionary and regulatory function of these norms: white women who cannot locate themselves in Nancy Hartsock’s account of women’s experience or women s desires, African American women who do not identify with Patricia Hill Collinss account of black women’s ways of knowing, **are once again excluded from** the Party of **Humanism**—this time in its feminist variant. ¶**Our** **alternative to reliance** up**on** such **normative claims** **would seem to be engagement in political struggles in which there are no trump cards** such as “morality” or “truth."Our alternative, in other words, is to struggle within an amoral political habitat for temporally bound and fully contestable visions of who we are and how we ought to live. Put still another way, postmodernity unnerves feminist theory not merely because it deprives us of uncomplicated subject standing, as Christine Di Stefano suggests, or of settled ground for knowledge and norms, as Nancy Hartsock argues, or of "centered selves and “emancipatory knowledge," as Seyla Bcnhabib avers. Postmodernity unsettles feminism because it erodes the moral ground that the subject, truth, and normativity coproduce in modernity. When contemporary feminist political theorists or analysts complain about the antipolitical or unpolitical nature of postmodern thought—thought that apprehends and responds to this erosion—they are protesting, inter' aha, a Nietzschean analysis of truth and morality as fully implicated in and by power, and thereby delegitimated qua Truth and Morality Politics, including politics with passion- ate purpose and vision, can thrive without a strong theory of the subject, without Truth, and without scientifically derived norms—one only need reread Machiavelli, Gramsci, or Emma Goldman to see such a politics flourish without these things. The question is whether feminist politics can prosper without a moral apparatus, whether feminist theorists and activists will give up substituting Truth and Morality for politics. Are we willing to engage in struggle rather than recrimination, to develop our faculties rather than avenge our subordination with moral and epistemological gestures, to fight for a world rather than conduct process on the existing one? Nietzsche insisted that extraordinary strengths of character and mind would be necessary to operate in the domain of epistemological and religious nakedness he heralded. But in this he excessively individualized a challenge that more importantly requires the deliberate development of postmoral and antirelativist political spaces, practices of deliberation, and modes of adjudication.¶49¶The only way through a crisis of space is to invent a **new space** —Fredric Jameson. “Postmodernism"¶ Precisely because of its incessant revelation of settled practices and identities as contingent, its acceleration of the tendency to melt all that is solid into air. What is called postmodernity poses the opportunity to radically sever the problem of the good from the problem of the true, **to decide “what we** **want”** rather than derive it from assumptions or arguments about “who we are.” Our capacity to exploit this opportunity positively will be hinged to our success in developing new modes and criteria for political judgment. It will also depend upon our willingness to break certain modernist radical attachments, particularly to Marxism’s promise (however failed) of meticulously articulated connections between a comprehensive critique of the present and norms for a transformed future—a science of revolution rather than a politics of one. Resistance, the practice most widely associated with postmodern political discourse, **responds to** **without fully meeting the** normativity challenge of postmodernity. A vital tactic in much political work as well as for mere survival, resistance by itself **does not contain a critique, a vision, or grounds for organized collective efforts to enact either**. Contemporary affection for the politics of resistance issues from postmodern criticism’s perennial authority problem: our heightened consciousncss of the will to power in all political “positions” and our weariness about totalizing analyses and visions. Insofar as it eschews rather than revises these problematic practices, **resistance-as-politics does not raise the dilemmas of responsibility and justification entailed in “affirming” political projects** and norms. In this respect, like identity politics, and indeed sharing with identity politics an **excessively local viewpoint** and tendency toward **positioning without mapping**, the contemporary vogue of resistance is more a symptom of postmodernity’s crisis of political space than a coherent response to it. **Resistance goes nowhere in particular,** **has no inherent attachments**, **and hails no particular vision**; as Foucault makes clear, resistance is an effect of and reaction to power, not an arrogation of it.¶ What postmodernity disperses and postmodern feminist politics requires are cultivated political spaces for posing and questioning feminist political norms, for discussing the nature of “**the good”** for women. Democratic political space is quite undertheorized in contemporary feminist thinking, as it is everywhere in late-twentieth-century political theory, primarily because it is so little in evidence. Dissipated by the increasing technologizing of would-be political conversations and processes, by the erosion of boundaries around specifically political domains¶50¶and activities, and by the decline of movement politics, **political spaces are scarcer and thinner today than even in most immediately prior epochs of Western history**. In this regard, their condition mirrors the splayed and centrifuged characteristics of postmodern political power. Yet precisely because of postmodernity’s disarming tendencies toward political disorientation, fragmentation, and technologizing, the creation of spaces where political analyses and norms can be proffered and contested is **supremely important**.¶ Political space is an old theme in Western political theory, incarnated by the polis practices of Socrates, harshly opposed by Plato in the Republic, redeemed and elaborated as metaphysics by Aristotle, resuscitated as salvation for modernity by Hannah Arendt, and given contemporary spin in Jurgen Habermas's theories of ideal speech situations and communicative rationality. The project of developing feminist postmodern political spaces, while enriched by pieces of this tradition, necessarily also departs from it. In contrast with Aristotle’s formulation, feminist political spaces cannot define themselves against the private sphere, bodies, reproduction and production, mortality, and all the populations and is- sues implicated in these categories. Unlike Arendt’s, these spaces cannot be pristine, ratified, and policed at their boundaries but are necessarily cluttered, attuned to earthly concerns and visions, incessantly disrupted, invaded, and reconfigured. Unlike Habermas, we can harbor no dreams of nondistorted communication unsullied by power, or even of a ‘com- mon language,’\* but we recognize as a permanent political condition partiality of understanding and expression, cultural chasms whose nature may be vigilantly identified but rarely “resolved,” and the powers of words and images that evoke, suggest, and connote rather than transmit meanings.42 Our spaces, while requiring some definition and protection, cannot be clean, sharply bounded, disembodied, or permanent: to engage postmodern modes of power and honor specifically feminist knowledges, they must be **heterogenous, roving**, **relatively noninstitutionalized**, **and democratic** to the point of exhaustion. ¶Such spaces are **crucial for developing the skills and practices** of post- modern judgment, addressing the problem of “how **to produce** a discourse on **justice** . . . when one no longer relies on ontology or epistemology.”43 Postmodemity’s dismantling of metaphysical foundations for justice renders us quite vulnerable to domination by technical reason ¶51¶unless we seize the opportunity this erosion also creates to develop democratic processes for formulating postepistemelogical and postontological judgments. Such judgements require learning how to have public conversations with each other, arguing from a vision about the common (“what I want for us") rather than from identity (“who I am”), and from explicitly postulated norms and potential **common values** rather than **false essentialism** **or unreconstructed private interest**.44 Paradoxically, such public and comparatively impersonal arguments carry potential for **greater accountability** **than arguments from identity** or interest. While the former may be interrogated to the ground by others, the latter are **insulated from such inquiry** with the mantle of truth worn by identity-based speech. Moreover, post identity political positions and conversations potentially replace a politics of **difference** with a politics of **diversity**—differences grasped from a perspective larger than simply one point in an ensemble. Postidentity public positioning **requires** an outlook that discerns structures of dominance within diffused and disorienting orders of power, thereby stretching toward a more politically potent analysis than that which our individuated and fragmented existences can generate. In contrast to Di Stefano's claim that 'shared identity” may constitute a more psychologically and politically reliable basis for “attachment and motivation on the part of potential activists,” I am suggesting that **political conversation oriented toward diversity and the common**, **toward world rather than self**, and involving a conversion of ones knowledge of the world from a situated (subject) position into a public idiom, offers us the greatest possibility of countering postmodern social fragmentations and political disintegrations.¶ Feminists have learned well to identify and articulate our "subject positions —we have become experts at politicizing the “I” that is produced through multiple sites of power and subordination. **But the very practice so crucial to making these elements of power visible** **and subjectivity political** may be partly at odds with the requisites for developing political conversation **among a complex and diverse “we.”** We may need to learn public speaking and the pleasures of public argument not to overcome our situatedness, but in order **to assume responsibility for our situations and to mobilize a collective discourse that will expand them**. For the political making of a feminist future that does not reproach the history on which it is borne, we may need to loosen our attachments to subjectivity, identity, and morality and to redress our underdeveloped taste for political argument.

## Case

#### Their method doesn’t solve anything – they haven’t said what their goal is, what they solve, and what the point of their performance is – don’t allow 2AC clarifications – it shifts the entirety of the debate and makes it impossible for us to engage them – if they shift in the 2AC, it proves the strategic use of identity arguments

#### Performance fails - the affirmative’s performance of identity through culture displaces political action and a focus on the material elements of oppression – voting for them helps alleviate responsibility for racism, but doesn’t actually change anything

Tonn 5 – assoc. prof of comm. @ u of Maryland

(Mari, “Taking Conversation, Dialogue, and Therapy Public ,” Rhetoric & Public Affairs 8.3 (2005) 405-430)

#### Approaching public controversies through a conversational model informed by therapy also enables political inaction in two respects. First, an open-ended process lacking mechanisms for closure thwarts progress toward resolution. As Freeman writes of consciousness raising, an unstructured, informal discussion [End Page 418] "leaves people with no place to go and the lack of structure leaves them with no way of getting there."70 Second, the therapeutic impulse to emphasize the self as both problem and solution ignores structural impediments constraining individual agency. "Therapy," Cloud argues, "offers consolation rather than compensation, individual adaptation rather than social change, and an experience of politics that is impoverished in its isolation from structural critique and collective action." Public discourse emphasizing healing and coping, she claims, "locates blame and responsibility for solutions in the private sphere."71¶ Clinton's Conversation on Race not only exemplified the frequent wedding of public dialogue and therapeutic themes but also illustrated the failure of a conversation-as-counseling model to achieve meaningful social reform. In his speech inaugurating the initiative, Clinton said, "Basing our self-esteem on the ability to look down on others is not the American way . . . Honest dialogue will not be easy at first . . . Emotions may be rubbed raw, but we must begin." Tempering his stated goal of "concrete solutions" was the caveat that "power cannot compel" racial "community," which "can come only from the human spirit."72¶ Following the president's cue to self-disclose emotions, citizens chiefly aired personal experiences and perspectives during the various community dialogues. In keeping with their talk-show formats, the forums showcased what Orlando Patterson described as "performative 'race' talk," "public speech acts" of denial, proclamation, defense, exhortation, and even apology, in short, performances of "self" that left little room for productive public argument.73 Such personal evidence overshadowed the "facts" and "realities" Clinton also had promised to explore, including, for example, statistics on discrimination patterns in employment, lending, and criminal justice or expert testimony on cycles of dependency, poverty, illegitimacy, and violence.¶ Whereas Clinton had encouraged "honest dialogue" in the name of "responsibility" and "community," Burke argues that "The Cathartic Principle" often produces the reverse. "[C]onfessional," he writes, "contains in itself a kind of 'personal irresponsibility,' as we may even relieve ourselves of private burdens by befouling the public medium." More to the point, "a thoroughly 'confessional' art may enact a kind of 'individual salvation at the expense of the group,'" performing a "sinister function, from the standpoint of overall-social necessities."74 Frustrated observers of the racial dialogue—many of them African Americans—echoed Burke's concerns. Patterson, for example, noted, "when a young Euro-American woman spent nearly five minutes of our 'conversation' in Martha's Vineyard . . . publicly confessing her racial insensitivities, she was directly unburdening herself of all sorts of racial guilt feeling. There was nothing to argue about."75 Boston Globe columnist Derrick Z. Jackson invoked the game metaphor communication theorists often link to [End Page 419] skills in conversation,76 voicing suspicion of a talking cure for racial ailments that included neither exhaustive racial data nor concrete goals. "The game," wrote Jackson, "is to get 'rid' of responsibility for racism while doing nothing to solve it."77

#### It’s not just that the aff doesn’t solve but that it is actively harmful by inviting political inaction. A turn towards the personal is a turn away from the structural dimensions of social problems – they encourage personal solutions to structural problems, enabling defenders of the status quo

Tonn 05 – assoc. prof of comm. @ u of Maryland

(Mari, “Taking Conversation, Dialogue, and Therapy Public ,” Rhetoric & Public Affairs 8.3 (2005) 405-430)

Fourth, a communicative model that views public issues through a relational, personal, or therapeutic lens nourishes hegemony by inviting political inaction. Whereas the objective of conventional public argument is achieving an instrumental goal such as a verdict or legislation, the aim of social conversation generally stops with self-expression. As Schudson puts it, "Conversation has no end outside itself."39 Similarly, modeling therapeutic paradigms that trumpet "talking cures" can discourage a search for political solutions to public problems by casting cathartic talk as sufficient remedy. As Campbell's analysis of consciousness-raising groups in the women's liberation movement points out, "[S]olutions must be structural, not merely personal, and analysis must move beyond personal experience and feeling . . . Unless such transcendence occurs, there is no persuasive campaign . . . [but] only the very limited realm of therapeutic, small group interaction."40¶ Finally, and related, a therapeutic framing of social problems threatens to locate the source and solution to such ills solely within the individual, the "self-help" on which much therapy rests. A postmodern therapeutic framing of conflicts as relational misunderstandings occasioned by a lack of dialogue not only assumes that familiarity inevitably breeds caring (rather than, say, irritation or contempt) but, more importantly, provides cover for ignoring the structural dimensions of social problems such as disproportionate black [End Page 412] poverty. If objective reality is unavoidably a fiction, as Sheila McNamee claims, all suffering can be dismissed as psychological rather than based in real, material circumstance, enabling defenders of the status quo to admonish citizens to "heal" themselves.

#### There is demonstrable progress in racial inequality—this is *not* to say that everything is perfect by any means, but it does prove that pragmatic change is possible within the current system

Feldscher, Harvard School of Public Health, 9/19/’13

(Karen, “Progress, but challenges in reducing racial disparities,” http://www.hsph.harvard.edu/news/features/progress-but-challenges-in-reducing-racial-disparities/)

September 19, 2013 — Disparities between blacks and whites in the U.S. remain pronounced—and health is no exception. A panel of experts at Harvard School of Public Health (HSPH) discussed these disparities—what they are, why they persist, and what to do about them—at a September 12, 2013 event titled “Dialogue on Race, Justice, and Public Health.” The event was held in Kresge G-1 and featured panelists Lisa Coleman, Harvard University’s chief diversity officer; David Williams, Florence Sprague Norman and Laura Smart Norman Professor of Public Health in the HSPH Department of Social and Behavioral Sciences; Chandra Jackson, Yerby Postdoctoral Research Fellow in the HSPH Department of Nutrition; and Zinzi Bailey, a fifth-year doctoral student in the HSPH Department of Social and Behavioral Sciences. Robert Blendon, Richard L. Menschel Professor of Public Health and Professor of Health Policy and Political Analysis at HSPH, moderated the discussion. Gains, but pains Health care disparities are troubling, Coleman said. One study found that doctors recommended coronary revascularization—bypass surgery that replaces blocked blood vessels with new ones—among white patients with heart disease 50% of the time, but just 23% of the time for blacks. Black women are less likely to be given a bone marrow density test than white women, even when it’s known they’ve had prior fractures. And the black infant mortality rate is 2.3 times higher than that of non-Hispanic whites. Each speaker acknowledged that racial minorities have made significant gains over the past half-century, but said there is much more work still to do. They cited statistics providing stark evidence of continuing disparities in health, wealth, education, income, arrest and incarceration rates, foreclosure rates, and poverty. Coleman called the data “disconcerting; in some cases, alarming.” Schools are desegregated, she said, but not integrated; median income is $50,000 per year for whites but $31,000 a year for blacks and $37,000 a year for Hispanics; since the 1960s, the unemployment rate among blacks has been two to two-and-a-half times higher than for whites; and one in three black men can expect to spend time in prison during their lifetimes. Blendon shared results from surveys that accentuate sharp differences of opinion about how well blacks are faring in the U.S. For instance, in a survey that asked participants if they thought that the lives of black Americans had changed dramatically over the past 50 years, 54% of whites said yes but only 29% of blacks did. Another survey asked whether or not people approved of the verdict in the George Zimmerman trial; 51% of whites approved but only 9% of blacks did. Reducing disparities through research, education Jackson talked about growing up in a segregated neighborhood in Atlanta and attending a school with 99% black students and inadequate resources. She became the first in her family to attend college. Now, through her research, she hopes to expose and reduce racial health disparities. In a recent study in the American Journal of Epidemiology, Jackson and colleagues reported that blacks—particularly black professionals—get less sleep than whites, which can have potentially negative impacts on health. Bailey discussed what’s known as the “school-to-prison pipeline”—a trajectory in which black teens do poorly in school, get held back a grade, drop out, commit a crime, then end up in jail. On the flip side, she said, there are “diversity pipelines” to recruit minority students into higher education. “Often these programs target students who have already avoided the school-to-prison pipeline,” Bailey said, noting that she would like to see higher education institutions connect with black students at earlier ages to steer them toward positive choices.

#### Progressivism is possible---depends on coalitions, K turns case

Clark, professor of law – Catholic University, ‘95

(Leroy D., 73 Denv. U.L. Rev. 23)

I must now address the thesis that there has been no evolutionary progress for blacks in America. Professor Bell concludes that blacks improperly read history if we believe, as Americans in general believe, that progress--racial, in the case of blacks--is "linear and evolutionary." n49 According to Professor Bell, the "American dogma of automatic progress" has never applied to blacks. n50 Blacks will never gain full equality, and "even those herculean efforts we hail as successful will produce no more than temporary 'peaks of progress,' short-lived victories that slide into irrelevance." n51

Progress toward reducing racial discrimination and subordination has never been "automatic," if that refers to some natural and inexorable process without struggle. Nor has progress ever been strictly "linear" in terms of unvarying year by year improvement, because the combatants on either side of the equality struggle have varied over time in their **energies, resources, capacities, and** the quality of their plans. Moreover, neither side could predict or control all of the variables which accompany progress or non-progress; some factors, like World War II, occurred in the international arena, and were not exclusively under American control.

With these qualifications, and a long view of history, blacks and their white allies achieved two profound and qualitatively different leaps forward toward the goal of equality: the end of slavery, and the Civil Rights Act of 1964. Moreover, despite open and, lately, covert resistance, black progress has never been shoved back, in a qualitative sense, to the powerlessness and abuse of periods preceding these leaps forward. n52

#### The aff’s claim state engagement is impossible destroys progressivism and re-entrenches racism—we can acknowledge every problem with the status quo, but adopt a pragmatic orientation towards solutions

Clark, professor of law – Catholic University, ‘95

(Leroy D., 73 Denv. U.L. Rev. 23)

A Final Word

Despite Professor Bell's prophecy of doom, I believe he would like to have his analysis proven wrong. However, he desperately leans on a tactic from the past--laying out the disabilities of the black condition and accusing whites of not having the moral strength to act fairly. That is the ultimate theme in both of his books and in much of his law review writing. That tactic not only lacks full force against today's complex society, it also becomes, for many whites, an exaggerated claim that racism is the sole cause of black misfortunes. n146 Many whites may feel about the black condition what many of us may have felt about the homeless: dismayed, but having no clear answer as to how the problem is to be solved, and feeling individually powerless if the resolution calls for massive resources that we, personally, lack. Professor Bell's two books may confirm this sense of powerlessness in whites with a limited background in this subject, because Professor **Bell does not offer a single programmatic approach** toward changing the circumstance of blacks. He presents only startling, unanalyzed prophecies of doom, which will easily garner attention from a controversy-hungry media. n147

It is much harder to exercise imagination to create viable strategies for change. n148 Professor Bell sensed the despair that the average--especially average black--reader would experience, so he put forth rhetoric urging an "unremitting struggle that leaves no room for giving up." n149 His contention is ultimately hollow, given the total sweep of his work.

At some point it becomes dysfunctional to refuse giving any credit to the very positive abatements of racism that occurred with white support, and on occasion, white leadership. Racism thrives in an atmosphere of insecurity, apprehension about the future, and inter-group resentments. Unrelenting, unqualified accusations only add to that negative atmosphere. Empathetic and more generous responses are possible in an atmosphere of support, security, and a sense that advancement is possible; the greatest progress of blacks occurred during the 1960s and early 1970s when the economy was expanding. Professor Bell's "analysis" is really only accusation and "harassing white folks," and is undermining and destructive. There is no love--except for his own group--and there is a constricted reach for an understanding of whites. There is only rage and perplexity. No bridges are built--only righteousness is being sold.

A people, black or white, are capable only to the extent they believe they are. Neither I, nor Professor Bell, have a crystal ball, but I do know that creativity and a drive for change are very much linked to a belief that they are needed, and to a belief that they can make a difference. The future will be shaped by past conditions and the actions of those over whom we have no control. Yet it is not fixed; it will also be shaped by the attitudes and energy with which we face the future. Writing about race is to engage in a power struggle. It is a non-neutral political act, and one must take responsibility for its consequences. Telling whites that they are irremediably racist is not mere "information"; it is a force that helps create the future it predicts. If whites believe the message, feelings of futility could overwhelm any further efforts to seek change. I am encouraged, however, that the motto of the most articulate black spokesperson alive today, Jesse Jackson, is, "Keep hope alive!" and that much of the strength of Martin Luther King, Jr. was his capacity to "dream" us toward a better place.

#### No social death – history proves

Vincent **Brown**, Prof. of History and African and African-American Studies @ Harvard Univ., December 20**09**, "Social Death and Political Life in the Study of Slavery," American Historical Review, p. 1231-1249

THE PREMISE OF ORLANDO PATTERSON’S MAJOR WORK, that enslaved Africans were natally alienated and culturally isolated, was challenged even before he published his influential thesis, primarily by scholars concerned with “survivals” or “retentions” of African culture and by historians of slave resistance. In the early to mid-twentieth century, when Robert Park’s view of “the Negro” predominated among scholars, it was generally assumed that the slave trade and slavery had denuded black people of any ancestral heritage from Africa. The historians Carter G. Woodson and W. E. B. Du Bois and the anthropologist Melville J. Herskovits argued the opposite. Their research supported the conclusion that while enslaved Africans could not have brought intact social, political, and religious institutions with them to the Americas, they did maintain significant aspects of their cultural backgrounds.32 Herskovits ex- amined “Africanisms”—any practices that seemed to be identifiably African—as useful symbols of cultural survival that would help him to analyze change and continuity in African American culture.33 He engaged in one of his most heated scholarly disputes with the sociologist E. Franklin Frazier, a student of Park’s, who empha- sized the damage wrought by slavery on black families and folkways.34 More recently, a number of scholars have built on Herskovits’s line of thought, enhancing our understanding of African history during the era of the slave trade. Their studies have evolved productively from assertions about general cultural heritage into more precise demonstrations of the continuity of worldviews, categories of belonging, and social practices from Africa to America. For these scholars, the preservation of distinctive cultural forms has served as an index both of a resilient social personhood, or identity, and of resistance to slavery itself. 35

Scholars of slave resistance have never had much use for the concept of social death. The early efforts of writers such as Herbert Aptheker aimed to derail the popular notion that American slavery had been a civilizing institution threatened by “slave crime.”36 Soon after, studies of slave revolts and conspiracies advocated the idea that resistance demonstrated the basic humanity and intractable will of the enslaved—indeed, they often equated acts of will with humanity itself. As these writ- ers turned toward more detailed analyses of the causes, strategies, and tactics of slave revolts in the context of the social relations of slavery, they had trouble squaring abstract characterizations of “the slave” with what they were learning about the en- slaved.37 Michael Craton, who authored Testing the Chains: Resistance to Slavery in the British West Indies, was an early critic of Slavery and Social Death, protesting that what was known about chattel bondage in the Americas did not confirm Patterson’s definition of slavery. “If slaves were in fact ‘generally dishonored,’ ” Craton asked, “how does he explain the degrees of rank found among all groups of slaves—that is, the scale of ‘reputation’ and authority accorded, or at least acknowledged, by slave and master alike?” How could they have formed the fragile families documented by social historians if they had been “natally alienated” by definition? Finally, and per- haps most tellingly, if slaves had been uniformly subjected to “permanent violent domination,” they could not have revolted as often as they did or shown the “varied manifestations of their resistance” that so frustrated masters and compromised their power, sometimes “fatally.”38 The dynamics of social control and slave resistance falsified Patterson’s description of slavery even as the tenacity of African culture showed that enslaved men, women, and children had arrived in the Americas bearing much more than their “tropical temperament.”

The cultural continuity and resistance schools of thought come together pow- erfully in an important book by Walter C. Rucker, The River Flows On: Black Re- sistance, Culture, and Identity Formation in Early America. In Rucker’s analysis of slave revolts, conspiracies, and daily recalcitrance, African concepts, values, and cul- tural metaphors play the central role. Unlike Smallwood and Hartman, for whom “the rupture was the story” of slavery, Rucker aims to reveal the “perseverance of African culture even among second, third, and fourth generation creoles.”39 He looks again at some familiar events in North America—New York City’s 1712 Coromantee revolt and 1741 conspiracy, the 1739 Stono rebellion in South Carolina, as well as the plots, schemes, and insurgencies of Gabriel Prosser, Denmark Vesey, and Nat Turner—deftly teasing out the African origins of many of the attitudes and actions of the black rebels. Rucker outlines how the transformation of a “shared cultural heritage” that shaped collective action against slavery corresponded to the “various steps Africans made in the process of becoming ‘African American’ in culture, orientation, and identity.”40

#### Anti-blackness is not ontological.

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

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