# Round 3 USC – UGA FB

# 1NC

## 1NC Round 3

### Off 1

#### A. Interpretation – debate is a game that requires the aff to have a defense of the USFG increasing restrictions on the war powers authority of the President in one of the following: targeted killing, indefinite detention, offensive cyber operations, and introduction of US armed forces in hostilities

#### --‘resolved’ means to enact a policy by law.

Words and Phrases 64 (Permanent Edition)

Definition of the word “resolve,” given by Webster is “to express an opinion or determination by resolution or vote; as ‘it was resolved by the legislature;” It is of similar force to the word “enact,” which is defined by Bouvier as meaning “to establish by law”.

#### --“United States Federal Government should” means the debate is solely about the outcome of a policy established by governmental means

Ericson 3 (Jon M., 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 though 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.

#### Restrictions on authority must prohibit actions

William Conner 78, former federal judge for the United States District Court for the Southern District of New York United States District Court, S. D. New York, CORPORACION VENEZOLANA de FOMENTO v. VINTERO SALES, http://www.leagle.com/decision/19781560452FSupp1108\_11379

Plaintiff next contends that Merban was charged with notice of the restrictions on the authority of plaintiff's officers to execute the guarantees. Properly interpreted, the "conditions" that had been imposed by plaintiff's Board of Directors and by the Venezuelan Cabinet were not "restrictions" or "limitations" upon the authority of plaintiff's agents but rather conditions precedent to the granting of authority. Essentially, then, plaintiff's argument is that Merban should have known that plaintiff's officers were not authorized to act except upon the fulfillment of the specified conditions.

#### B. They don’t meet –

#### C. Reasons to prefer:

#### Debate games open up dialogue which fosters information processing – they open up infinite frameworks making the game impossible

Haghoj 8 – PhD, affiliated with Danish Research Centre on Education and Advanced Media Materials, asst prof @ the Institute of Education at the University of Bristol (Thorkild, 2008, "PLAYFUL KNOWLEDGE: An Explorative Study of Educational Gaming," PhD dissertation @ Institute of Literature, Media and Cultural Studies, University of Southern Denmark, http://static.sdu.dk/mediafiles/Files/Information\_til/Studerende\_ved\_SDU/Din\_uddannelse/phd\_hum/afhandlinger/2009/ThorkilHanghoej.pdf)

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, 51 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).

#### The opening of infinite frameworks destroys stasis – agreement on the topic as the starting point for debate creates a platform of argumentative stability that is the crucial foundation for deliberation and makes debate meaningful

O’Donnell 4 (Dr. Tim, Director of Debate – Mary Washington U., “And the Twain Shall Meet: Affirmative Framework Choice and the Future of Debate”, Debater’s Research Guide, http://groups.wfu.edu/debate/MiscSites/ DRGArticles/Framework%20article%20for%20the%20DRG%20final2.doc)

According to the *Oxford English Dictionary,* a framework consists of “a set of standards, beliefs, or assumptions” that govern behavior. When we speak of frameworks in competitive academic debate we are talking about the set of standards, beliefs, or assumptions that generate the question that the judge ought to answer at the end of the debate. Given that there is no agreement among participants about which standards, beliefs, or assumptions ought to be universally accepted, it seems that we will never be able to arrive at an agreeable normative assumption about what the question ought to be. So the issue before us is how we preserve community while agreeing to disagree about the question in a way that recognizes that there is richness in answering many different questions that would not otherwise exist if we all adhered to a “rule” which stated that there is one and only one question to be answered. More importantly, how do we stop talking past each other so that we can have a genuine conversation about the substantive merits of any one question? The answer, I believe, resides deep in the rhetorical tradition in the often overlooked notion of stasis.[[1]](#endnote-1) Although the concept can be traced to Aristotle’s *Rhetoric*, it was later expanded by Hermagoras whose thinking has come down to us through the Roman rhetoricians Cicero and Quintillian. Stasis is a Greek word meaning to “stand still.” It has generally been considered by argumentation scholars to be the point of clash where two opposing sides meet in argument. Stasis recognizes the fact that interlocutors engaged in a conversation, discussion, or debate need to have some level of expectation regarding what the focus of their encounter ought to be. To reach stasis, participants need to arrive at a decision about what the issue is prior to the start of their conversation. Put another way, they need to mutually acknowledge the point about which they disagree. What happens when participants fail to reach agreement about what it is that they are arguing about? They talk past each other with little or no awareness of what the other is saying. The oft used cliché of two ships passing in the night, where both are in the dark about what the other is doing and neither stands still long enough to call out to the other, is the image most commonly used to describe what happens when participants in an argument fail to achieve stasis. In such situations, genuine engagement is not possible because participants have not reached agreement about what is in dispute. For example, when one advocate says that the United States should increase international involvement in the reconstruction of Iraq and their opponent replies that the United States should abandon its policy of preemptive military engagement, they are talking past each other. When such a situation prevails, it is hard to see how a productive conversation can ensue. I do not mean to suggest that dialogic engagement always unfolds along an ideal plain where participants always can or even ought to agree on a mutual starting point. The reality is that many do not. In fact, refusing to acknowledge an adversary’s starting point is itself a powerful strategic move. However, it must be acknowledged that when such situations arise, and participants cannot agree on the issue about which they disagree, the chances that their exchange will result in a productive outcome are diminished significantly. In an enterprise like academic debate, where the goals of the encounter are cast along both educational and competitive lines, the need to reach accommodation on the starting point is urgent. This is especially the case when time is limited and there is no possibility of extending the clock. The sooner such agreement is achieved, the better. Stasis helps us understand that we stand to lose a great deal when we refuse a genuine starting point.[[2]](#endnote-2) How can stasis inform the issue before us regarding contemporary debate practice? Whether we recognize it or not, it already has. The idea that the affirmative begins the debate by using the resolution as a starting point for their opening speech act is nearly universally accepted by all members of the debate community. This is born out by the fact that affirmative teams that have ignored the resolution altogether have not gotten very far. Even teams that use the resolution as a metaphorical condensation or that “affirm the resolution as such” use the resolution as their starting point. The significance of this insight warrants repeating. Despite the numerous differences about what types of arguments ought to have a place in competitive debate we all seemingly agree on at least one point – the vital necessity of a starting point. This common starting point, or topic, is what separates debate from other forms of communication and gives the exchange a directed focus.[[3]](#endnote-3)

#### Debate over a controversial point of action creates argumentative stasis—that’s key to avoid a devolution of debate into competing truth claims, which destroys the decision-making benefits of the activity

Steinberg and Freeley 13 (David Director of Debate at U Miami, Former President of CEDA, officer, American Forensic Association and National Communication Association. Lecturer in Communication studies and rhetoric. Advisor to Miami Urban Debate League, Masters in Communication, and Austin, JD, Suffolk University, attorney who focuses on criminal, personal injury and civil rights law, *Argumentation and Debate*

*Critical Thinking for Reasoned Decision Making*, Thirteen Edition)

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

#### Simulated national security law debates preserve agency, enables activism, enhances decision-making, and avoids cooption – only legal deliberative action solves

Donohue 13 (Laura K. Donohue, 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.

### Off 2

#### The Aff’s foregrounding of human suffering ignores the tools that have been produced to suppress groups and ignores the humanized context of the event.

HEYDT 10

[samantha, american abattoirs, December 20th, <http://samheydt.wordpress.com/2010/12/20/224/>, BA Communications New School and Universitat van Amsterdam ]

The American abattoir paved the road to Auschwitz.  The industrialization of death developed at the turn of the century in the US stockyards was adopted by the Nazi Concentration camps, where sectors of humanity relegated into the realm of ‘subhuman’ were slaughtered.  History repeats itself with the algorithms of domination shifting not in construct but in context. The assembly-line technology and eugenic ideology that buttresses the mechanized mass murder of animals share the rationalized cruelty that has historically been used in the Western context against humans in the ‘state of exception’.  Branded inferior, crammed into railcars, forced into labor and killed when no longer of use, the victims of the Holocaust experienced the same fate as the chattel of slaughterhouses do today.  **The justification for this brutality is hinged on the ‘biological inferiority’** of the victims who are dehumanized and denigrated as animals. **The “anthropological machine” distinguishing humans from animals collapses when man is stripped down to ‘bare life’ (Agamben).** Thus, as long as the exploitation and violent slaughter of animals occurs unrefuted, the potential for genocide remains.  As history has shown us time and time again: the realm of nonhuman is not solely occupied by animals. Historical Context: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Patriarchy, slavery and the social matrix of speciesism emerged in tandem to one another from the same region that fathered agriculture in the Middle East during the Chalcolithic Age.  Sumer, now modern Iraq, was the first civilization to engage in core agricultural practices such as organized irrigation and specialized labor with slaves and animals.  They raised cattle, sheep and pigs, used ox for draught their beast of burden and equids for transport (Sayce 99). The knowledge to store food as standing reserve meant migration was no longer necessary to survive. The population density bred social hierarchies supported at its base by slaves (Kramer 47).  **In Sumer, there were only two social strata’s to belong to: lu the free man and arad the slave** (Kramer 47).  **Technologies such as branding irons, chains and cages that were developed to dominate animals paved way for the domination over humans too**. The “human rule over the lower creatures provided the mental analogue in which many political and social arrangements are based” (Patterson 280). Caged and castrated, slaves were treated no different from chattel. Thousands of years later, the tools developed in the Middle East for domestication were used by the Europeans during colonization to shackle slaves. “When the European settlers arrived in Tasmania in 1772, the indigenous people seem not to have noticed them…By 1830 their numbers had been reduced from around five hundred to seventy-two. In their intervening years they had been used for slave labour and sexual pleasure, tortured and mutilated. They had been hunted like vermin and their skins had been sold for a government bounty. When the males were killed, female survivors were turned loose with the heads of their husbands tied around their necks. Males who were not killed were usually castrated. Children were clubbed to death.” (Gray 91). This horrific account illustrates how the indigenous people of Tasmania were enslaved,skinned and slaughtered by the Europeans. Meanwhile across the globe, the trans-Atlantic slave trade was at its peak in the 18th century.  Africans were taken from their native land, branded, bred, and sold as property.  **Linguistically these acts of violence and exploitation are tied to animals- branded, skinned, slaughtered, sold.**  **Be that as it may, “as long as men massacre animals, they will kill each other”** (Pythagoras in Patterson 210).   Racism, colonialism, anti-Semitism and sexism all stem from the same systems of domination that initially subjugated animals. Until we cease to exploit living beings as resources, the threat of man being stripped of his humanity looms.  Although we cringe at the inhumane actions of our ancestors, the scale and efficiency of murder and oppression has only advanced, while the notion of ‘human’ remains increasingly obscured.

#### The construction of dehumanization legitimizes the obsession with humanism. We are all privileged as humans in the debate community, considered above animals, showcased by the ones we served in boxes just hours ago. We should reject attempts to “**include**” groups in human paradigms and instead reject human discourse altogether.

Deckha 10 [Maneesha, faculty of law, university of Victoria, “it’s time to abandon the idea of human rights”, the scavenger, dec. 10]

The category of the ‘subhuman’ is inherent in global gendered, racialized and economic violence, throwing up questions around the relevance of concepts of ‘human rights’ and ‘human dignity’ for effective theories of justice, policy and social movements. Instead of fighting dehumanization with humanization, **a better strategy may be to minimize the human/nonhuman boundary altogether**. A new discourse of cultural and legal protections is required to address violence against vulnerable humans in a manner that does not privilege humanity or humans, nor permit a subhuman figure to circulate as the mark of inferior beings on whom the perpetration of violence is legitimate. **We need to find an alternative discourse to theorize and mobilize around vulnerabilities for “subhuman” humans**, writes Maneesha Deckha. 13 December 2010 One of the organizing narratives of western thought and the institutions it has shaped is humanism and the idea that human beings are at the core of the social and cultural order. The cultural critique humanism has endured, by way of academic theory and social movements, has focused on the failure of its promise of universal equal treatment and dignity for all human beings. To address this failing, a rehabilitative approach to humanism is usually adopted with advocates seeking to undo humanism’s exclusions by expanding its ambit and transporting vulnerable human groups from “subhuman” to “human” status. Law has responded by including more and more humans under the coveted category of “personhood”. Yet, the logic of the human/subhuman binary typically survives this critique with the dependence of the coveted human status on the subhuman (and the vulnerabilities it enables) going unnoticed. This gap in analysis is evident in how most of us think about violence and its related concept of vulnerability. Some would even say that what sets us apart from nonhumans is a capacity for vulnerability. Others who address human-nonhuman relationships more closely might say that what sets human apart from nonhuman animals, if anything, is our capacity for violence. More particular still, feminists would highlight the masculinist orientation of this violence against nonhumans, animals and otherwise, noting that institutionalized violence against nonhumans primarily occurs in male-dominated industries. Yet, the discourse around (hu)man violence against animals is muted in mainstream debates about violence, vulnerability and exploitation in general. More common is a concern with violence against humans and how to eliminate it and make humans less vulnerable. This theorizing largely proceeds through affirmations of the inviolability or sanctity of human life and human dignity, establishing what it means to be human through articulation of what it means to be animal. **The humanist paradigm of anti-violence discourse thus does not typically examine the human/nonhuman boundary, but often fortifies it.** The failure to address this boundary and its creation and maintenance of the figure of the subhuman undermines anti-violence agendas.

#### Vote Negative to reject species-level thinking instead of the Aff’s strategy of fighting anthropological problems with more anthroprocentrism.

Deckha 10

[Maneesha, faculty of law, university of Victoria, “it’s time to abandon the idea of human rights”, the scavenger, dec. 10]

Time for a new discourse That the human/subhuman binary continues to inhabit so much of western experience raises the question of the continuing relevance of anthropocentric concepts (such as “human rights” and “human dignity”) for effective theories of justice, policy and social movements. Instead of fighting dehumanization with humanization, a better strategy may be to minimize the human/nonhuman boundary altogether. The human specialness claim is a hierarchical one and relies on the figure of an Other – the subhuman and nonhuman – to be intelligible. The latter groups are beings, by definition, who do not qualify as “human” and thus are denied the benefits that being “human” is meant to compel. More to the point, however, a dignity claim staked on species difference, and reliant on dehumanizing Others to establish the moral worth of human beings, will always be vulnerable to the subhuman figure it creates. This figure is easily deployed in inter-human violent conflict implicating race, gender and cultural identities as we have seen in the context of military and police camps, contemporary slavery and slavery-like practices, and the laws of war – used in these situations to promote violence against marginalized human groups. A new discourse of cultural and legal protections is required to address violence against vulnerable humans in a manner that does not privilege humanity or humans, nor permit a subhuman figure to circulate as the mark of inferior beings on whom the perpetration of violence is legitimate. We need to find an alternative discourse to theorize and mobilize around vulnerabilities for “subhuman” humans. This move, in addressing violence and vulnerabilities, should be productive not only for humans made vulnerable by their dehumanization, but nonhumans as well.

### Case

#### Recognition is empty – reifies the system you're criticizing – the aff should refuse the ballot

Halberstam 13 -- Professor of American Studies and Ethnicity, Gender Studies and Comparative Literature at the University of Southern California (Jack, The Undercommons: Fugitive Planning & Black Study, p. 6)

If you want to know what the undercommons wants, what Moten and Harney want, what black people, indigenous peoples, queers and poor people want, what we (the “we” who cohabit in the space of theundercommons) want, it is this – we **cannot be satisfed with the rec-ognition and acknowledgement** generated by the **very system that denies** a) that **anything was ever broken** and b) that we deserved to be the broken part; so we refuse to ask for recognition and instead we want to take apart, dismantle, tear down the structure that, right now, limits our ability to fnd each other, to see beyond it and to access the places that we know lie outside its walls. We cannot say what new structures will replace the ones we live with yet, because once we have torn shit down, we will inevitably see more and see diferently and feel a new sense of wanting and being and becoming. What we want after “the break” will be diferent from what we think we want before the break and both are necessarily diferent from the desire that issues from being in the break.

#### The desire to fix identity in the body reproduces the worst forms of violence—by definition, all difference becomes a threat to be exterminated when identity becomes inevitable and material

Gilroy 00 (Paul, Professor at London School of Economics, Against Race: Imagining Political Culture Beyond the Color Line, p. 102-106)

We will explore below ultranationalist and fascist movements of the twentieth century deployed elaborate technological resources in order to generate spectacles of identity capable of unifying and coordinating inevitable, untidy diversity into an ideal and unnatural human uniformity. Their synthetic versions of fundamental identity looked most seductive where all difference had been banished or erased from the collective. Difference within was repressed in order to maximize the difference between these groups and others. Identity was celebrated extravagantly in military styles: uniforms were combined with synchronized body movement, drill, pageantry, and visible hierarchy to create and feed the comforting belief in sameness as absolute, metaphysical invariance. Men and women could then appear as interchangeable and disposable cogs in the encamped nation's military machine or as indistinguishable cells in the larger organic entity that encompassed and dissolved their individuality. Their actions may even be imagined to express the inner spirit, fate, and historicality of the national community. The citizen was manifested as a soldier, and violence- potential as well as actual-was dedicated to the furtherance of national interests. That vital community was constituted in the dynamic interaction between marchers moving together in austere time and the crowds that watched and savored the spectacle they created. In disseminating these valuable political effects, identity was mediated by cultural and communicative technologies like film, lighting, and amplified sound. These twentieth-century attributes were only partly concealed by the invocation of ancient ritual and myth. The biblical stories of nation-building that demonstrate divine favor and the moral sanctions it supplies to worldly political purposes have been invoked by many different nationalist groups. The Afrikaners of South Africa provide one especially interesting and unwholesome example of how Rousseau's "peculiar rites and ceremonies" need not always serve a benign purpose. Their ethnically minded ideologues systematically invented an Afrikaner identity during the period that saw the rise of fascist movements elsewhere. They provided their political community with its own version of Christianity and a repertory of myths that were the basis for the elaborate political drama that summoned their historic nation into racialized being: The most dramatic event in the upsurge of Afrikaner nationalism was the symbolic ox-wagon trek of 1938, which celebrated the victory of the Great Trek. Eight wagons named after voortrekker heroes such as Piet Retief, Hendrik Potgeiter and Andres Pretorius traversed South Africa by different routes ... before they converged on a prominent hill overlooking Pretoria. There, on 16th December 1938, the centenary of the battle of Blood River, which marked the defeat of the Zulu kingdom, more than 100,000 Afrikaners-perhaps one tenth of the total Afrikaner people-attended the ceremonial laying of the foundation stone of the Voortrekker Monument. Men grew beards, women wore voortrekker dress, for the occasion ... (they) knelt in silent prayer ... The ceremony concluded with the singing of Die Stem van Suid Afrika; God Save the King had been excluded.5 Today's ubiquitous conflicts between warring constituencies that claim incompatible and exclusive identities suggest that these large-scale theatrical techniques for producing and stabilizing identity and soliciting national, "racial," or ethnic identification have been widely taken up. The reduction of identity to the uncomplicated, militarized, fraternal versions of pure sameness pioneered by fascism and Nazism in the 1930s is now routine, particularly where the forces of nationalism, "tribalism," and ethnic division are at work. Identity is thus revealed as a critical element in the distinctive vocabulary used to voice the geopolitical dilemmas of the late modern age. Where the power of absolute identity is summoned up, it is often to account for situations in which the actions of individuals and groups are being reduced to little more than the functioning of some overarching presocial mechanism. In the past, this machinery was often understood as a historical or economic process that defined the special, manifest destiny of the group in question. **These days, it is more likely to be represented as a prepolitical, sociobiological, or biocultural feature, something mysterious and genetic that sanctions especially harsh varieties of deterministic thinking.** In this light, identity ceases to be an ongoing process of self-making and social interaction. It becomes instead a thing to be possessed and displayed. **It is a silent sign that closes down the possibility of communication across the gulf between one heavily defended island of particularity and its equally well fortified neighbors**, between one national encampment and others. **When identity refers to an indelible mark or code somehow writ- ten into the bodies of its carriers, otherness can only be a threat**. Identity is latent destiny. Seen or unseen, **on the surface of the body or buried deep in its cells, identity forever sets one group apart** from others who lack the particular, chosen traits that become the basis of typology and comparative evaluation. No longer a site for the affirmation of subjectivity and autonomy, identity mutates. Its motion reveals a deep desire for mechanical solidarity, seriality, and hypersimilarity. The scope for individual agency dwindles and then disappears. **People become bearers of the differences that the rhetoric of absolute identity invents and then invites them to celebrate.** Rather than communicating and making choices, individuals are seen as obedient, silent passengers moving across a flattened moral landscape toward the fixed destinies to which their essential identities, their genes, and the closed cultures they create have consigned them once and for all. And yet, **the desire to fix identity in the body is inevitably frustrated by the body's refusal to disclose the required signs of absolute incompatibility people imagine to be located there.¶** Numerous cross-cultural examples might be used to illustrate this point. Reports from the genocide in Rwanda repeatedly revealed that identity cards issued by the political authorities were a vital source of the information necessary to classify people into the supposedly natural "tribal" types that brought them either death or deliverance. There, as in several other well-documented instances of mass slaughter, the bodies in question did not freely disclose the secrets of identity: Many Tutsis have been killed either because their ID cards marked them out as a Tutsi or because they did not have their card with them at the time and were therefore unable to prove they were not a Tutsi ... To escape the relentless discrimination they suffered, over the years many Tutsis bribed local government officials to get their ID card changed to Hutu. Unfortunately, this has not protected them ... The Tutsi give-aways were: one, being tall and two having a straight nose. Such criteria even led hysterical militias to kill a number of Hutus whose crime was "being too tall for a Hutu." Where there was doubt about the person's physical characteristics or because of the complaints that too many Tutsis had changed their card, the Interahamwe called upon villagers to verify the "tutsiship" of the quarry in question.6 Similar events were still being reported four years later when the genocidal assault against the Tutsis had been rearticulated into the civil war in Congo--a conflict that had already drawn in several other states and that appeared to provide the key to stability in the region. Under the presidency of Laurent Kabila, people whose physical characteristics made them suspect were still being openly murdered. 7 It is important to remember, however, that the linguistic markers of residual colonial conflict between anglophone and francophone spheres of influence were also implicated in sustaining the killing. These fragments from a history of unspeakable barbarity underline how the notion of fixed identity **operates easily on both sides of the chasm** that usually divides scholarly writing from the disorderly world of political conflicts. Recently, identity has also come to constitute something of a bridge between the often discrepant approaches to understanding self and sociality found on the different sides of that widening gulf. As a theme in contemporary scholarship, identity has offered academic thinking an important route back toward the struggles and uncertainties of everyday life, where the idea of identity has become especially resonant. **It has also provided the distinctive signatures of an inward, implosive turn that brings the difficult tasks of politics to an end by making them appear irrelevant in the face of deeper, more fundamental powers that regulate human conduct irrespective of governmental superficialities**. If identity and difference are fundamental, then they are not amenable to being re-tooled by crude political methods that cannot possibly get to the heart of primal ontologies, destinies, and fates. "When the stakes are this high, nothing can be done to offset the catastrophic consequences that result from tolerating difference and mistaken attempts at practicing democracy. Difference corrupts and compromises identity. Encounters with it are just as unwelcome and potentially destructive as they were for Houston Stewart Chamberlain. They place that most precious commodity, rooted identity, in grave jeopardy. "When national and ethnic identities are represented and projected as pure, exposure to difference threatens them with dilution and compromises their prized purities with the ever-present possibility of contamination. Crossing as mixture and movement must be guarded against. **New hatreds and violence arise** not, as they did in the past, from supposedly reliable anthropological knowledge of the identity and difference of the Other but from the novel problem of not being able to locate the Other's difference in the common-sense lexicon of alterity. Different people are certainly hated and feared, but the timely antipathy against them is **nothing compared with the hatreds turned toward the greater menace of the half-different and the partially familiar**. To have mixed is to have been party to a great betrayal. Any unsettling traces of hybridity must be excised from the tidy, bleached-out zones of impossibly pure culture. The safety of sameness can then be recovered by either of the two options that have regularly appeared at the meltdown point of this dismal logic: **separation and slaughter.¶**

#### No social death – history proves

Brown 9 (Vincent Brown, Prof. of History and African and African-American Studies @ Harvard Univ., December 2009, "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 powerfully 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

#### Social movements MUST engage institutions with specific policy demands in order to initiate social transformation – cooption args are wrong

Hunt 90 (Alan, Professor of Law and Sociology, Carleton University, Ottawa, Canada, “Rights and Social Movements: Counter-Hegemon Strategies,” Journal of Law and Society Vol. 17 No. 3)

Beyond questions concerning the criteria of 'success' there is another and perhaps more fundamental problem with the existing studies of the use of litigation by social movements. There is a failure to distinguish between the very different types of social movements that have been studied.26 What is missing is a concern with what I propose to call the 'hegemonic capacity' of social movements. In a first approximation the distinction can be drawn between **'single issue' movements** and those whose **goals would constitute a wider set of social changes** than their immediate objectives. But this approximation requires further refinement because some movements which are apparently single issue have extensive ramifications. The abortion rights movement, whilst superficially focusing on a single issue, has ramifications extending beyond the immediate question of women's right to control their fertility. The abortion rights movement is a prime example of the concept of 'local hegemony'. Such a movement is not directed to the kind of global hegemony that Gramsci had in mind with his focus on the role of the revolutionary party. But movements directed towards local (or regional) hegemony can only be adequately judged in their capacity to **transform a wide range of social practices and discourses**. For present purposes I suggest that, in addition, the environmental movement and the civil rights movement also serve as my example of movements of 'local hegemony' in that **while focused on a set of** specific demands**, their realization would both necessitate and occasion** wider structural changes**.** The most immediate implication is that their 'success' is not a matter of securing some immediate interest. It follows that to evaluate the role of litigation for such movements necessitates that focus be directed to the articulation between the elements that make up the strategic project of the movement. My suggestion is that a key feature of any such assessment revolves around their capacity to **put in place a new or transformed discourse of rights** which **goes to the heart** of the way in which the substantive issues are conceived, expressed, argued about, and struggled over. My more controversial suggestion is that the immediate **'success' or 'failure' of specific litigation has to be approached in a different way** which requires that we take account of the possibility that litigation 'failure' may, paradoxically, provide the conditions of 'success' that compel a movement forward. In current struggles over wife abuse, all those cases in which judges impose derisory sanctions are contexts which drive the movement forward because they provide instances of a dying discourse in which women 'deserve' chastisement by their husbands. Such judicial pronouncements become more self-evidently anachronistic and in this inverted form speak of a new and emergent discourse of rights and autonomy. The implications of this line of thought are that the whole question of the success or failure of litigation and its connection with transformative strategies is far more complex than our existing attempts to measure 'success' and 'failure' admit.¶ A more far-reaching criticism of litigation is that, rather than helping, 'law', conceived variously as litigation or legal reform politics, is itself part of the problem. This line of argument is at the root of Kristin Bumiller's study of the civil rights movement.27 This strand of the anti-rights critique is, I want to suggest, even if unintended, a form of 'Leftism' whose inescapable error lies in the fact that it imagines a terrain of struggle in which a social movement can, by an act of will, **step outside the terrain on which the struggle is constituted**, Here a hegemonic strategy must insist that it is precisely in the engagement with the actually existing terrain, in particular, with its discursive forms**, that the possibility of their transformation and transcendence becomes possible.** To refuse this terrain is, in general, Leftist because is marks a refusal to engage with the conditions within which social change is grounded.

#### The use of the term “detention” to describe imprisonment sanitizes the process and euphemistically transforms a system of abuse and degradation into an unobjectionable administrative procedure

**National Forum**, 6/28/**05** (http://72.14.203.104/search?q=cache:3qt2cbGSm7UJ:forum.onlineopinion.com.au/thread.asp%3Farticle%3D3592+%22detention+is%22+euphemism&hl=en&gl=us&ct=clnk&cd=267)

So it is Liberal policy to lock up children who have come to this country to seek refuge and discard those with a conscience. What is their crime? Wrong place wrong time?   
How do the Liberals and their supporters justify this cruelty to children? Orwell said " In our time, Political speech and writing are largely the defence of the indefensible." Today the Liberals dole out the euphemisms and PR to defend the indefensible. For instance: "mandatory detention" is really imprisonment without trial; an "illegal" is a mother, a child, a person - flesh and blood with feelings. The main argument that we get to counter refugees and others who protest against this cruelty in Australia is the "question-begging", the "what if" nonsense comparing the treatment that they would get at the hands of dictators without conscience (that most refugees are escaping from). These mothers, fathers, sons and daughters are denied our help because the humanitarian conscience that they are appealing to no longer recognises their humanity - the "sheer cloudy vagueness" has swallowed up their humanity. Vague, desperate, fleeting images in the distance behind bars.   
According to KD, the Liberals have "legitimised" gaoling children and their parents in prisons to discourage other refugees from entering our shores. A terrorist is a person who uses extreme fear to govern or coerce government or community. So, I think, those condoning this method of coercion, that is, locking up refugees to coerce boat people into staying away is based on the similar thinking as a terrorist uses - it is wrong.   
Moreover, political conformity of the kind KD encourages, engenders the machine-like responses Orwell talks of in his essays. Those in favour of gaoling the mums and dads from afar who seek our help to scare others have no conscience, or more precisely , a sense of justice. Conscience reminds us of our humanity - without it you are just cogs in a machine.

#### Their arguments are appealing but ultimately amount to a reification of fixed identities. The ballot won’t heal the aff’s pain and only serves to create a perverse competition for victimhood. This results in an endless pursuit of revenge, rather than provide emancipation to marginalized populations

Enns 12 (Diane, Associate Professor of Philosophy at McMaster University, Assistant Professor of Philosophy and Associate Director of the Institute on Globalization and the Human Condition at McMaster University, Canada*,* The Violence of Victimhood, pg. 28-30)

Guilt and Ressentiment We need to think carefully about what is at stake here. Why is this perspective appealing, and what are its effects? At first glance, the argument appears simple: white, privileged women, in their theoretical and practical interventions, must take into account the experiences and conceptual work of women who are less fortunate and less powerful, have fewer resources, and are therefore more subject to systemic oppression. The lesson of feminism's mistakes in the civil rights era is that this “mainstream” group must not speak for other women. But such a view must be interrogated. Its effects, as I have argued, include a veneration of the other, moral currency for the victim, and an insidious competition for victimhood. We will see in later chapters that these effects are also common in situations of conflict where the stakes are much higher. ¶ We witness here a twofold appeal: otherness discourse in feminism appeals both to the guilt of the privileged and to the resentment, or ressentiment, of the other. Suleri's allusion to “embarrassed privilege” exposes the operation of guilt in the misunderstanding that often divides Western feminists from women in the developing world, or white women from women of color. The guilt of those who feel themselves deeply implicated in and responsible for imperialism merely reinforces an imperialist benevolence, polarizes us unambiguously by locking us into the categories of victim and perpetrator, and blinds us to the power and agency of the other. Many fail to see that it is embarrassing and insulting for those identified as victimized others not to be subjected to the same critical intervention and held to the same demands of moral and political responsibility. Though we are by no means equal in power and ability, wealth and advantage, we are all collectively responsible for the world we inhabit in common. The condition of victimhood does not absolve one of moral responsibility. I will return to this point repeatedly throughout this book.¶ Mohanty's perspective ignores the possibility that one can become attached to one's subordinated status, which introduces the concept of ressentiment, the focus of much recent interest in the injury caused by racism and colonization. Nietzsche describes ressentiment as the overwhelming sentiment of “slave morality,” the revolt that begins when ressentiment itself becomes creative and gives birth to values. 19 The sufferer in this schema seeks out a cause for his suffering—“ a guilty agent who is susceptible to suffering”— someone on whom he can vent his affects and so procure the anesthesia necessary to ease the pain of injury. The motivation behind ressentiment, according to Nietzsche, is the desire “to deaden, by means of a more violent emotion of any kind, a tormenting, secret pain that is becoming unendurable, and to drive it out of consciousness at least for the moment: for that one requires an affect, as savage an affect as possible, and, in order to excite that, any pretext at all.” 20 In its contemporary manifestation, Wendy Brown argues that ressentiment acts as the “righteous critique of power from the perspective of the injured,” which “delimits a specific site of blame for suffering by constituting sovereign subjects and events as responsible for the ‘injury’ of social subordination.” Identities are fixed in an economy of perpetrator and victim, in which revenge, rather than power or emancipation, is sought for the injured, making the perpetrator hurt as the sufferer does. 21¶ 30¶ Such a concept is useful for understanding why an ethics of absolute responsibility to the other appeals to the victimized. Brown remarks that, for Nietzsche, the source of the triumph of a morality rooted in ressentiment is the denial that it has any access to power or contains a will to power. Politicized identities arise as both product of and reaction to this condition; the reaction is a substitute for action— an “imaginary revenge,” Nietzsche calls it. Suffering then becomes a social virtue at the same time that the sufferer attempts to displace his suffering onto another. The identity created by ressentiment, Brown explains, becomes invested in its own subjection not only through its discovery of someone to blame, and a new recognition and revaluation of that subjection, but also through the satisfaction of revenge. 22¶ The outcome of feminism's attraction to theories of difference and otherness is thus deeply contentious. First, we witness the further reification reification of the very oppositions in question and a simple reversal of the focus from the same to the other. This observation is not new and has been made by many critics of feminism, but it seems to have made no serious impact on mainstream feminist scholarship or teaching practices in women's studies programs. Second, in the eagerness to rectify the mistakes of “white, middle-class, liberal, western” feminism, the other has been uncritically exalted, which has led in turn to simplistic designations of marginal, “othered” status and, ultimately, a competition for victimhood. Ultimately, this approach has led to a new moral code in which ethics is equated with the responsibility of the privileged Western woman, while moral immunity is granted to the victimized other. Ranjana Khanna describes this operation aptly when she writes that in the field of transnational feminism, the reification of the other has produced “separate ethical universes” in which the privileged experience paralyzing guilt and the neocolonized, crippling resentment. The only “overarching imperative” is that one does not comment on another's ethical context. An ethical response turns out to be a nonresponse. 23 Let us turn now to an exploration of this third outcome.

#### Reification of the logic of victimhood propels and unleashes the greatest forms of violence

Sengupta 6 (Shuddhabrata, media practitioner, filmmaker and writer with the Raqs Media Collective, "I/Me/Mine—Intersectional Identities as Negotiated Minefields," Signs: Journal of Women in Culture, http://www.journals.uchicago.edu/SIGNS/journal/issues/v31n3/40253/40253.html)

Once you position or foreground a particular circumstance of victimhood, it enables a scotoma, an inability to see oneself as anything other than a victim, **and this, if anything, propels and unleashes the greatest violence**. And so it is that the United States can disperse depleted uranium in faraway lands because Americans have been persuaded that 9/11, a tragedy for the whole world like any tragedy (be it the violence in Kashmir, or Afghanistan, or Palestine, or Rwanda, or Vietnam), comes to be seen as the special, particular tragedy of the American people **and thereby the launching pad for the exclusive claim to the righteous use of force on their behalf by the U.S. government.**

#### Racism Not Root Cause ---

Barndt 7 – director of Crossroads, a ministry to dismantle racism (Joseph, Understanding and Dismantling Racism, p 10)

While dealing with the subject of racism, we need to be aware that racism is not the only social problem of our society. The dross of our happiness Machines produce other "isms" such as sexism, heterosexism, classism, nationalist, militarism, anti-Semitism, and environmental pollution--all of which cause tremendous suffering and endanger humanity's existence. The same fable could be used to describe the social reality of poverty-stricken people, women and children, gays and lesbians, oppressed religions, and political domination throughout the world. All of these social problems are interwoven into a single fabric of oppression, and they are not easily disentangled from each other. However, it is not possible to simply analyze and resist "oppression in general." Just as this book addresses racism, each of these other "isms" must be separately analyzed and addressed.

#### Appeals to personal experience replace analysis of group oppression with personal testimony. As a result, politics becomes a policing operation—those not in an identity group are denied intellectual access and those within the group who don’t conform to the aff’s terms are excluded.

Scott 92 (Joan, Harold F. Linder Professor at the School of Social Science in the Institute for Advanced Study in Princeton, “Multiculturalism and the Politics of Identity,” October Summer p. 16-19)

The logic of individualism has structured the approach to multiculturalism in many ways. The call for tolerance of difference is framed in terms of respect for individual characteristics and attitudes; group differences are conceived categorically and not relationally, as distinct entities rather than interconnected structures or systems created through repeated processes of the enunciation of difference. Administrators have hired psychological consulting firms to hold diversity workshops which teach that conflict resolution is a negotation between dissatisfied individuals. Disciplinary codes that punish "hate-speech" justify prohibitions in terms of the protection of individuals from abuse by other individuals, not in terms of the protection of members of historically mistreated groups from discrimination, nor in terms of the ways language is used to construct and reproduce asymmetries of power. The language of protection, moreover, is conceptualized in terms of victimization; the way to make a claim or to justify one's protest against perceived mistreatment these days is to take on the mantle of the victim. (The so-called Men's Movement is the latest comer to this scene.) Everyone-whether an insulted minority or the perpetrator of the insult who feels he is being unjustly accused-now claims to be an equal victim before the law. Here we have not only an extreme form of individualizing, but a conception of individuals without agency. There is nothing wrong, on the face of it, with teaching individuals about how to behave decently in relation to others and about how to empathize with each other's pain. The problem is that difficult analyses of how history and social standing, privilege, and subordination are involved in personal behavior entirely drop out. Chandra Mohanty puts it this way: There has been an erosion of the politics of collectivity through the reformulation of race and difference in individualistic terms. The 1960s and '70s slogan "the personal is political" has been recrafted in the 1980s as "the political is personal." In other words, all politics is collapsed into the personal, and questions of individual behaviors, attitudes, and life-styles stand in for political analysis of the social. Individual political struggles are seen as the only relevant and legitimate form of political struggle.5 Paradoxically, individuals then generalize their perceptions and claim to speak for a whole group, but the groups are also conceived as unitary and autonomous. This individualizing, personalizing conception has also been be- hind some of the recent identity politics of minorities; indeed it gave rise to the intolerant, doctrinaire behavior that was dubbed, initially by its internal critics, "political correctness." It is particularly in the notion of "experience" that one sees this operating. In much current usage of "experience," references to structure and history are implied but not made explicit; instead, personal testimony of oppression re- places analysis, and this testimony comes to stand for the experience of the whole group. The fact of belonging to an identity group is taken as authority enough for one's speech; the direct experience of a group or culture-that is, membership in it-becomes the only test of true knowledge. The exclusionary implications of this are twofold: all those not of the group are denied even intellectual access to it, and those within the group whose experiences or interpretations do not conform to the established terms of identity must either suppress their views or drop out. An appeal to "experience" of this kind forecloses discussion and criticism and turns politics into a policing operation: the borders of identity are patrolled for signs of nonconformity; the test of membership in a group becomes less one's willingness to endorse certain principles and engage in specific political actions, less one's positioning in specific relationships of power, than one's ability to use the prescribed languages that are taken as signs that one is inherently “of” the group. That all of this isn't recognized as a highly political process that produces identities is troubling indeed, especially because it so closely mimics the politics of the powerful, naturalizing and deeming as discernably objective facts the prerequisites for inclusion in any group. Indeed, I would argue more generally that separatism, with its strong insistence on an exclusive relationship between group identity and access to specialized knowledge (the argument that only women can teach women's literature or only African-Americans can teach African-American history, for example), is a simultaneous refusal and imitation of the powerful in the present ideological context. At least in universities, the relationship between identity- group membership and access to specialized knowledge has been framed as an objection to the control by the disciplines of the terms that establish what counts as (important, mainstream, useful, collective) knowledge and what does not. This has had an enormously important critical impact, exposing the exclusions that have structured claims to universal or comprehensive knowledge. When one asks not only where the women or African-Americans are in the history curriculum (for example), but why they have been left out and what are the effects of their exclusion, one exposes the process by which difference is enunciated. But one of the complicated and contradictory effects of the implementation of programs in women's studies, African-American studies, Chicano studies, and now gay and lesbian studies is to totalize the identity that is the object of study, reiterating its binary opposition as minority (or subaltern) in relation to whatever is taken as majority or dominant.

# 2NC

## Anthro

### 1NC Shell

#### The Aff’s foregrounding of human suffering ignores the tools that have been produced to suppress groups and ignores the humanized context of the event.

HEYDT 10

[samantha, american abattoirs, December 20th, <http://samheydt.wordpress.com/2010/12/20/224/>, BA Communications New School and Universitat van Amsterdam ]

The American abattoir paved the road to Auschwitz.  The industrialization of death developed at the turn of the century in the US stockyards was adopted by the Nazi Concentration camps, where sectors of humanity relegated into the realm of ‘subhuman’ were slaughtered.  History repeats itself with the algorithms of domination shifting not in construct but in context. The assembly-line technology and eugenic ideology that buttresses the mechanized mass murder of animals share the rationalized cruelty that has historically been used in the Western context against humans in the ‘state of exception’.  Branded inferior, crammed into railcars, forced into labor and killed when no longer of use, the victims of the Holocaust experienced the same fate as the chattel of slaughterhouses do today.  **The justification for this brutality is hinged on the ‘biological inferiority’** of the victims who are dehumanized and denigrated as animals. **The “anthropological machine” distinguishing humans from animals collapses when man is stripped down to ‘bare life’ (Agamben).** Thus, as long as the exploitation and violent slaughter of animals occurs unrefuted, the potential for genocide remains.  As history has shown us time and time again: the realm of nonhuman is not solely occupied by animals. Historical Context: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Patriarchy, slavery and the social matrix of speciesism emerged in tandem to one another from the same region that fathered agriculture in the Middle East during the Chalcolithic Age.  Sumer, now modern Iraq, was the first civilization to engage in core agricultural practices such as organized irrigation and specialized labor with slaves and animals.  They raised cattle, sheep and pigs, used ox for draught their beast of burden and equids for transport (Sayce 99). The knowledge to store food as standing reserve meant migration was no longer necessary to survive. The population density bred social hierarchies supported at its base by slaves (Kramer 47).  **In Sumer, there were only two social strata’s to belong to: lu the free man and arad the slave** (Kramer 47).  **Technologies such as branding irons, chains and cages that were developed to dominate animals paved way for the domination over humans too**. The “human rule over the lower creatures provided the mental analogue in which many political and social arrangements are based” (Patterson 280). Caged and castrated, slaves were treated no different from chattel. Thousands of years later, the tools developed in the Middle East for domestication were used by the Europeans during colonization to shackle slaves. “When the European settlers arrived in Tasmania in 1772, the indigenous people seem not to have noticed them…By 1830 their numbers had been reduced from around five hundred to seventy-two. In their intervening years they had been used for slave labour and sexual pleasure, tortured and mutilated. They had been hunted like vermin and their skins had been sold for a government bounty. When the males were killed, female survivors were turned loose with the heads of their husbands tied around their necks. Males who were not killed were usually castrated. Children were clubbed to death.” (Gray 91). This horrific account illustrates how the indigenous people of Tasmania were enslaved,skinned and slaughtered by the Europeans. Meanwhile across the globe, the trans-Atlantic slave trade was at its peak in the 18th century.  Africans were taken from their native land, branded, bred, and sold as property.  **Linguistically these acts of violence and exploitation are tied to animals- branded, skinned, slaughtered, sold.**  **Be that as it may, “as long as men massacre animals, they will kill each other”** (Pythagoras in Patterson 210).   Racism, colonialism, anti-Semitism and sexism all stem from the same systems of domination that initially subjugated animals. Until we cease to exploit living beings as resources, the threat of man being stripped of his humanity looms.  Although we cringe at the inhumane actions of our ancestors, the scale and efficiency of murder and oppression has only advanced, while the notion of ‘human’ remains increasingly obscured.

#### The construction of dehumanization legitimizes the obsession with humanism. We are all privileged as humans in the debate community, considered above animals, showcased by the ones we served in boxes just hours ago. We should reject attempts to “**include**” groups in human paradigms and instead reject human discourse altogether.

Deckha 10 [Maneesha, faculty of law, university of Victoria, “it’s time to abandon the idea of human rights”, the scavenger, dec. 10]

The category of the ‘subhuman’ is inherent in global gendered, racialized and economic violence, throwing up questions around the relevance of concepts of ‘human rights’ and ‘human dignity’ for effective theories of justice, policy and social movements. Instead of fighting dehumanization with humanization, **a better strategy may be to minimize the human/nonhuman boundary altogether**. A new discourse of cultural and legal protections is required to address violence against vulnerable humans in a manner that does not privilege humanity or humans, nor permit a subhuman figure to circulate as the mark of inferior beings on whom the perpetration of violence is legitimate. **We need to find an alternative discourse to theorize and mobilize around vulnerabilities for “subhuman” humans**, writes Maneesha Deckha. 13 December 2010 One of the organizing narratives of western thought and the institutions it has shaped is humanism and the idea that human beings are at the core of the social and cultural order. The cultural critique humanism has endured, by way of academic theory and social movements, has focused on the failure of its promise of universal equal treatment and dignity for all human beings. To address this failing, a rehabilitative approach to humanism is usually adopted with advocates seeking to undo humanism’s exclusions by expanding its ambit and transporting vulnerable human groups from “subhuman” to “human” status. Law has responded by including more and more humans under the coveted category of “personhood”. Yet, the logic of the human/subhuman binary typically survives this critique with the dependence of the coveted human status on the subhuman (and the vulnerabilities it enables) going unnoticed. This gap in analysis is evident in how most of us think about violence and its related concept of vulnerability. Some would even say that what sets us apart from nonhumans is a capacity for vulnerability. Others who address human-nonhuman relationships more closely might say that what sets human apart from nonhuman animals, if anything, is our capacity for violence. More particular still, feminists would highlight the masculinist orientation of this violence against nonhumans, animals and otherwise, noting that institutionalized violence against nonhumans primarily occurs in male-dominated industries. Yet, the discourse around (hu)man violence against animals is muted in mainstream debates about violence, vulnerability and exploitation in general. More common is a concern with violence against humans and how to eliminate it and make humans less vulnerable. This theorizing largely proceeds through affirmations of the inviolability or sanctity of human life and human dignity, establishing what it means to be human through articulation of what it means to be animal. **The humanist paradigm of anti-violence discourse thus does not typically examine the human/nonhuman boundary, but often fortifies it.** The failure to address this boundary and its creation and maintenance of the figure of the subhuman undermines anti-violence agendas.

#### Vote Negative to reject species-level thinking instead of the Aff’s strategy of fighting anthropological problems with more anthroprocentrism.

Deckha 10

[Maneesha, faculty of law, university of Victoria, “it’s time to abandon the idea of human rights”, the scavenger, dec. 10]

Time for a new discourse That the human/subhuman binary continues to inhabit so much of western experience raises the question of the continuing relevance of anthropocentric concepts (such as “human rights” and “human dignity”) for effective theories of justice, policy and social movements. Instead of fighting dehumanization with humanization, a better strategy may be to minimize the human/nonhuman boundary altogether. The human specialness claim is a hierarchical one and relies on the figure of an Other – the subhuman and nonhuman – to be intelligible. The latter groups are beings, by definition, who do not qualify as “human” and thus are denied the benefits that being “human” is meant to compel. More to the point, however, a dignity claim staked on species difference, and reliant on dehumanizing Others to establish the moral worth of human beings, will always be vulnerable to the subhuman figure it creates. This figure is easily deployed in inter-human violent conflict implicating race, gender and cultural identities as we have seen in the context of military and police camps, contemporary slavery and slavery-like practices, and the laws of war – used in these situations to promote violence against marginalized human groups. A new discourse of cultural and legal protections is required to address violence against vulnerable humans in a manner that does not privilege humanity or humans, nor permit a subhuman figure to circulate as the mark of inferior beings on whom the perpetration of violence is legitimate. We need to find an alternative discourse to theorize and mobilize around vulnerabilities for “subhuman” humans. This move, in addressing violence and vulnerabilities, should be productive not only for humans made vulnerable by their dehumanization, but nonhumans as well.

### 2NC Overview

#### The subordination of animals provides the foundation for the violent institutionalization of racism and sexism

Charles Patterson. 2002. Eternal Treblinka: Our Treatment of Animals and the Holocaust. P 12- 13

Karl Jacoby writes that it seems "more than coincidental that the region that yields the first evidence of agriculture, the Middle East, is the same one that yields the first evidence of slavery." Indeed, in the ancient Near East, he writes, slavery was "little more than the extension of domestication to humans.''" Most studies of human slavery have railed to emphasize how the enslavement of animals served as the model and inspiration for the enslavement of humans, but there have been notable exceptions.40 Elizabeth Fisher believes that the sexual subjugation of women, as practiced in all the known civilizations of the world, was modeled after the domestication of animals. "The domestication of women followed the initiation of animal keeping," she writes, "and it was then that men began to control women's reproductive capacity, enforcing chastity and sexual repression."41 Fisher maintains that it was the vertical, hierarchical positioning of human master over animal slave that intensified human cruelty and laid the foundation for human slavery. The violation of animals expedited the violation of human beings. In taking them in and feeding them, humans first made friends with animals and then killed them. To do so, they had to kill some sensitivity in themselves. When they began manipulating the reproduction of animals, they were even more personally involved in practices which led to cruelty, guilt, and subsequent numbness. The keeping of animals would seem to have set a model for the enslavement of humans, in particular the large-scale exploitation of women captives for breeding and labor. 42

#### Speciesism makes possible “systematic beastilization” which justifies non-criminal putting to death of the other—root cause of all oppression

**Rossini**, postdoctoral Fellow ASCA, **2006**

(Manuela, “To the Dogs: Companion speciesism and the new feminist materialism”, text and image Volume 3, September, <http://intertheory.org/rossini>)

What is equally sobering, however, is the fact that the most radical metaposthumanists (and the humanities more broadly) do not quite manage to make an epistemological break with liberal humanism, insofar as their writing is also marked by an unquestioned “speciesism”; i.e., in the definition of ethicist Peter Singer who popularised the term three decades ago in his book *Animal Liberation*, “a prejudice or attitude of bias in favour of the interests of members of one’s own species and against those of members of other species.” Both postcolonial, feminist and queer theories and discussion of subjectivity, identity, and difference as well as the claims on the right to freedom by new social movements have recourse to an Enlightenment concept of the subject whose *conditio sine qua non* is the absolute control of that subject over the life of nonhuman others/objects. The rhetorical strategy of radically separating non-white, non-male and non-heterosexual human beings from animals in order to have the subject status of these members of the human species recognised was and is successful and also legitimate – given that the racist, sexist and homophobic discourse of animality or an animalistic „nature“ has hitherto served to exclude most individuals of those groups of people from many privileges – but the speciesist logic of the dominance of human animals over nonhuman animals has remained in place. If we fight racism and (hetero)sexism because we declare discrimination on the basis of specific and identifiable characteristics – such as “black“, “woman” or “lesbian“ to be wrong and unjust, then we should also vehemently oppose the exploitation, imprisoning, killing and eating of nonhuman animals on the basis of their species identity. Moreover, if our research and teaching as cultural critics endeavours to do justice to the diversity of human experience and life styles and feel responsible towards marginalised others, should we then not seriously think about Cary Wolfe’s question „how must our work itself change when the other to which it tries to do justice is no longer human?“ Wolfe is not making a claim for animal rights here – at least not primarily. This is also why his book puns on “rites/rights“: *Animal Rites* is the intervention of the anti-speciesist cultural critic who scrutinizes the rituals that human beings form around the figures of animals, including the literary and cinematic enactments of cannibalism, monstrosity and normativity. Wolfe subsumes all of these stagings under the heading *the discourse of species*, with “discourse“ understood in the sense of Michel Foucault as not only a rhetoric but above all as the condition for the production and ordering of meaning and knowledge in institutions like medicine, the law, the church, the family or universities. In addition, Wolfe wants to sharpen our awareness that a speciesist metaphysics has also **a deadly impact on *human* animals**, especially because speciesism is grounded in the juridical state apparatus: “the full transcendence of the ‘**human‘ requires the sacrifice of the ‘animal‘** and the animalistic, which in turn makes possible a symbolic economy in which we engage in what Derrida [calls] **a ‚non-criminal putting to death‘ of other *humans* as well by marking *them* as animal**.“ The dog lies buried in the singular: “The animal – what a word!”, Derrida exclaims: “[t]he animal is a word, it is an appellation that men have instituted, a name they have given themselves the right and authority to give to another living creature [*à l'autre vivant*].” In order to problematise this naming, Derrida has created the neologism *l'animot*: I would like to have the plural of animals heard in the singular. […] We have to envisage the existence of ‘living creatures’ whose plurality cannot be assembled within the single figure of an animality that is simply opposed to humanity. […] The suffix *mot* in *l’animot* should bring us back to the word […]. It opens onto the referential experience of the thing as such, as what it is in its being, and therefore to the reference point by means of which one has always sought to draw the limit, the unique and indivisible limit held to separate man from animal. As I propose in what follows, this clearly defined caesura of the „anthropological machine”, which according to Giorgio Agamben was already set in motion by the old Greeks and the messianic thinkers and then accelerated by scientific taxonomies and the birth of anthropology, can be bridged with the help of a zoontological approach and *companion speciesism*. Posthumanist zoontologies The desperate cry of the historical person Joseph Carey Merrick (in the movie *The Elephant Man* of 1980), “I am not an animal! I am a human being! I...am...a man!” – for recognition of his human identity through which he claims his right to social integration and personal integrity, is very understandable and hurts. But his words nevertheless reflect the poverty of the humanist stance, insofar as traditional humanism can only secure the “proper” essence of *humanitas* via a rigid separation from *animalitas*. If one reads the reports by the victims and witnesses of the tortures in the military prison of Abu Ghraib, it seems to me that it is precisely the continued insistence and reinforcement of the animal-human boundary that legitimises the committed atrocities: Some of the things they did was make me sit down like a dog, … and … bark like a dog and they were laughing at me … One of the police was telling me to crawl … A few days before [this], … the guy who wears glasses, he put red woman's underwear over my head … pissing on me and laughing on me … he put a part of his stick … inside my ass … she was playing with my dick … And they were taking pictures of me during all these instances. … [Another prisoner] was forced to insert a finger into his anus and lick it. He was also forced tolick and chew a shoe. … He was then told to insert his finger in his nose during questioning … his other arm in the air. The Arab interpreter told him he looked like an elephant. [They were] given badges with the letter ‘C’ on it. The US soldiers reduce their prisoners to their corporeal being, to animal being, and then make fun of this “bare life“ Instead of accepting their own vulnerability and mortality that they share with their victims as well as with other living beings, the torturers use the “systematic bestialization“of the prisoners to strengthen their own sense of freedom and autonomy and to concomitantly withdraw the right to protection guaranteed by the humanitarian rights of the Geneva Conventions; after all, as barking dogs, crawling insects and ‘elephant men’, these ‘creatures’ cannot respond to the name, the word, the interpellation “human.“ The implicit and explicit analogies between racism, sexism, homophobia that accompany the above description of the torture methods, confirm that the power of the “discourse of species” to affect *human* others depends on **the prior acceptance of** the institution “**speciesism**;” i.e. on taking for granted that the inflicting of pain and the killing of nonhuman animals by human animals does not constitute a criminal act but, on the contrary, is legal. This is why Derrida speaks of the “carnophallogocentrism“ of Western metaphysics. And here Wolfe’s argument comes full circle: [Since] the humanist discourse of species will always be available for use by some humans against other humans as well, to countenance violence against the social other of *whatever species* – or gender, or race, or class, or sexual difference. . . we need to understand that the ethical and philosophical urgency of confronting the institution of speciesism and crafting a posthumanist theory of the subject *has nothing to do with whether you like animals*. We all, human and nonhuman alike, have a stake in the discourse and institution of speciesism; it is by no means limited to its overwhelmingly direct and disproportionate effects on animals.

### 2NC AT: Perm

#### Instrumentalism Disad to the perm – Method determines the outcomes of the ethical practices we choose to adopt

**Jacques**, Dept. Poli. Sci, U. Florida, ‘**06** [Peter, *Global Environmental Politics*, Feb., project muse]

Not only is humanity the center of concern and analysis, other considerations **are irrelevant unless they directly involve human welfare.** Nature can matter in deep anthropocentrism, but only in very strict **instrumental terms**. For example, Lomborg argues that poor air quality, since it is directly linked to lives lost, may warrant more attention and even policy. However, even many instrumental values of non-human nature are dismissed because they are too far off, **indirect, or inconsequential compared to other matters**. Indirect relationships between human welfare and non-human nature as well as notions of interdependence are dismissed as “soft” and therefore invalid.59 Often this is described as something like “waiting for Godot” where the beneªts of many—sometimes all60—environmental policies are viewed as invalid and utopian. Deep anthropocentricism does not see non-human nature as important in absolute terms, and only in thin instrumental terms is non-human nature considered relatively important. For the deep anthropocentric, nature, unlike in anthropocentric environmentalism, is excised utterly from society.

**Their epistemology is incompatible with the alternative—turns the case**

**Best, 10** – Associate Professor of Humanities and Philosophy at the University of Texas at El Paso (Steven, 12/31/10, “Total Liberation: Revolution for the 21st Century”, <http://drstevebest.wordpress.com/2010/12/31/total-liberation-revolution-for-the-21st-century-4/>, KONTOPOULOS)

**It has escaped the attention of the entire Left that the arguments they use to justify human domination over animals – that animals allegedly lack reason and language – were the same arguments used by imperialists when they slaughtered native peoples and male oppressors when they exploited women. Humanists upholding speciesist views, therefore, ironically reinforce** **their own domination and cannot access the animal standpoint to understand the origins of domination, and so are in no position to advance a viable politics of liberation**.

#### We have to diagnose the disease first.

**Bauman 00** [Zygmunt Bauman, prominent sociology writer and Professor of sociology at the University of Leeds (since 1990 emeritus); “Liquid Modernity”; Polity Press – 2000; pgs. 215-216; Boyce]

To diagnose a disease does not mean the same as curing it - this general rule applies to sociological diagnoses as much as it does to medical verdicts. But let us note that the illness of society differs from bodily illnesses in one tremendously important respect: in the the case of an ailing social order, **the absence of an adequate diagnosis** ( elbowed out o r silenced by the tendency t o 'interpret away' the risks spotted by Ulrich Beck) **is a crucial,** perhaps decisive, **part of the disease**. As Cornelius Castoriadis famously put it, society is ill if it stops questioning itself; and it cannot be otherwise, considering that - whether it knows it or not - society is autonomous ( its institutions are nothing but human-made and so, potentially, human-unmade), and that suspension of self-questioning bars the awareness of autonomy while promoting the illusion of heteronomy with its unavoidably fatalistic consequences. **To restart questioning means to take a take a long step towards the cure.** If in the history of human condition discovery equals creation, if in thinking about the human condition explanation and understanding are one - so in the efforts to improve human condition diagnosis and therapy merge. Pierre Bourdieu expressed this perfectly in the conclusion of La Misere du monde: 'To become aware of the mechanisms which make life painful, even unliveable, does not mean to neutralize them; **to bring to light the contradictions does not mean to resolve them. '** And yet, sceptical as one can be about the social effectiveness of the sociological message, the effects of allowing those who suffer to discover the possibility of relating their sufferings to social causes cannot be **denied; nor can we dismiss the effects of effects of becoming aware of the social origin of unhappiness 'in all its forms, including the most intimate and most secret of them'** . Nothing is less innocent, Bourdieu reminds us, than laissez-faire. Watching human misery with equanimity while placating the pangs of conscience with the ritual incantation of the TINA ( 'there is no alternative' ) creed, means complicity. Whoever willingly or by default partakes of the cover-up or, worse still, the denial of -the human-made, non-inevitable, contingent and alterable nature of social order, notably of the kind of order responsible for unhappiness, is guilty of immorality - of refusing help to a person in danger. Doing sociology and writing sociology is aimed at disclosing the possibility of living together differently, with less misery or no misery: the possibility daily withheld, overlooked or unbelieved. Not-seeing, not-seeking and thereby suppressing this possibility is itself part of human misery and a major factor in its perpetuation. Its disclosure does not by itself predetermine its use; also, when known, possibilities may not be trusted enough to be put to the test of reality. Disclosure is the beginning, not the end of the war against human misery. **But that war cannot be waged in earnest**, let alone with a chance of at least partial success, unless the scale of human freedom is revealed and recognized, so that freedom can be fully deployed in the fight against the social sources of all, including the most individual and private, unhappiness. There is no choice between 'engaged' and 'neutral' ways of doing sociology. **A non-committal sociology is an impossibility.** Seeking a morally neutral stance among the many brands of sociology practised today, brands stretching all the way from the outspokenly libertarian to the staunchly communitarian**, would be a vain effort.** Sociologists may deny or forget the 'world-view' effects of their work, and the impact of that view on human singular or j oint actions, only at the expense of forfeiting that responsibility of choice which every other human being faces daily. The job of sociology is to see to it that the choices are genuinely free, and that they remain so, increasingly so, for the duration of humanity

### 2NC Link Wall

#### 1AC Diouf evidence talks about how the reason that Muslims were originally exploited was because their region was considered rebellion from norms is slave based societies – the alternative is a pre-requisite for WHY they were domesticated in the first place.

#### Greek origins of slavery and human trade were justifies by the discourse of anthroprocentrism. This is Aristotle in 330 BC.

[cited in <http://www.fordham.edu/halsall/ancient/greek-slaves.html>, a:1/12/11]

Where then there is such a difference as that between soul and body, or between men and animals (as in the case of those whose business is to use their body, and who can do nothing better), the lower sort are by nature slaves, and it is better for them as for all inferiors that they should be under the rule of a master. For he who can be, and therefore is, another's and he who participates in rational principle enough to apprehend, but not to have, such a principle, is a slave by nature. Whereas the lower animals cannot even apprehend a principle; they obey their instincts. And indeed the use made of slaves and of tame animals is not very different; for both with their bodies minister to the needs of life. Nature would like to distinguish between the bodies of freemen and slaves, making the one strong for servile labor, the other upright, and although useless for such services, useful for political life in the arts both of war and peace. But the opposite often happens---that some have the souls and others have the bodies of free men. And doubtless if men differed from one another in the mere forms of their bodies as much as the statues of the gods do from men, all would acknowledge that the inferior class should be slaves of the superior. It is clear, then, that some men are by nature free, and others slaves, and that for these latter slavery is both expedient and right.

#### Their evidence has this sheep without a shepherd metaphor about how we view Islam at that, but we should be interrogating the literal sheep that without a shepherd and how those things functioned.

#### we must recognize that the abuse brought onto the slaves on the middle passage and current otherization of people of the Islamic faith is a byproduct of our inability to accept the other as equal to ourselves- the human-non-human divide is the root cause of this otherization, but can only be solved by thinking about this relationship as an issue of anthropocentrism, not dehumanization

**Guenther 12** (Lisa, associate professor of philosophy at Vanderbilt, “Beyond Dehumanization: A Post-Humanist Critique of Solitary Confinement”, Journal for Critical Animal Studies, Volume 10, Issue 2, 2012)

They put [inmates] in the hole and they chained them, completely nude. So then the following day they give them a pair of shorts, and then the next day they give them a pencil, but no paper, and each day you progress, and if your behavior is not keeping with what they want it to be, then you start back from nothing. The reward punishment trip is what START was about. (cited in Gomez 2006, 63) Again, we could describe this treatment as a form of dehumanization; prisoners were indeed treated like dogs to be chained, confined and re-trained through a system of punishments and rewards. But we cannot fully understand the brutality of these programs until we refuse to accept that dogs deserve to be treated this way, any more than humans do. To the extent that we focus on the abuse of prisoners as an affront to human dignity, we risk overlooking the ethical, political and ontological complexity of a situation in which not only human beings, but living beings as such are at stake. The problem with programs like START and Asklepieion is not that they treated human prisoners as “mere flesh and blood,” but that they failed to respect them as flesh and blood creatures, with corporeal and intercorporeal needs that go beyond the basic conditions of survival. Given the countless situations in which Journal for Critical Animal Studies, Volume 10, Issue 2, 2012 (ISSN1948-352X) 60 nonhuman animals are similarly disrespected, the abuse of prisoners may well be described as a dehumanization in which prisoners are treated like animals. But this is only because animals themselves are being de-animalized: reduced to input-output machines, mechanisms of stimulus and response, separable units of behavior that can be disorganized and reorganized, unfrozen and refrozen, according the requirements of the animal industrial complex and/or the prison industrial complex. In or

**MARKED MARKED**

der to find more fruitful ways of critiquing the abuse of both systems, in which human and nonhuman animals are confined to cages, pens and cells across the world, we need to think beyond dehumanization, and beyond the anthropocentric worldview that supports it.

#### The reason for these impacts in their Doctor D evidence – racial categories, class dynamics, imperial war, Neolithic communities are all things that were caused by how we as humans originally oppressed animals.

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## T

### Topical Version – 2NC

#### A topical version of the aff would solve most of their offense—it’s capable of radical change

Lobel 7 (Orly Lobel, University of San Diego Assistant Professor of Law, 2007, The Paradox of Extralegal Activism: Critical Legal Consciousness and Transformative Politics,” 120 HARV. L. REV. 937, http://www.harvardlawreview.org/media/pdf/lobel.pdf)

V. RESTORING CRITICAL OPTIMISM IN THE LEGAL FIELD

“La critique est aisée; l’art difficile.”

A critique of cooptation often takes an uneasy path. Critique has always been and remains not simply an intellectual exercise but a political and moral act. The question we must constantly pose is how critical accounts of social reform models contribute to our ability to produce scholarship and action that will be constructive. To critique the ability of law to produce social change is inevitably to raise the question of alternatives. In and of itself, the exploration of the limits of law and the search for new possibilities is an insightful field of inquiry. However, the contemporary message that emerges from critical legal consciousness analysis has often resulted in the distortion of the critical arguments themselves. This distortion denies the potential of legal change in order to illuminate what has yet to be achieved or even imagined. Most importantly, cooptation analysis is not unique to legal reform but can be extended to any process of social action and engagement. When claims of legal cooptation are compared to possible alternative forms of activism, the false necessity embedded in the contemporary story emerges — a story that privileges informal extralegal forms as transformative while assuming that a conservative tilt exists in formal legal paths. In the triangular conundrum of “law and social change,” law is regularly the first to be questioned, deconstructed, and then critically dismissed. The other two components of the equation — social and change — are often presumed to be immutable and unambiguous. Understanding the limits of legal change reveals the dangers of absolute reliance on one system and the need, in any effort for social reform, to contextualize the discourse, to avoid evasive, open-ended slogans, and to develop greater sensitivity to indirect effects and multiple courses of action. **Despite its weaknesses, however, law is an** optimistic discipline. It operates both in the present and in the future. Order without law is often the privilege of the strong. Marginalized groups have used legal reform precisely because they lacked power. Despite limitations, these groups have often successfully secured their interests through legislative and judicial victories. **Rather than experiencing a** disabling disenchantment **with the legal system, we can learn from both the** successes and failures of past models, **with the aim of** constantly redefining the boundaries of legal reform **and making visible law’s broad reach**.

### Good Muslims DA

#### Progressivism is possible, and it depends on effective decision-making, so T turns the case

**Clark 95** (Leroy – Professor of Law at Catholic University Law School, A Critique of Professor Derrick A. Bell's Thesis of the Permanence of Racism and His Strategy of Confrontation, 73 Denv. U.L. Rev. 23, 1995, p. Lexis)

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

1. [↑](#endnote-ref-1)
2. [↑](#endnote-ref-2)
3. [↑](#endnote-ref-3)