# Neg Wiki Doc

# 1NC

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### 1NC – T

#### Topical affirmatives must advocate a policy whereby the United States federal government expands the scope of one or more of its core antitrust laws.

#### Resolved means to enact a policy by law.

Words & Phrases ’64 [Words and Phrases; 1964; 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”.

#### The United States federal government is the national government in DC.

Black’s Law ‘4 [Black’s Law Dictionary; 6/1/4; 8th Edition, p. 716]

Federal government. 1. A national government that exercises some degree of control over smaller political units that have surrendered some degree of power in exchange for the right to participate in national politics matters – Also termed (in federal states) central government. 2. the U.S. government – Also termed national government. [Cases: United States -1 C.J.S. United States - - 2-3]

#### Should means mandating something be done.

Nieto ‘9 [Judge Henry Nieto, Colorado Court of Appeals, 8-20-2009 People v. Munoz, 240 P.3d 311 (Colo. Ct. App. 2009)]

"Should" is "used . . . to express duty, obligation, propriety, or expediency." Webster's Third New International Dictionary 2104 (2002). Courts [\*\*15] interpreting the word in various contexts have drawn conflicting conclusions, although the weight of authority appears to favor interpreting "should" in an imperative, obligatory sense. HN7A number of courts, confronted with the question of whether using the word "should" in jury instructions conforms with the Fifth and Sixth Amendment protections governing the reasonable doubt standard, have upheld instructions using the word. In the courts of other states in which a defendant has argued that the word "should" in the reasonable doubt instruction does not sufficiently inform the jury that it is bound to find the defendant not guilty if insufficient proof is submitted at trial, the courts have squarely rejected the argument. They reasoned that the word "conveys a sense of duty and obligation and could not be misunderstood by a jury." See State v. McCloud, 257 Kan. 1, 891 P.2d 324, 335 (Kan. 1995); see also Tyson v. State, 217 Ga. App. 428, 457 S.E.2d 690, 691-92 (Ga. Ct. App. 1995) (finding argument that "should" is directional but not instructional to be without merit); Commonwealth v. Hammond, 350 Pa. Super. 477, 504 A.2d 940, 941-42 (Pa. Super. Ct. 1986). Notably, courts interpreting the word "should" in other types of jury instructions [\*\*16] have also found that the word conveys to the jury a sense of duty or obligation and not discretion. In Little v. State, 261 Ark. 859, 554 S.W.2d 312, 324 (Ark. 1977), the Arkansas Supreme Court interpreted the word "should" in an instruction on circumstantial evidence as synonymous with the word "must" and rejected the defendant's argument that the jury may have been misled by the court's use of the word in the instruction. Similarly, the Missouri Supreme Court rejected a defendant's argument that the court erred by not using the word "should" in an instruction on witness credibility which used the word "must" because the two words have the same meaning. State v. Rack, 318 S.W.2d 211, 215 (Mo. 1958). [\*318] In applying a child support statute, the Arizona Court of Appeals concluded that a legislature's or commission's use of the word "should" is meant to convey duty or obligation. McNutt v. McNutt, 203 Ariz. 28, 49 P.3d 300, 306 (Ariz. Ct. App. 2002) (finding a statute stating that child support expenditures "should" be allocated for the purpose of parents' federal tax exemption to be mandatory).

#### Prohibitions are laws forbidding something.

Collins ‘ND [Collins Dictionary; “Prohibition”; https://www.collinsdictionary.com/dictionary/english/prohibition; AS]

A prohibition is a law or rule forbidding something.

#### The core antitrust laws are the Sherman, Clayton, and FTC Acts.

Nam ’17 [Steven S; Distinguished Practitioner, Center for East Asian Studies, Stanford University; 2017; “OUR COUNTRY, RIGHT OR WRONG: THE FTC ACT'S INFLUENCE ON NATIONAL SILOS IN ANTITRUST ENFORCEMENT”; 20 U. Pa. J. Bus. L. 210; Lexis]

Enacted in 1914 to bolster and clarify the government's authority to hold accountable business enterprises that harm or endanger market competition, the FTC Act is one of three core federal antitrust laws together with the Sherman and Clayton Acts. The "catch-all" legislation established the FTC and empowers commissioners to investigate a wide range of anticompetitive business practices and to penalize culpable companies. 27Section 5 is central to the statute with its prohibition of "unfair methods of competition in or affecting commerce," as well as "unfair or deceptive acts or practices in or affecting commerce." 28 Any violation of U.S. antitrust laws--including, but not limited to, monopolization under Section 2 of the Sherman Act and mergers and acquisitions that trigger Section 7 of the Clayton Act--constitutes a violation of the FTC Act.

#### Debate is a game and we’re both here to win. Two impacts:

#### Fairness – the negative begins preparation from a predictable reading of the resolution. Absent limitations on advocacy, the affirmative has a structural advantage since they can recontextualize their case and permute alternatives. Competitive incentives discourage the aff from providing the negative options that fall within their pre-tournament preparation. Preserving an equitable chance of victory between aff and neg benefits all teams. That outweighs and necessarily precedes their offense because debate is inherently bounded by competitive incentives – the judge must pick a winner and loser, enforce speech times, consider dropped arguments as true. Because the conditions of debateability is a prerequisite to evaluation of the content of a debate - procedural questions like T precede substantive ones and the ballot should decide who better debated the resolutional question.

#### Clash. Resolutional debates focus on specific points of disagreement, which encourages teams to develop third and fourth line responses to arguments. This strategic process has significant pedagogical value in training us to think through the other side’s argument, which promotes the problematization of solutions and the actualization of debate’s benefits.

### 1NC – Repressive Hypothesis K

#### The reduction of race to the binary of enslaved black female flesh and the white rival is a master narrative produced by the retroactive reading of 19th century biological racism as an inescapable transhistorical force.

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Foucauldian Discourse and Its Postcolonial Inflection

In his critique of European imperialism, Edward Said, greatly influenced by Foucault’s early work on discourse, performs the trend-setting task of mapping the systemic and structural correlations between textual formations and economic-political formations. In the classic study Orientalism, Said argues that these correlations constitute a kind of material history based as much on representational traditions as it is on physical invasions and annexations. “The things to look at are style, figures of speech, setting, narrative devices, historical and social circumstances, not the correctness of the representation nor its fidelity to some great original. The exteriority of the representation is always governed by some version of the truism that if the Orient could represent itself, it would; since it cannot, the representation does the job, for the West, and faute de mieux, for the poor Orient,” Said writes,' laying down the methodological blueprint for critiquing a history that, according to him, has contributed to the concerted Western construction of the Orient as a distinct and inferior entity. Even so, from the standpoint of race, Foucault’s imprints on Said’s seminal work are per- haps less a matter of the empirical objects of study chosen (the texts and artworks that make condescending references to oriental identities and cultures) than of a new, reflexive method of conceptualizing the colonial situation and its aftermath. By positioning the East and the West as clusters of discourses rather than as ontological fixities, and by showing that the East as such is constituted through the collaborative criss-crossings of different branches of Western knowledge (such as history, art, literature, philosophy, geography, economics, politics, and so forth), Said inaugurated a secular theoretical model of scholarship that has proven resiliently adoptable and adaptable and that remains current in many academic and journalistic investigations of (post)colonial histories and cultures.

Similarly, in his book Time and the Other: How Anthropology Makes Its Object, Johannes Fabian interrogates the philosophical, theological, and historical foundations of Western anthropological thinking along the lines introduced by Foucault in his early work such as The Order of Things. Writing in the wake of Said’s antiorientalist critique, Fabian goes further (than Foucault) in underscoring a basic unevenness embedded in ethnographic practice—that is, in the com- munication loop through which Western anthropologists routinely report their observations and findings about non-Western cultures back to audiences in the West. In an ingenious stroke, Fabian defines this unevenness in terms of a geopolitics of time: whereas Western researchers write about other cultures to Western readers in the forward-looking present, the cultures being studied are, or so his argument goes, typically objectified in such ways as to seem frozen in some other temporality, one that is, moreover, implicitly deemed primitive, backward, and unchanging.) In Fabian’s account, as in Said’s, using the Foucauldian notion of discourse—an ever-shifting, textual-cum-social grid of articulations spread over the course of time—means fore- grounding not only an open-ended multiplicity of constituents and players but also a persistent relation of closure, of inequality between cultures. If Western researchers’ work is predicated on mobility and freedom, their habits and privileges of travel being constitutive of their techniques of producing knowledge, the peoples they study, by contrast, are epistemologically confined in a standstill to their culture gardens.\*

As in the case of the transatlantic slave trade in the context of the United States, the political and economic aspects of European empire building of the past few centuries have definitively molded the under- standing of race in the global postcolonial context, in which race is more or less irrevocably marked by this relation of inequality and its egregious consequences. As Roxann Wheeler puts it, “Too often race has been treated only as a subset of slavery and colonialism, an emphasis that has reinforced the fallacious belief that race is primarily about blackness or African origins.” Drawing on a scrupulous study of the more elastically articulated categories of human variety in eighteenth- century British culture, Wheeler observes that most contemporary colonial and critical theorists tend to “silently base their assumptions about race on the mid-nineteenth-century heritage of biological racism,” which is predominantly characterized by “an anxiety about cultural and racial purity, pervasive white supremacism, the white man’s burden of civilizing native populations, and an interventionary political rule.”+ Wheeler’s observations corroborate Foucault’s in Discipline and Punish. In discussing the emergence of delinquency as a punishable personality trait, Foucault describes the early nineteenth century as “a time when the perception of another form of life was being articulated upon that of another class and another human species. A zoology of social sub-species and an ethnology of the civilizations of malefactors, with their own rites and language, was [sic] beginning to emerge in a parody form.”,

Given the powerful influence of this nineteenth-century heritage, in what Nikolas Rose has termed “a concerted biologization of race,”- we can see how, even when not explicitly invoked, the infrastructural relations between colonizer and colonized—much like the infrastructural relations between slave traders/owners and slaves— have largely determined the stakes in contemporary debates about race and modern Western thought.. In these debates, race remains understood mainly in terms of the immutability of skin color and other biomedically deterministic (molar) rather than probabilistic (molecular) classifications,/ and racism is understood as practices of exploitation and discrimination by those historically on the side of the victors (associated with political success and economic privilege) against those historically on the side of the victims (deemed linguistically, culturally, and institutionally inferior and unfairly deprived of opportunities for social mobility and advancement).0

In the ready (and understandable) reification of race and racism in these anachronic terms, an important and arguably more critical contribution made by Foucault is often elided. The Foucauldian notion of discourse has exerted such an impact through its Saidian inflection, it would seem, not necessarily simply because of Said’s pioneering, paradigm-setting politicization of Western representations of the East. In a manner that is quite worthy of Foucauldian analytics are, we should note, Said’s own rhetorical moves: not only has Said brought what are actually divergent (and usually discontinuous) series of historical events into coherent alignment with one another, but he has also strategically halted their multidirectional, uncoordinated movements by conjoining them at a particular nexus. That is to say, if there are no intrinsic or essential connections between colonial territorial conquests, military occupations, and economic exploitations, on the one hand, and linguistic, textual, and visual representations, on the other, Said’s deployment of discourse, together with the postcolonial studies that follows its lead, has powerfully interpellated audiences by insisting and reiterating that such connections are an incontrovertible certitude.

In some ways, the controversies of race as they continue to be generated in the Anglo-American academy today are an outcome of such strategic halting and binding—one might say essentializing—of the fluid transitions among contingent events into a continuous, subterranean master narrative. This is one reason some scholars have, for instance, disputed the origins (or causes) of orientalism as advanced by Said and his followers, citing the major counterexample of German orientalism, in which the seeming contiguity between empire and orientalist textual studies is not necessarily self-evident or consistent and in which older religious, spiritual, and philosophical preoccupations rather than chronologically more recent political- economic conquests assumed a pivotal role in modern Europe’s encounters with the East.'1 Although this point will need to be substantiated by a consideration of the vertiginously multilingual deliberations of different orientalist traditions, my point is simply that in the context of contemporary critical race studies Foucault’s contribution to the politics of discourse demands to be carefully revisited and reevaluated. If our current understanding of race—in particular within the English-speaking academy—has been preemptively shaped by postcolonial studies’ articulation of the dialectic between colonizer and colonized, it behooves us to ask, after Foucault: What are the factors that make that preemptive shaping possible? Could it have been otherwise? Were there other evental series in operation that could have led to different configurations of race and racism?

#### The repressive hypothesis is the motor that governs the regime of a romantic notion of blackness as a force necessarily disobedient to power. Reifying blackness as a void repressed by whiteness naturalizes and normalizes the multifaceted power relations at play in any construction of race.

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Race Studies’ Repressive Hypothesis?

The suturing of race to the hierarchical colonizer–colonized relation has been so institutionally generative that any attempt to conceptualize race differently would seem counterintuitive. To this extent, post- Saidian postcolonial studies has been instrumental in enabling, indeed empowering, representations of those who are historically dis- advantaged, peripheralized, or silenced, even as cautionary reflections of what it means to let the subaltern speak have long been present.'' As an increasingly hegemonic trend in spotlighting victimhood reproduces itself across the studies of intergroup and intercultural encounters, postcolonial studies’ more positivistic and less-elastic version of race can seem at times to resonate a little too neatly with the popularized Freudian paradigm of sexual repression. Along these lines, race is commonly equated with oppression based on anatomy (that is, skin complexion), which is in turn deemed intractable rather than as one factor among a range of factors.') Such intractability is then further discoursed in terms of loss, grief, melancholia, precarity, and other naturalized—that is to say, normativized—psychoanalytic coordinates.

Foucault’s critique of popularized Freudian repression is too well known to warrant repeating in full, though the salient aspects of his argument remain noteworthy. As a mechanism that animates discourse, repression functions not merely as a means to articulate sexual differentiations from within an individual but also, according to Foucault, as the motor of an entire regime of thought, rendering our sense of self in the binarized states of imprisonment and liberation (or secrecy and transparency or darkness and light). This collaboration between a negative referent, repressed (that is, injured and obstructed) sexuality, and the positive significatory potency of discourse is what Foucault intends by the phrase “the repressive hypothesis.” Unlike Freud, Foucault is not exactly interested in asking why or how we are repressed, but rather in how we come to believe that we are. His oft- cited remarks to this effect go as follows in The History of Sexuality, volume 2: “The question I would like to pose is not, Why are we repressed? But rather, Why do we say, with so much passion and so much resentment against our most recent past, against our present, and against ourselves, that we are repressed? By what spiral did we come to affirm that sex is negated? What led us to show, ostentatiously, that sex is something we hide, to say it is something we silence?”'\*

For Foucault, writing in the mid–twentieth century, sexuality is not exactly “a stubborn drive, by nature alien and of necessity disobedient to a power which exhausts itself trying to subdue it and often fails to control it entirely.” Instead of this romanticist approach, he proposes thinking of sexuality as “an especially dense transfer point for relations of power”—one that is, moreover, “endowed with the greatest instrumentality” (HS, 2:245).

If Foucault’s critique succeeds in challenging the ingrained beliefs in injury and obstruction that underpin the popular narratives of sexual repression, it meanwhile acknowledges how effectively the repressive hypothesis works as an incitement to discourse. Indeed, Foucault’s notion of discourse’s power is in part based on his grasp of how incessant talk about sexual repression—as instigated and encouraged by Freudian clinical custom and its commercial, mass-media, and self- help industry spinoffs—has activated an explosion of discourses and practices.

Might not Foucault’s critique of the repressive hypothesis also be instructive for thinking about race?

Consider the monumental figure of Frantz Fanon, whose work speaks to colonial oppression as psychic repression. For Fanon, writing in the 1940s as a colonial émigré from French Martinique educated in the metropole, race connotes above all the psychic wounding that the black subject endures at the hands of his white oppressors. As identification with the white oppressor is both required and impossible, self- alienation or psychic disability becomes the defining limit for black identity formation. According to Fanon, such internal fragmentation is reinforced by denigrating interactions in the metropolis, in which the black subject is regularly reduced to his skin color and hailed as resolutely other, so much so that the fragmentation tends to gravitate outward, creating psychic schisms within the colonized population as a whole. Notably, the unforgettable street scene of racial hailing as described by Fanon is no less constitutive of the self-identification of the white child who cries out, “Look! A Negro!,” at the sight of the black man.'+ For this child, race means subjecting the other to exoticism, a type of recognition based in the aesthetics of shock and wonderment as well as in stigmatization.

In Fanon’s descriptions, not only is race soldered to the entanglement between colonizer and colonized, but it is also theorized in (Freudian) Oedipal terms. The white man occupies the position of the authoritative father who must be removed in order for his reign of tyranny to end and for the angry son, the black man, to gain a positive sense of his own identity. Injury seems counterable only with injury, as violent overthrow is the only means by which the black man can externally compensate for his internal bereavement, repossess what was taken from him, and assume a renewed sense of wholeness. Race (which in this instance equals racism), as experienced by the black male subject, seems symptomatic of the repressive logic that characterizes the paternalistic functioning of power. Above all, race (or racism) heralds the sign of damage, a perpetually internalized state of negation that can be ameliorated only through periodic eruptions of revolutionary violence.',

#### Racism is not an end in itself that indicates the satisfaction of repressed libidinal desires. Race marks productive techniques of power to shape the species.

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To consider Foucault’s relevance to the debates on race, it would therefore be necessary to see his major works—from The History of Madness and The Order of Things to The Birth of the Clinic, Discipline and Punish, The History of Sexuality, and the Collège de France lectures—as a continual series of critical commentaries on life’s entry into history. This entry has to do not only with masses as individuated bodies but also with the methods and mechanisms by which masses are handled in abstraction—that is, systematically produced in the form of a calculable and manageable aggregate, a social body (or what Foucault in an interview calls “the great fantasy . . . of a social body constituted by the universality of wills”)0). As he puts it in one of the lectures collected in “Society Must Be Defended,” a technology of power newly emerging in the second half of the eighteenth century applied “not to man-as-body but . . . to man-as-species**”** (“Society,” 878). This technology is addressed to a multiplicity of men “to the extent that they form . . . a global mass that is affected by overall processes characteristic of birth, death, production, illness, and so on” (“Society,” 878– 75).\*1 Foucault names this technology of power “a ‘biopolitics’ of the human race” (“Society,” 875). In using the word race, he clearly intends something akin to group, class, type, or speciation. As in his efforts to historicize how madness becomes legible through institutional compartmentalization and segregation in Western society, or how different fields of knowledge come into existence through gradual rearrangements of established boundaries and their fault lines, what fascinates him is how the will to know seems invariably, in the modern period, to devolve into computational moves (of dividing and multi- plying) that in turn become enterprises of enclosure, partitioning, specification, and infinitization. It is in this process of random groups of human persons (or human traits) being amassed as aggregates of incorporeal a3nities and, in that manner, correlated for purposes of statist management, that race, in tandem with sex, materializes as a relation of force.

Foucault’s understanding of race may be glimpsed in a number of clarifying statements he makes in the Collège de France lectures gathered under the title “Society Must Be Defended.” He writes that “the war that is going on beneath order and peace, the war that undermines our society and divides it in a binary mode is, basically, a race war” (#6– ;4). “The social body is basically articulated around two races,” he adds. “It is this idea that this clash between two races runs through society from top to bottom which we see being formulated as early as the seventeenth century” (;4). He goes on to distinguish between a biological transcription of race war (in the form of evolutionism, such as that manifested in European policies of colonization) and a social transcription of race war (in the form of a class struggle) (;4). He indicates his own attempt to trace this “biologico-social racism,” with the important reminder that “the other race” is not from elsewhere but a race “that is permanently, ceaselessly infiltrating the social body, or which is, rather, constantly being re-created in and by the social fabric” (;2, emphasis added). Finally, Foucault holds that the function of racism is twofold: “to fragment, to create caesuras within the biological continuum addressed by biopower,” and “to allow the establishment of a positive relation of this type:. . . ‘The very fact that you let more die will allow you to live more’ ” (8##, emphasis added).\*'

In sum, Foucault’s ongoing intellectual project has to do with the historical expansion of life, what he calls the “I—as species rather than as individual” (“Society,” 8##), in the form of an ideality, a transcendent generality in whose name empirical practices flourish and proliferate. The endless endeavors to know life, involving ever more complicated mechanisms of measurement, surveying/surveillance, analysis, fore- cast, and projection, are part and parcel of the modern state’s I-as- species mission. Seeing race primarily in these terms—that is, as part and parcel of a regime of growth,\*) dedicated to the normalization of the living and to the sanctification of humans, who are abstractly imagined as an integrated whole—raises a fundamental question: “How can a power such as this kill, if it is true that its basic function is to improve life, to prolong its duration, to improve its chances, to avoid accidents, and to compensate for failings?. . . Given that this power’s objective is essentially to make live, how can it let die? How can the power of death, the function of death, be exercised in a political system centered upon biopower?” (“Society,” 8#7).

This is the juncture at which he introduces the remarks, given as the last epigraph at the beginning of this chapter, about racism as the state’s way of introducing a break in the domain of life. Rather than understanding racism by way of tensions and antagonisms derived from positive markers such as skin color and geographical location, Foucault characteristically describes it as a relation of power (together with the historical discourses that revolve around such a relation). More specifically, racism is a means to an end rather than an end in itself; it is a technique of power that may be adopted whenever and wherever populations need to be brought under control in the state’s biopolitical warfare. This is why, in a rather controversial gesture for the mid-1970s, he suggests that even socialism is marked by racism insofar as the socialist state can rationalize the murder of its enemies for purposes of advancing the class struggle (“Society,” 8;2, 8;8). In an astute discussion of the massive data-ification of the contemporary global environment, Patricia Ticineto Clough, writing along the grain of Foucault’s arguments, proposes the term population racism to under- score the actuarialism that, as she argues, goes well beyond the state:

With population racism, the calculations and measures of population in a variety of contexts—territory, class, ethnicity, gender, race—all are put in terms of an analysis of biological activity. Of course, this is a biology (and now neuroscience) that is infused with technicity or technicality—the technicity of measuring, for starters. In turning all contexts of populations into a biotechnicity of calculation, quantification, and measure, population racism makes way for the health or lack thereof of populations to be part of a global market, beyond national boundedness, beyond the boundaries of the body as organism.\*\*

Whereas our current understanding of racism tends to see it more or less psychically, as a form of prejudice and hatred or as mutual contempt, with all the subjective and subjectivizing connotations these words conjure, in Foucault’s work racism is not simply a malicious frame of mind or, for that matter, a form of pathology. It is instead a systemic and regulatory capacity—a wedge that can be driven productively between groups in order to instigate a warlike struggle between those who can live (who can perpetuate and justify their lifestyles) and those who must die. As a technique of power, racism is eminently enabling—“the indispensable precondition that allows someone to be killed, that allows others to be killed. Once the State functions in the biopower mode, racism alone can justify the murderous function of the State” (“Society,” 8#;, emphases added), and the idea that “society must be defended” against the other (sub)races is thus “the internal racism of permanent purification,” one of the basic dimensions of social normalization under state racism (“Society,” ;2–;8). For these reasons, it would be insufficient simply to ask who is being racialized. Far more critical for Foucault is the question of what institutional purposes such acts of racialization—negative or positive—serve to norm. (See the introduction in part I for a discussion of norming in Foucault’s thinking.) Conversely, as an abstract category unsubstantiated by scientific definition yet thoroughly steeped in the historical power effects of racism, race cannot simply be claimed in the form of an identity politics in resistance to power. Under some circumstances, indeed, embracing the idea of race would be tantamount to being racist.\*+

#### Biopolitical rationalities of policing underly a global race war.

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In the rest of this remarkable essay, through a discussion of various seventeen- and eighteenth-century European authors such as Louis Turquet de Mayerne, N. De Lamare, Huhenthal, J. P. Willebrand, and in particular Johann Heinrich Gottlob von Justi, Foucault sketches an intellectual history in which the police emerges as the culminating instance of what he calls the reason of state—that is, as an apparatus with a palpably identified object. “Proceeding through the eighteenth century, and especially in Germany, we see that what is de!ned as the object of the police is population, that is, a group of beings living in a given area” (“ ‘Omnes,’ ” 844, emphasis added).\*0 This new object of the police, he states elsewhere, marked “a historical change in the relations between power and individuals . . . not only according to their juridical status but as men, as working, trading, living beings.”+1

Taking the cue from Foucault’s various remarks about a “gigantic thirst” for the state “that could not be tamed,” a “desire for the State,” and “a will to the State,” Joseph Vogl offers a carefully considered account of the historical developments in Germany since the late seventeenth century.+' According to Vogl, this modern and at the time new perspective on the state saw the police’s function in terms of an optimization of social potential by way of positive intervention in a population’s living conditions, conditions that were saturated with concrete variations, contingencies, and accidents. As he explains,

The application of the term “police” tends to be unlimited and now takes on the task of positive intervention within the political govern- ment. . . . [T]he term “police” is concerned with the living conditions of the people (Volk), the forms of societal cohabitation, and the areas of the body politic. The police views these areas from the perspective of social relations and interaction, and renders—in a slightly paradoxical fashion—the development of the individual and common welfare into a general strengthening of the state. In this manner, the police encompasses the “realization” of how a given condition of the community can be preserved and improved. . . .

The police is . . . simultaneously a means of recognition, an instrument of governing, and a program of intervention. . . . [T]he police fantasies of the eighteenth century . . . gain their theoretical and systematic meaning precisely because they orient their patterns of intervention toward concrete factors and the “Nature of Things,” and because they initially interrogate the regulation of contingent incidents. Be it in the branches of medicine, vocations, trade, personal property, public morality, internal security, or the politics of the population—a new perspective now conceives of the state as an institution of providence, prevention, and insurance vis-à-vis possible (mis)chance and accident.+)

As the state kept an eye, so to speak, on how a complex mass of people went about their daily business and invented new means of securing the well-being and comfort of all, it became intimately and often unnoticeably present in all aspects of social relations and interactions. In this manner, to follow Foucault’s suggestion, a modern political framework of governing can be seen as genealogically affined to a pastoral principle and technology, transposing the Judeo-Christian idea of the good shepherd caring for his flock into a utopian form of political rationalism, led and guarded by a good police force.

As in Foucault’s thinking on sexuality and race, his decidedly Nietzschean reflections on Christianity should be contextualized within his sustained critique of Western political rationality. Two important features stand out in these admittedly intense reflections. On the one hand is the tremendous moral impact Christianity has exerted over the individual and over what may be called the individuation of the soul by way of pastoral techniques such as the ritual of confession. (A more extended discussion of confession is given in chapter #.) On the other hand, the armed influence of the police is wielded as the supreme objectification of the reason of state. These two intimately linked anchorage points of Foucault’s dissection of Western political rationality make his work freshly germane to the study of race and racism in the twenty-first century.

Unlike the postcolonial inflection of his notion of discourse, the relevant alignment Foucault proposes here is less a matter of suturing cultural forms to geopolitical or economic-political aggressions (as in Said’s Orientalism) than a matter of tracing cultural practices to lingering religious dominance. Rather than featuring the couples such as master/slave, colonizer/colonized, and their variants, Foucault’s analysis of political rationality foregrounds another type of twosome: shepherd/sheep; priest/confessant; police/citizen (alongside doctor/patient in "e Birth of the Clinic and prison guard/inmate in Discipline and Punish). Absent here is the Manichaean logic of treating the two par- ties involved as absolute moral opposites. Instead, the couples—and their coupling—are epistemically and historically enmeshed through entrenched mechanisms of inculcating obedience and subordination to a higher, ineffable authority, mechanisms that have been passed down through Bible-based religion and its secular avatars. By spot- lighting the police as the exemplary icon of government, and by placing this icon in a modern global situation still by and large dominated by residual Christian techniques of power—think of the widespread celebration of Christmas and Easter as public holidays, the common use of the Bible for swearing in officials of state, the prison protocol of having a Christian chaplain present at state executions, and the acceptability of wearing the cross as an item of jewelry—Foucault pre- pares the grounds for our early twenty-first-century confrontation with the phenomenon of police racism: racism as a type of combat gear the police routinely puts on in the service of law and order. I am refer- ring to the random police murders of black people, including unarmed women and youth, that occur repeatedly in contemporary U.S. cities, murders that seem, in the context of the present discussion, quite logical mutations of Western political rationality as Foucault dissects it, with police officers being an extreme incarnation—and an absurd theatricalizaion—of the shepherd king.+\*

Furthermore, if the police is the core of the reason of state, the nations that take it upon themselves to safeguard the entire globe will perhaps need to be redefined as transnationalism’s versions of the Christian pastorate, with its firm mandate to protect the flock that is the world population. As Klaus Mladek clarifies,

The police as we know it today develops with the Polizeistaat of the eighteenth-century into one of the supreme concepts of bourgeois society; the new liberal sanctification of law and security, the rise of the state and the emancipation of the liberal subject are ensnarled in the institutions of police. The original thrust of the police function has remained intact up to today. New modes of police intervention and concepts of administrative order increasingly move across borders towards a planetary order, where a dense transnational framework of institutions and agencies forms what could be called a global police force.++

The guardianship exercised by this global police force—led in late capitalism by nations such as the United States, France, Britain, Germany, Australia, and Japan—together with the salvational bind it seeks to establish between itself and the ordinary citizen around the world, suggests that a new kind of race war is solidifying as a cross-cultural or, as Mladek calls it, planetary strategy and reality.

Since September 11, 2001, those associated with Islam have increasingly come to occupy the place of the subrace (those others who have to die in order for us to live, according to Foucault’s formulation of racism). One instance of this new racism deployed by the global police force from within the new global order is the stigma of delinquency—a presumed propensity toward “terrorist” acts—now borne by Muslims (or, in a stereotyping fashion, by those with Muslim-sounding names or Muslim-seeming appearances). This new race war rests much less on a division of cultures in the form of mutual suspicion or contempt than on a multinational consensus to govern—that is, to legitimize and monopolize the terms or rationales of governing—the world by ostracizing specific groups of people. Although arrest, incarceration, torture, coerced confession, denial of legal representation, and execution are involved as governing techniques, this consensus is typically promulgated in the pastoral rhetoric of peace and order, tolerance, benevolent leadership, respect for diversity, and the well-being of the entire flock+,—the rhetoric of how, to use Foucault’s phrase, our “society must be defended” against the infidels, those who are not like us.

It is to these struggles in the current transnational setting that Foucault’s work makes its singularly trenchant contributions today. Instead of discourses reifying “black,” “brown,” “yellow,” and “white” in kneejerk or opportunistic fashions, his writings provoke us to ask: What if racialization is aligned instead with our democratic state institutions, our genteel social practices, and our well-intentioned conscience productions, all of which continue to be galvanized by Christian techniques of power? What if race becomes linked to controversies over embodied (including sartorial) religious conduct in an avowedly secular society? Finally, what if struggles against racism were to be waged alongside a rigorous historical analysis of vestiges of the Christian hermeneutics of the self+-—including the self that, in our neoliberal present, is constantly led to embrace race as well as sexuality as a way of discovering, disclosing, and inventing itself?+.

#### Our alterative – reflexive and comparative work on the colonial practices that produced connections between race, sexuality, gender, and class. Attending to practice rather than taxonomy and origin helps resist biopolitics.

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If in most of Carnal Knowledge comparison remained a tool of analysis, over the decade of its writing comparison emerged increasingly as one of my objects of study. Colonial officials, like colonial scholars after them, often treated comparison as a strategy. Thus my own unruly practices paralleled, and perhaps unknowingly were prompted by, those in colonial documents themselves. In the Indies, comparison was a strategic affair: certain commensurabilities condoned policies and pointedly undermined others. Scales too changed. When Dutch officials compared social welfare programs for "poor whites" in Java to those in Australia or South Asia, or the "mixed- blood problem" in the Indies to metissage in French Indochina, these efforts did different kinds of work. With attention to these differences in object and use, comparison itself took on a different cast. Comparisons in the hands of colonial officialdom were also conceptual assessments and grounded interventions. Colonial agents disagreed over what constituted comparable con­ texts, often sharply aware that these choices had potent political effects that could redirect the limited or expanded expectations of state responsibilities for social welfare, orphanages, and social reform—and determine who would be excluded from them.

More starkly, the changing criteria of comparison underscored the anxious labor that went into forging a viable epistemology of race. Comparison was an instrument for the moral measurements of social kinds, predicated on epistemic choices about how racial membership could be known and assessed. The assignations of specific sensibilities (for "motherly love," "sexual promiscuity," or "insolence") to particular social kinds were never fixed. Colonial architects would quickly set aside contextual differences as irrelevant—or, in turn, elevate them to the crucial—as they brought commensurable racial categories into viable cross-imperial conversations and into crisper taxonomic order with finer calibrations.

As such, comparison was also an artifact of the unstable predicates of colonial common sense. In recent work, I have sought to look more closely at those moments in which that common sense proved inadequate to its task.6 Readily usable assumptions about what tied carnal proclivities and affective attachments to political dissent were elements in a wider racial force field where perceptible, patent actions indexed latent sensibilities.7How those actions were imagined to do so was unstable and subject to change. Rather than assuming a shared common sense, I have sought instead to pause at those moments when what had been considered obvious by colonial officials was no longer self-evident, when those who were racially labeled refused the appellations assigned to them—when commonsense rubrics of racial differentiation failed to work. Nowhere was this more evident than in assumptions of the successive colonial state commissions in the late nineteenth century about what divided "poor whites" and "needy Europeans" both from their mixed-blood compatriots and from the stolid European colonial middle class. Racial "clarity" in the service of social welfare was the object of the commissions, but it was invasive surveys about domestic and sexual lives that provoked the rage of the respondents, the refusal of some to answer the questions, and the wrath of an emergent Indo-European press.8

Carnal Knowledge may be credited with pointing to this intensified surveillance of the intimate in ways that colonial historiography had long ignored, but the insight belongs to those who governed and those subject to their scrutiny. No one needed to tell those "wavering classes" on the border­ lines of colonial categories that management of home, sex, and sentiment was at the forefront of governance. It was they, in critiques of such intrusions, who referred to the Indies administration as an "inquisitional state."9

The question of comparison underlies another theme that reappears throughout Carnal Knowledge: namely, the task of realigning metropolitan and colonial histories in a conjoined analytic frame. Frederick Cooper and I had raised this issue in Tensions of Empire, as had I in Race and the Edu­ cation of Desire.10 But how to track decoupled, severed histories often proved harder than asserting an analytic commitment to pursue their convergence and relationality. The scholarly pursuit of how social reform initiatives in mid-nineteenth-century Europe were called upon or rejected to craft welfare policies in colonized regions has given way to histories that track how colonial and metropolitan policies colluded and collided—and when social experiments in "modern" management of populations came from the colonies rather than the other way around.

This attention to a broader view of imperial practice does not merely underscore that social reform and racism went hand in hand, or that nineteenth- century liberalism and empire were complementary projects, as Uday Mehta and I each insisted early on. The humanitarian "good works" of empire were part of its very durable architecture—with exacting exclusions and inequities structured through them.11

Reworking the imperial genealogies of the European modern has also opened new spaces for thinking the present, prompting deeper genealogies that course between imperial moralizing missions and contemporary humanitarian interventions— and the distribution of compassion from North to South in the world today. Detention centers for unwanted immigrants in France, refugee camps for Palestinians displaced by the Israeli stale, and barb-wired and fenced reserves for Native Americans and Australia's indigenous population have been reconnected to imperial practices and their spatial logic. In using "natural" landscapes and sophisticated architectural design to limit access to resources, to intensify vulnerabilities, and to cordon off subject populations in the name of protection and welfare, they re­ hearse as they elaborate upon practices long in imperial use. Compassion and sympathy are braided through the politics of security and the intimate violences condoned in the name of what Michel Foucault once called the imperative "to defend society" from its internal and external enemies and to annihilate specific populations in the name of order and social peace.12 Martin Thomas makes the case that the field of "military intelligence" and the security regimes it has fostered grew out of a "scientific modernism" developed in the early twentieth century for imperial imperatives in Palestine, the Maghreb, and what was the Levant.13

THE POLITICS OF OTHER COMPARISONS

Thus comparison is historiographically and methodologically problematic.14 But the epistemology of comparison is also charged politically. What I have elsewhere called the politics of comparison conceptually points to comparing as an "active political verb."15 If choices of comparison were consequential to the strategies of governance, they remain equally so to the implicit conceptual arguments of, and the kinds of questions raised or dismissed by, those who study them. Such choices are rarely benign. As discussed below, comparison is at the center of current debates about what empires did and do and what can be claimed about their common properties. What gets to be named and to count as a "colonial situation" remains as vividly contested as does the question of 'what structured inequities are inscribed in the "post­ colony" today.16These are not solely academic questions. Here alternative "countercomparisons"—those that confront the comparative choices of colonial regimes—have a political vitality of their own. In the contest over what is excluded from the national histories of France, Israel, Belgium, Japan, China, and the United States, and over what cannot but be included in the histories of Algeria, Palestine, Jordan, the Belgian Congo, Korea, Tibet, and polities throughout the Middle East, at issue is neither "blame," redemption, nor a settling of scores, but rather a recognition that specific colonial histories have shaped who now makes up their populations and who has been dispersed, dislocated, and segregated within and outside their borders.

When Foucault urged us "to think the unthought" with respect to our knowledge production, he directed us to explore the "landscape of shadow" in which what we choose to think is located and by which it is framed.17 With respect to the intimate frontiers of empire, a pursuit of that "land­ scape of shadow" stretched me at a moment when students of U.S. history were turning with new vigor to reexamine the history of U.S. imperial practice, a focus long sequestered in U.S. scholarship to its left-wing margins. In 2000 I was invited to be part of that renewed conversation. It was an opportunity to turn back to work by U.S. historians on the sexually charged racisms, the miscegenation laws, and "the problem of poor whites" that had been formative in my own thinking when I first began researching Sumatra's plantation history in the late 1970s, before "postcolonial" scholarship achieved its prominence.18As importantly, this conversation was an occasion to remember that Edward Said's interventions, which had animated such careful study of European empires, were as forcefully aimed at U.S. empire as at its British and French variants.19

In what became a collective enterprise, and ultimately the edited volume Haunted by Empire: Geographies of the Intimate in North American History, a number of U.S. historians joined me to ask a hard set of questions: What constituted a viable comparison between U.S. empire and other imperial forms ? Why did certain comparisons seem appropriate, and why did some seem more "counterintuitive" than others? Some of us trained our sights on contexts where the intimate coordinates of empire were obvious and easily accessible in documents. Some looked to contexts in which we had previously worked but where imperial imperatives were framed in analytic terms by scholars—or in vernacular terms by historical actors— that rendered their effects hard to track. Some shared a notion of what the intimate was and what analytic traction it offered: from examination of the unwanted "caresses" of a slave manager in eighteenth-century New Orleans to study of the U.S. state's scrutiny of conjugal and homosexual relations between South Asian immigrants in the late nineteenth-century American Southwest. Others treated domains of the intimate very differently, to define a "spatial proximity or adjacent connection" or to suggest that a comparative study of intimacies could not adequately attend to the "actual ways that historical actors compared, contrasted, and connected their own and other societies." And another contributor unraveled "the sinews of empire" to show how they wrapped themselves obliquely around the career trajectories of husbands, fathers, and sons in the antebellum United States and around the labor of those women and household employees who served them.20

Confronted with these elusive relations between the imperial circuits through which people, produce, and policy decisions moved and the inti­ mate lives of those whose choices and constraints were shaped by those movements, we turned to practices rather than rubrics**,** to the effects of policies rather than how they were named. In comparing the visions that guided the late nineteenth-century establishment of Native American boarding schools in the U.S. Southwest and those in the Netherlands Indies, hygienic projects in the Philippines and Australia, or the multiple imperial authorities that wrestled with the status of "half-castes" in Samoa, we rooted our own comparisons in both the local analytics of race-making and the moral imaginaries of colonial policies themselves. Children mattered—how they were fed, schooled, and raised. Hetero- and homosexual alliances mattered—who slept with whom, where and when. Governing agents targeted the cultural, domestic, and sexual proximities that they saw as reliable in­ dices of personhoods and political inclinations. Specific practices (such as parenting styles) were singled out as critical markers of dangerous interior sensibilities in the arts of governance and as measures of what was inaccessible—people's affective and moral states.

## Case

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#### There is no single symbolic order. Lacanian theory of language is hopelessly ahistorical, psychologistic, and biological deterministic.

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1. W H A T DOFEMIN ISTS W AN T IN A D ISCO U R SE TH EO RY?

Let me begin by posing two questions: What might a theory of discourse contribute to feminism? And what, therefore, should feminists look for in a theory of discourse? I suggest that a conception of discourse can help us understand at least four things, all of which are interrelated. First, it can help us understand how people’s social identities are fashioned and altered over time. Second, it can help us understand how, under conditions of inequality, social groups in the sense of collective agents are formed and unformed. Third, a conception of discourse can illuminate how the cultural hegemony of dominant groups in society is secured and contested. Fourth and finally, it can shed light on the prospects for emancipatory social change and political practice. Let me elaborate.

First, consider the uses of a conception of discourse for understanding social identities. The basic idea here is that people s social identities are complexes of meanings, networks of interpretation. To have a social identity, to be a woman or a man, for example, just is to live and to act under a set of descriptions. These descriptions, of course, are not simply secreted by peoples’s bodies; nor are they simply exuded by people s psyches. Rather, they are drawn from the fund of interpretive possibilities available to agents in specific societies. It follows that, in order to understand the gender dimension of social identity, it does not suffice to study biology or psychology. Instead, one must study the historically specific social practices through which cultural descriptions of gender are produced and circulated.3

Moreover, social identities are exceedingly complex. They are knitted together from a plurality of different descriptions arising from a plurality of different signifying practices. Thus, no one is simply a woman; one is rather, for example, a white, Jewish, middle-class woman, a philosopher, a lesbian, a socialist, and a mother.4 Because everyone acts in a plurality of social contexts, moreover, the different descriptions comprising any individuals social identity fade in and out of focus. Thus, one is not always a woman in the same degree; in some contexts, ones womanhood figures centrally in the set of descriptions under which one acts; in others, it is peripheral or latent.5 Finally, it is not the case that peoples social identities are constructed once and for all and definitively fixed. Rather, they alter over time, shifting with shifts in agents’ practices and affiliations. Even the way in which one is a woman will shift— as it does, to take a dramatic example-, when one becomes a feminist. In short, social identities are discursively constructed in historically specific social contexts; they are complex and plural; and they shift over time. One use of a conception of discourse for feminist theorizing, then, is in understanding social identities in their full socio-cultural complexity, thus in demystifying static, single variable, essentialist views of gender identity.

A second use of a conception of discourse for feminist theorizing is in understanding the formation of social groups. How does it happen, under conditions of domination, that people come together, arrange themselves under the banner of collective identities, and constitute themselves as collective social agents? How do class formation and, by analogy, gender formation occur?

Clearly, group formation involves shifts in people s social identities and therefore also in their relation to social discourse. One thing that happens here is that pre-existing strands of identities acquire a new sort of salience and centrality. These strands, previously submerged among many others, are reinscribed as the nub of new self-definitions and affiliations.6 For example, in the current wave of feminist ferment, many of us who had previously been “ women” in some taken-for-granted way have now become “ women” in the very different sense of a discursively self-constituted political collectivity. In the process, we have remade entire regions of social discourse. We have invented new terms for describing social reality— for example, “ sexism,” “ sexual harassment,” “ marital, date, and acquaintance rape,” “ labor force sex-segregation,” “ the double shift,” and “ wife-battery.” We have also invented new language games such as consciousness raising and new, institutionalized public spheres such as the Society for Women in Philosophy.7 The point is that the formation of social groups proceeds by struggles over social discourse. Thus, a conception of discourse is useful here, both for understanding group formation and for coming to grips with the closely related issue of socio-cultural hegemony.

“ Hegemony” is the Italian Marxist Antonio Gramsci s term for the discursive face of power. It is the power to establish the “ common sense” or “ doxa” of a society, the fund of self-evident descriptions of social reality that normally go without saying.8 This includes the power to establish authoritative definitions of social situations and social needs, the power to define the universe of legitimate disagreement, and the power to shape the political agenda. Hegemony, then, expresses the advantaged position of dominant social groups with respect to discourse. It is a concept that allows us to recast the issues of social identity and social groups in the light of societal inequality. How do pervasive axes of dominance and subordination affect the production and circulation of social meanings? How does stratification along lines of gender, “ race,” and class affect the discursive construction of social identities and the formation of social groups? T h e notion of hegemony points to the intersection of power, inequality, and discourse. However, it does not entail that the ensemble of descriptions that circulate in society comprise a monolithic and seamless web, nor that dominant groups exercise an absolute, topdown control of meaning. On the contrary, “ hegemony” designates a process wherein cultural authority is negotiated and contested. It presupposes that societies contain a plurality of discourses and discursive sites, a plurality of positions and perspectives from which to speak. Of course, not all of these have equal authority. Yet conflict and contestation are part of the story. Thus, one use of a conception of discourse for feminist theorizing is to shed light on the processes by which the socio-cultural hegemony of dominant groups is achieved and contested. What are the processes by which definitions and interpretations inimical to w om en s interests acquire cultural authority? What are the prospects for mobilizing counter-hegemonic feminist definitions and interpretations to create broad oppositional groups and alliances?

The link between these questions and emancipatory political practice is, I believe, fairly obvious. A conception of discourse that lets us examine identities, groups, and hegemony in the ways I have been describing would be of considerable use to feminist practice. It would valorize the empowering dimensions of discursive struggles without leading to “culturalist” retreats from political engagement.9 In addition, the right kind of conception would counter the disabling assumption that women are just passive victims of male dominance. That assumption over-totalizes male dominance, treating men as the only social agents- and rendering inconceivable our own existence as feminist theorists and activists. In contrast, the sort of conception I have been proposing would help us understand how, even under conditions of subordination, women participate in the making of culture.

2. LACANIANISM AND THE LIMITS OF STRU CTU RA LISM

In light of the foregoing, what sort of conception of discourse will be useful for feminist theorizing? What sort of conception best illuminates social identities, group formation, hegemony, and emancipatory practice?

In the postwar period, two approaches to theorizing language became influential among political theorists. The first is the structuralist model, which studies language as a symbolic system or code. Derived from Saussure, this model is presupposed in the version of Lacanian theory I shall be concerned with here; in addition, it is abstractly negated but not entirely superseded in deconstruction and in related forms of French “ womens writing.” The second influential approach to theorizing language may be called the pragmatics model, which studies language at the level of discourses, as historically specific social practices of communication. Espoused by such thinkers as Mikhail Bakhtin, Michel Foucault, and Pierre Bourdieu, this model is operative in some but not all dimensions of the work of Julia Kristeva and Luce Irigaray. In the present section of this chapter, I shall argue that the first, structuralist model is of only limited usefulness for feminist theorizing.

Let me begin by noting that there are good prima facie reasons for feminists to be suspicious of the structuralist model. This model constructs its object of study by abstracting from exactly what we need to focus on, namely, the social practice and social context of communication. Indeed, the abstraction from practice and context are among the founding gestures of Saussurean linguistics. Saussure began by splitting signification into langue, the symbolic system or code, and parole, speakers’ uses of language in communicative practice or speech. He then made the first of these, langue, the proper object of the new science of linguistics, and relegated the second, parole, to the status of a devalued remainder.10 At the same time, Saussure insisted that the study of langue be synchronic rather than diachronic; he thereby posited his object of study as static and atemporal, abstracting it from historical change. Finally, the founder of structuralist linguistics posited that langue was indeed a single system; he made its unity and systematicity consist in the putative fact that every signifier, every material, signifying element of the code, derives its meaning positionally through its difference from all of the others.

Together, these founding operations render the structuralist approach of limited utility for feminist purposes." Because it abstracts from parole, the structuralist model brackets questions of practice, agency, and the speaking subject. Thus, it cannot shed light on the discursive practices through which social identities and social groups are formed. Because this approach brackets the diachronic, moreover, it will not tell us anything about shifts in identities and affiliations over time. Similarly, because it abstracts from the social context of communication, the model brackets issues of power and inequality. Thus, it cannot illuminate the processes by which cultural hegemony is secured and contested. Finally, because the model theorizes the fund of available linguistic meanings as a single symbolic system, it lends itself to a monolithic v iew of signification that denies tensions and contradictions among social meanings. In short, by reducing discourse to a “ symbolic system," the structuralist model evacuates social agency, social conflict, and social practice.12

Let me now try to illustrate these problems by means of a brief discussion of Lacanianism. B y “ Lacanianism," I do not mean the actual thought of Jacques Lacan, which is far too complex to tackle here. I mean, rather, an ideal-typical neo-structuralist reading of Lacan that is widely credited among English-speaking feminists.'5 In discussing “ Lacanianism,” I shall bracket the question of the fidelity of this reading, which could be faulted for overemphasizing the influence of Saussure at the expense of other, countervailing influences, such as Hegel.'4 For my purposes, however, this ideal-typical, Saussurean reading of Lacan is useful precisely because it evinces with unusual clarity the difficulties that beset many conceptions of discourse that are widely considered “ poststructuralist” but that remain wedded in important respects to structuralism. Because their attempts to break free of structuralism remain abstract, such conceptions tend finally to recycle it. Lacanianism, as discussed here, is a paradigm case of “ neostructuralism.” '5

At first sight, neo-structuralist Lacanianism seems to promise some advantages for feminist theorizing. B y conjoining the Freudian problematic of the construction of gendered subjectivity to the Saussurean model of structural linguistics, it seems to provide each with its needed corrective. The introduction of the Freudian problematic promises to supply the speaking subject that is missing in Saussure and thereby to reopen the excluded questions about identity, speech, and social practice. Conversely, the use of the Saussurean model promises to remedy some of Freuds deficiencies. By insisting that gender identity is discursively constructed, Lacanianism appears to eliminate lingering vestiges of biologism in Freud, to treat gender as sociocultural all the way down, and to render it in principle more open to change.

Upon closer inspection, however, the promised advantages fail to materialize. Instead, Lacanianism begins to look viciously circular. On the one hand, it purports to describe the process by which individuals acquire gendered subjectivity through their painful conscription as young children into a pre-existing phallocentric symbolic order. Here the structure of the symbolic order is presumed to determine the character of individual subjectivity. But, on the other hand, the theory also purports to show that the symbolic order must necessarily be phallocentric since the attainment of subjectivity requires submission to “ the Father s Law.” Here, conversely, the nature of individual subjectivity, as dictated by an autonomous psychology, is presumed to determine the character of the symbolic order.

One result of this circularity is an apparently ironclad determinism. As Dorothy Leland has noted, the theory casts the developments it describes as necessary, invariant, and unalterable.16 Phallocentrism, womans disadvantaged place in the symbolic order, the encoding of cultural authority as masculine, the impossibility of describing a nonphallic sexuality— in short, any number of historically contingent trappings of male dominance— now appear as invariable features of the human condition. Womens subordination, then, is inscribed as the inevitable destiny of civilization.I can spot several spurious steps in this reasoning, some of which have their roots in the presupposition of the structuralist model. First, to the degree Lacanianism has succeeded in eliminating biologism— and that is dubious for reasons I shall not go into here17 — it has replaced it with psychologism, the untenable view that autonomous psychological imperatives given independently of culture and history can dictate the way they are interpreted and acted on within culture and history.

FOOTNOTE 17 INSERTED

17 Here I believe one can properly speak of Lacan. Lacans claim to have overcome biologism rests on his insistence that the phallus is not the penis. However, many feminist critics have shown that he fails to prevent the collapse of the symbolic signifier into the organ. The clearest indication of this failure is his claim, in The Meaning of the Phallus,” that the phallus becomes the master signifier because of its “ turgidity” which suggests “ the transmission of vital flow” in copulation. See Jacques Lacan, “ T h e Meaning of the Phallus,” in Feminine Sexuality: Jacques Lacan and the ecole freudienne, eds. Juliet Mitchell and Jacqueline Rose, N ew York: W.W. N orton & Company, 1982.

END FOOTNOTE 17

Lacanianism falls prey to psychologism to the extent that it claims that the phallocentricity of the symbolic order is required by the demands of an enculturation process that is itself independent of culture.18

I f one h a lf of Lacanianism s circular argument is vitiated by psychologism, then the other half is vitiated by what I shall call symbolicism. B y symbolicism I mean, first, the homogenizing reification of diverse signifying practices into a monolithic and all-pervasive “ symbolic order,” and second, the endowing of that order with an exclusive and unlimited causal power tofix people s subjectivities once and for all. Symbolicism, then, is an operation whereby the structuralist abstraction langue is troped into a quasi-divinity, a normative “ symbolic order” whose power to shape identities dwarfs to the point of extinction that of mere historical institutions and practices.

Actually, as Deborah Cameron has noted, Lacan himself equivocates on the expression “ the symbolic order.” '9 Sometimes he uses this expression relatively narrowly to refer to Saussurean langue, the structure of language as a system of signs. In this narrow usage, Lacanianism would be committed to the implausible view that the sign system itself determines individuals’ subjectivities independently of the social context and social practice of its uses. At other times, Lacan uses the expression “ the symbolic order” far more broadly to refer to an amalgam that includes not only linguistic structures, but also cultural traditions and kinship structures, the latter mistakenly equated with social structure in general.20 In this broad usage, Lacanianism would conflate the ahistorical structural abstraction langue with variable historical phenomena like family forms and childrearing practices; cultural representations of love and authority in art, literature, and philosophy; the gender division of labor; forms of political organization and of other institutional sources of power and status. The result would be a conception of “ the symbolic order” that essentializes and homogenizes contingent historical practices and traditions, erasing tensions, contradictions, and possibilities for change. This would be a conception, moreover, that is so broad that the claim that it determines the structure of subjectivity risks collapsing into an empty tautology.21

The combination of psychologism and symbolicism in Lacanianism results in a conception of discourse that is of limited usefulness for feminist theorizing. To be sure, this conception offers an account of the discursive construction of social identity. However, it is not an account that can make sense of the complexity and multiplicity of social identities, the ways they are woven from a plurality of discursive strands. Granted, Lacanianism stresses that the apparent unity and simplicity of ego identity is imaginary, that the subject is irreparably split both by language and drives. B ut this insistence on fracture does not lead to an appreciation of the diversity of the socio-cultural discursive practices from which identities are woven. It leads, rather, to a unitary v iew of the human condition as inherently tragic. In fact, Lacanianism differentiates identities only in binary terms, along the single axis of having or lacking the phallus. As Luce Irigaray has shown, this phallic conception of sexual difference is not an adequate basis for understanding femininity22— nor, I would add, masculinity. Still less, then, is it able to shed light on other dimensions of social identities, including ethnicity, color, and social class. Nor could the theory be emended to incorporate these manifestly historical phenomena, given its postulation of an ahistorical, tension-free “ symbolic order” equated with kinship.23

Moreover, Lacanianism’s account of identity construction cannot account for identity shifts over time. It is committed to the general psychoanalytic proposition that gender identity (the only kind of identity it considers) is basically fixed once and for all with the resolution of the Oedipus complex. Lacanianism equates this resolution with the child’s entry into a fixed, monolithic, and all-powerful symbolic order. Thus, it actually increases the degree of identity fixity found in classical Freudian theory. It is true, as Jacqueline R o se points out, that the theory stresses that gender identity is always precarious, that its apparent unity and stability are always threatened by repressed libidinal drives.24 B ut this emphasis on precariousness is not an opening onto genuine historical thinking about shifts in peoples social identities. On the contrary, it is an insistence on a permanent, ahistorical condition, since for Lacanianism the only alternative to fixed gender identity is psychosis.

I f Lacanianism cannot provide an account of social identity that is useful for feminist theorizing, then it is unlikely to help us understand the formation of social groups. For Lacanianism, affiliation falls under the rubric of the imaginary. To affiliate with others, to align oneself with others in a social movement, would be tofall prey to the illusions of the imaginary ego. It would be to deny loss and lack, to seek an impossible unification and fulfillment. Thus, from the perspective of Lacanianism, collective movements would by definition be vehicles of delusion; they could not even in principle be emancipatory.25

Moreover, insofar as group formation depends on linguistic innovation, it is untheorizable from the perspective of Lacanianism. Because Lacanianism posits a fixed, monolithic symbolic system and a speaker who is wholly subjected to it, it is inconceivable that there could ever be any linguistic innovation. Speaking subjects could only ever reproduce the existing symbolic order; they could not possibly alter it. From this perspective, the question of cultural hegemony is blocked from view. There can be no question as to how the cultural authority of dominant groups in society is established and contested, no question of unequal negotiations between different social groups occupying different discursive positions. For Lacanianism, on the contrary, there is simply “ f/ie symbolic order,” a single universe of discourse that is so systematic, so all-pervasive, so monolithic that one cannot even conceive of such things as alternative perspectives, multiple discursive sites, struggles over social meanings, contests between hegemonic and counterhegemonic definitions of social situations, conflicts of interpretation of social needs. One cannot even conceive, really, of a plurality of different speakers.

With the way blocked to a political understanding of identities, groups, and cultural hegemony, the way is also blocked to an understanding of political practice. For one thing, there is no conceivable agent of such practice. Lacanianism posits a view of the person as a non-sutured congeries of three moments, none of which can qualify as a political agent. The speaking subject is simply the grammatical “ I,” a shifter wholly subjected to the symbolic order; it can only and forever reproduce that order. The ego is an imaginary projection, deluded about its own stability and self-possession, hooked on an impossible narcissistic desire for unity and self-completion; it therefore can only and forever tilt at windmills. Finally, there is the ambiguous unconscious, sometimes an ensemble of repressed libidinal drives, sometimes the face of language as Other, but never anything that could count as a social agent.

1. **The black Atlantic critical tradition demonstrates the possibilities of reclaiming humanism. Treating notions of *universalism* and *humanism* as endemic to Man cedes the terrain to imperialist scholarship. Supposedly European categories of political modernity belong as much to the African and Caribbean actors who coproduced them.**

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These key terms illuminate crucial aspects of what made Césaire a distinctive thinker whose critical voice may continue to resonate for us today. But in order to attend to Césaire as he did his predecessors—as a contemporary— we should recognize how his intellectual orientation and insights brush against the grain of many current theoretical tendencies. In both critical theory and postcolonial studies, the standard operation is to unmask purportedly universal categories as socially constructed, culturally particular, and implicated in practices, systems, and logics of domination. These are indispensable critical moves. But this approach often **devolves into a hunt for** traces of universalism or **humanism**, whether in textual artifacts or political projects, in order to reveal the regressive or oppressive essence of the object. This “aha” moment thus becomes the **punch line of the discussion** rather than the **starting point for analysis**. Such fears of complicity with power do not only belie a longing for intellectual and political purity. They also make it difficult to think dialectically, to identify aspects of given arrangements that may **point beyond their actually existing forms**.

The current insistence on negative critique also makes scholars reluctant to identify desirable alternatives and **specify** the kind of world they might want to create. But **what do we concede** if we are unable or unwilling to risk affirming more just, more human, ways of being to which we can say “yes”? It is not easy for radical thinkers to reconcile a **nonprescriptive orientation** to a radically open future with the imperative to envision more desirable arrangements (Coronil 2011). But ignoring or deferring the challenge does not make it disappear. Following anticolonial thinkers like Césaire, especially those located within the black Atlantic critical tradition, may remind us **not to forfeit categories** such as freedom, justice, democracy, solidarity, and humanity to the dominant actors who have **instrumentalized and degraded them**.

Given this dilemma, the attention paid to Vivek Chibber’s recent polemic against subaltern studies is not surprising. Such attention, however, seems to be less about the merits of his universalist Marxism than about a sense of some of the limitations and impasses into which certain currents of postcolonial thinking have led (Chibber 2013).7 Partha Chatterjee himself has recently written, “The task, as it now stands, cannot . . . be taken forward within the framework of the concepts and methods mobilized in Subaltern Studies . . . what is needed are new projects” (2012a: 44). He suggests that such projects should probably focus on “cultural history” and “popular culture” with a renewed focus on visual materials and embodied practices rather than written texts and on ethnography rather than intellectual history. Moreover, he links this invitation to study “the ethnographic, the practical, the everyday and the local” to a focus on subnational “regional formations” and “minority cultures” and languages whose specificities, he observes, had not been sufficiently engaged by earlier subaltern studies research on “India,” “Pakistan,” or “Bangladesh” (47–49). Valuable as such studies would surely be, it is not clear how a renewed focus on locality, with place-based assumptions about territory, consciousness, and categories, could do the kind of critical work necessary to grasp the deep shifts in political logics, structures, and practices that characterize the world-historical present. On the contrary, such approaches risk reproducing precisely the culturalist and territorialist assumptions about political identification and affiliation that need to be rethought in light of contemporary conditions.8

Chatterjee’s surprising emphasis on local ethnography seems consistent with one trend in postcolonial thinking that risks reviving the types of civilizational thinking, and associated assumptions about origins and authenticity, that it had earlier set out to dismantle (Chakrabarty 2007; Mah- mood 2005; Mignolo 2011). Consider the important ways that Talal Asad has invited us to rethink liberal assumptions about “tradition,” with respect to liberal and nonliberal forms of life. In dialogue with Ludwig Wittgenstein and Alasdair MacIntyre, Asad (1986) has developed a powerful critique of liberal secularism—and the secularist logic that subtends many modern liberal states—from the standpoint of embodied and discursive traditions. On the one hand, he reminds us that “Islamic tradition” is neither singular nor unchanging; it is a structured and dynamic space for reasoned argument. On the other hand, he reminds us that despite liberalism’s claims to post- traditional neutrality, it too constitutes a particular tradition (albeit one that defines itself in opposition to inherited, embodied, and practice-oriented forms of tradition-based reasoning).

Asad’s genealogical insights have rightly informed recent critiques of Western liberal ideologies, states, and politics especially regarding their arrogant, condescending, and violent responses to tradition-rooted practices and practitioners, whether outside or inside the West. But his interventions, however unintentionally, have also led scholars to establish dubious chains of equivalence between modernity, the West, and liberalism. Such operations seem to disregard Asad’s important invitation to understand traditions as capacious, heterogeneous, and dynamic spaces of inquiry, disputation, and revision, **not simply** as a set of rigid behavioral scripts, unchanging cultural formulas, or dogmatic ideological precepts. This reduction of political modernity to a **one-dimensional liberalism obscures**, for example, the many currents of progressive antiliberalism within the tradition of modern Western political thought. It fails to recognize the significant number of non-European colonial intellectuals engaged in anti-imperial struggles who were **active participants** in such “traditions within traditions.” It also disregards the **contradictions within and redeemable fragments** of even liberal political thinking, fragments that, if realized, might **point far beyond**, and possibly **explode, liberalism itself**.

To reify modern or Western politics into a static and stereotypical liberalism is to risk practicing an unfortunate form of “Occidentalism” that would reinforce archaic civilizational assumptions about **incommensurable** and unrelated worlds (and worldviews) and **disregard the actual history** and open possibilities for practices of cross-cultural solidarity whereby anti-imperial actors outside Europe could **enter into dialogue** or affiliate with, or even discover ways that they are **already situated** within, counterhegemonic “Western” political traditions. Critics have rightly mobilized singularity, incommensurability, or untranslatability against liberal attempts to discover an abstract humanity and thereby discount situated and embodied forms of life. But the question is whether we treat incommensurability or untranslatability as an epistemological or political limit or as an always imperfect starting point for practices of dialogue, coordination, affiliation, reciprocity, solidarity. For isn’t the impossibility of full transparency or undifferentiated unity simply the unavoidable condition within which all communication, sociality, and politics must be attempted?9

My point is not to congratulate dissident currents within the West, let alone to recuperate liberalism. It is rather to approach radical and emancipatory politics from a place of not-already-knowing, of not presuming to know a priori which aspects of a tradition are irredeemable, which traditions may become allies or habitations, what the boundaries of (thoroughly plastic) traditions must be. This **nondogmatic and experimental orientation to politics**, traditions, and concepts is one of the most precious and timely gifts that Césaire may offer to us now. He practiced a concrete cosmopolitan relationship to modern traditions of philosophy, aesthetics, and politics, one that was highly developed by the robust tradition of black Atlantic criticism within which he was firmly rooted along with predecessors (e.g., Toussaint and W. E. B. DuBois), contemporaries (e.g., C. L. R. James, James Baldwin, Suzanne Césaire, Senghor), and descendants (e.g., Fanon, Edouard Glissant, Stuart Hall, Paul Gilroy, Achille Mbembe, David Scott).

Understandable concerns about totalizing explanation and Eurocentric evaluation have led a generation of scholars to insist on the incommensurable alterity of non-European forms of thought. But perhaps we should be concerned less exclusively with unmasking universalisms as covert European particularism than with **also challenging** the assumption that the universal is **European property**. I read Césaire not in order to provincialize European concepts but to deprovincialize Antillean thinking. Césaire’s critical reworkings remind us that the supposedly European categories of political modernity properly **belong as much to the African and Caribbean actors who coproduced them** as to the inhabitants of continental Europe. Similarly, African and Caribbean thinkers, no less than their continental counterparts, produced abstract and general propositions about “humanity,” “history,” and “the world.” In contrast to invocations of multiple modernities, Césaire never granted to Europe possession of a modernity or universality or humanity that was **always already translocal and fundamentally Caribbean**. He never treated self-determination, emancipation, freedom, equality, or justice as essentially European and foreign. Césaire’s intellectual and political interventions radically challenged reductive territorialist approaches to social thought. He refused to concede that “France” was an ethnic or continental entity, that Martinique was not in some real way internal to “French” society and politics, or that he was situated outside of modern critical traditions. Thus his ongoing and unapologetic engagements with Hegel, Marx, Proudhon, Nietzsche, Lautréamont, Rimbaud, Mallarmé, Bergson, Freud, Breton, Frobenius, and Lenin, alongside his many African, Antillean, and African American interlocutors.

The sonic blurring between “here” and “hear” in the title of this essay is meant to signal not only the contemporaneity of Césaire’s thought for us here now but the imperative that we open ourselves to his presence and recognize his actuality across the epochal divide by hearing what he actually said. This gesture builds on Walter Benjamin’s insight that every now is a “now of recognizability” whereby “what has been comes together in a flash with the now to form a constellation” through which past epochs become newly legible (1999: 462). I also follow Césaire himself, who engaged in dialogue with predecessors as if they were contemporaries and who addressed future interlocutors directly as if they were already present. Like Benjamin, Césaire practiced a form of **radical remembrance** that connected outmoded pasts to **charged presents**. This attention to vital histories was bound up with a poetic politics that identified transformative possibilities **dwelling within existing arrangements** and a proleptic politics that anticipated seemingly impossible futures by trying to enact them concretely in the here and now. But Césaire can only speak to us now if we listen rather than presume to know what someone like him in his situation must have, or should have, been saying.

Until very recently, scholarship on his work has been overdetermined by methodological nationalism (that puzzles over his refusal to pursue state sovereignty), identitarian culturalism (that debates how adequately Césaire expressed Antillean lived experience and whether or not he was an essentialist), and a disciplinary division of labor (that too often splits his poetry, criticism, and politics into separate domains). Generally, Cold War scholarship was shaped by a need to evaluate him in relation to canonical anticolonial nationalists and fit him into a narrative of decolonization-as-national-independence. This has made it difficult to recognize the epochal character, world-making ambition, and global sensibility of his political reflections.

Faced with the promise of decolonization, Césaire conjugated concrete acts with political imagination in ways that displaced conventional oppositions between aesthetics and politics, realism and utopia, pragmatism and principle. Such efforts were animated by what I have been calling radical literalism and utopian realism and which he called inflection and poetic knowledge. He regarded freedom as a problem whose institutional solution was not self-evident and could only be situational. His interventions demonstrated the nonnecessary relationship between colonial emancipation, popular sovereignty, and self-determination, on the one hand, and territorial state sovereignty and national liberation, on the other. He pursued cosmopolitan aims concretely through transcultural practices and by attempting to invent new political forms through which to ground plural and postnational democratic arrangements.

We should recognize that Césaire formulated a critique not of Western civilization from the standpoint of African or Antillean culture but of modern Western racism, imperialism, and capitalism from the standpoint of Antillean and African historical situations and experiences. More generally, it was a critique of an alienated and alienating modernity from the standpoint of embodied and poetic ways of being, knowing, and relating (to self, others, and world). Above all, Césaire recognized residues of, and resources for, more just, human, and integrated ways of living together within Antillean, African, and European texts, traditions, forms, histories, and conditions. In his view, Antilleans—as culturally particular actors, imperial subjects, New World denizens, moderns, and humans—were their rightful heirs. He was concerned less with defining culturally authentic concepts, spaces, and arrangements for Antilleans (apart from Europe or uncontaminated by modernity) than with overcoming imperialism, in solidarity with other struggling peoples, in order to establish less alienated forms of human life globally.

Remembering Césaire’s insistence that modern currents of radicalism were shared legacies and common property may help us to **rethink inherited assumptions** about the relation between territory, ethnicity, consciousness, and interest   
  
(Buck-Morss 2009, 2010). They invite us to deterritorialize social thought and to decolonize intellectual history. This is a matter not of valorizing non-European forms of knowledge, as important as such a move certainly is, but of questioning the presumptive boundaries of “Europe” itself—by recognizing the larger scales on which modern social thought was forged and of appreciating that colonial societies produced self-reflexive thinkers concerned with large-scale processes and future prospects. We can thereby recognize Césaire as a situated postwar thinker of the postwar world, one of whose primary aims was to place into question the very categories “France,” “Europe,” and “the West” by way of an immanent critique of late imperial politics. He envisioned postnational arrangements through which humanity could attempt to overcome the alienating antinomies that had impoverished the quality of life in overseas colonies and European metropoles. His **situated humanism and concrete cosmopolitanism** should thus be placed in a **constellation of modern emancipatory thinking** oriented toward **worldwide human freedom** that included antiracist, anti-imperial, internationalist, and socialist thinkers from a range of traditions: black Atlantic, First Internationalist, global anarchist, Western Marxist, Marxist humanist, Third Worldist.

Césaire believed that the future of humanity depended in some sense on its recovering a lost poetic relation to “the throbbing newness of the world.” Why not regard Césaire’s “humanism made to the measure of the world” as a starting point for our critical thinking about the contemporary situation and the kind of world we would like to create. Césaire, like Toussaint before him, addressed future interlocutors directly. At the same time, his thinking about future possibilities was refracted through dialogue with predecessors like Toussaint. This is how I understand what one of his heirs, Glissant, means by “a prophetic vision of the past” based on “the identification of a painful notion of time and its full projection forward into the future” (1989: 64; see also Glissant 2005: 15, 16). Césaire once wrote of Schoelcher, the socialist republican architect of the 1848 abolition of slavery in France, that it would be “useless to commemorate him if we had not decided to imitate his politics” (1948a: 28). In this spirit I hope that the recent resurgence of interest in Césaire is not only treated as an occasion to honor his memory but is seized as an opportunity to hear his transgenerational address. We can thus think with Césaire about the relation between existing theoretical frameworks, the world we are confronting, and urgent political desires— especially with regard to the history of empire and the role of colonial intellectuals as modern thinkers of global processes.

#### Black feminist thought is compatible with discussion of institutions — the law is a crucial avenue for interrupting the subordination of black women

Hill Collins, PhD, 8 (Patricia, Distinguished University Professor of Sociology @University of Maryland, College Park, *Black Feminist Thought: Knowledge, Consciousness and the Politics of Empowerment*, Routledge, Pgs. 277-280)

The structural domain of power encompasses how social institutions are organized to reproduce Black women’s subordination over time. One characteristic feature of this domain is its emphasis on large-scale, interlocking social institutions. An impressive array of U.S. social institutions lies at the heart of the structural domain of power. Historically, in the United States, the policies and procedures of the U.S. legal system, labor markets, schools, the housing industry, banking, insurance, the news media, and other social institutions as interdependent entities have worked to disadvantage African-American women. For example, Black women’s long-standing exclusion from the best jobs, schools, health care, and housing illustrates the broad array of social policies designed to exclude Black women from full citizenship rights. These interlocking social institutions have relied on multiple forms of segregation—by race, class, and gender—to produce these unjust results. For AfricanAmerican women, racial segregation has been paramount. Racial segregation rested on the “separate but equal” doctrine established under the 1896 ruling of Plessy v. Ferguson where the Supreme Court upheld the constitutionality of segregation of groups. This ruling paved the way for a rhetoric of color-blindness (Crenshaw 1997). Under the “separate but equal” doctrine, Blacks and Whites as groups could be segregated as long as the law was color-blind in affording each group equal treatment. Despite the supposed formal equality promised by “separate but equal,” subsequent treatment certainly was separate, but it was anything but equal. As a result, policies and procedures with housing, education, industry, government, the media, and other major social institutions have worked together to exclude Black women from exercising full citizenship rights. Whether this social exclusion has taken the form of relegating Black women to inner-city neighborhoods poorly served by social services, to poorly funded and racially segregated public schools, or to a narrow cluster of jobs in the labor market, the intent was to exclude. Within the structural domain of power, **empowerment cannot accrue to individuals and groups without transforming U.S. social institutions that foster this exclusion**. Because this domain is large-scale, systemwide, and has operated over a long period of time via interconnected social institutions, segregation of this magnitude cannot be changed overnight. Structural forms of injustice that permeate the entire society yield only grudgingly to change. Since they do so in part when confronted with wide-scale social movements, wars, and revolutions that threaten the social order overall, African-American women’s rights have not been gained solely by gradual reformism. A civil war preceded the abolition of slavery when all efforts to negotiate a settlement failed. Southern states routinely ignored the citizenship rights of Blacks, and even when confronted with the 1954 Brown v. Board of Education Supreme Court decision that outlawed racial segregation, many dug in their heels and refused to uphold the law. Massive demonstrations, media exposure, and federal troops all were deployed to implement this fundamental policy change. The reemergence of White supremacist organizations in the 1990s, many of which recirculate troubling racist ideologies of prior eras, speaks to the deep-seated resentment attached to Black women, among others, working toward a more just U.S. society. Events such as these indicate how deeply woven into the very fabric of American society ideas about Black women’s subordination appear to be. In the United States, visible social protest of this magnitude, while often required to bring about change, remains more the exception than the rule. For U.S. Black women, social change has more often been gradual and reformist, punctuated by episodes of systemwide upheaval. Trying to change the policies and procedures themselves, typically through social reforms, constitutes an important cluster of strategies within the structural domain. Because the U.S. context contains a commitment to reformist change by changing the laws, Black women have used the legal system in their struggles for structural transformation. African-American women have aimed to challenge the laws that legitimate racial segregation. As Chapter 9’s discussion of Black women’s activism suggests, African-American women have used various strategies to get laws changed. Grassroots organizations**,** forming national advocacy organizations**,** and event-specific social protestsuch as boycottsand sit-inshave all been used**,** yet changing the laws and the terms of their implementation have formed the focus of change. Even the development of parallel social institutions such as Black churches and schools have aimed to prepare African-Americans for full participation in U.S. society when the laws were changed. African-American women have experienced considerable success not only in getting laws changed, but in stimulating government action to redress past wrongs. The Voting Rights Act of 1964, the Civil Rights Act of 1965, and other important federal, state, and local legislation have outlawed discrimination by race, sex, national origin, age, or disability status. This changed legal climate granted African-American women some protection from the widespread discrimination that we faced in the past. At the same time, class-action lawsuits against discriminatory housing, educational, and employment policies have resulted in tangible benefits for many Black women. While necessary, these legal victories may not be enough. Ironically, the same laws designed to protect African-American women from social exclusion have increasingly become used against Black women. In describing new models for equal treatment under the law, Black feminist legal scholar Kimberle Crenshaw argues that the rhetoric of color-blindness was not unseated by the 1954 Brown v. Board of Education ruling. Instead, the rhetoric of color-blindness was reformulated to refer to the equal treatment of individuals by not discriminating among them. Under this new rhetoric of color-blindness, equality meant treating all individuals the same, regardless of differences they brought with them due to the effects of past discrimination or even discrimination in other venues. “Having determined, then, that everyone was equal in the sense that everyone had a skin color,” observes Crenshaw, “symmetrical treatment was satisfied by a general rule that nobody’s skin color should be taken into account in governmental decision-making” (Crenshaw 1997, 284). Within this logic, the path to equality lies in ignoring race, gender, and other markers of historical discrimination that might account for any differences that individuals bring to schools and the workplace. As a new rule that maintains long-standing hierarchies of race, class, and gender while appearing to provide equal treatment, this rhetoric of color-blindness has had some noteworthy effects. For one, observes Black feminist legal scholar Patricia Williams (1995), it fosters a certain kind of race thinking among Whites: Because the legal system has now formally equalized individual access to housing, schooling, and jobs, any unequal group results, such as those that characterize gaps between Blacks and Whites, must somehow lie within the individuals themselves or their culture. When joined to its twin of gender neutrality, one claiming that no significant differences distinguish men from women, the rhetoric of color-blindness works to unseat one important strategy of Black women’s resistance within the structural domain. Black women who make claims of discrimination and who demand that policies and procedures may not be as fair as they seem can more easily be dismissed as complainers who want special, unearned favors. Moreover, within a rhetoric of color-blindness that defends the theme of no inherent differences among races, or of gender-neutrality that claims no differences among genders, it becomes difficult to talk of racial and gender differences that stem from discriminatory treatment. The assumption is that the U.S. matrix of domination now provides equal treatment because where it once overtly discriminated by race and gender, it now seemingly ignores them. Beliefs such as these thus allow Whites and men to support a host of punitive policies that reinscribe social heirarchies of race and gender. In her discussion of how racism now relies on encoded language Angela Davis identifies how this rhetoric of color-blindness can operate as a form of “camouflaged racism”: Because race is ostracized from some of the most impassioned political debates of this period, their racialized character becomes increasingly difficult to identify, especially by those who are unable—or do not want— to decipher the encoded language. This means that hidden racist arguments can be mobilized readily across racial boundaries and political alignments. Political positions once easily defined as conservative, liberal, and sometimes even radical therefore have a tendency to lose their dis tinctiveness in the face of the seductions of this camouflaged racism (Davis 1997, 264). Americans can talk of “street crime” and “welfare mothers,” all the while claiming that they are not discussing race at all. Despite the new challenges raised by the rhetoric of color-blindness and gender neutrality, it is important to remember that **legal strategies have yielded and most probably will continue to produce victories for African-American women.** Historically, much of Black women’s resistance to the policies and procedures of the structural domain of power occurred outside powerful social institutions. Currently, however, African-American women are more often included in these same social institutions that long excluded us. Increasing numbers of African-American women have gained access to higher education, now hold good jobs, and might be considered middle-class if not elite. These women often occupy positions of authority inside schools, corporations, and government agencies. Achieving these results required changing U.S. laws.

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#### Empathy produces moral learning over time – distances between social positions do not prevent moral imagination.

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I distinguish entangled empathy from sympathy to help clarify some of what I understand the process of entangled empathy to be. Entangled empathy is a process of perspective-taking that may draw on affections that build up over time—Cherry's habitual sympathies—but it need not. I think it is generally true that we are better at taking the perspective of someone whom we have developed intimacy with over a period of time. Indeed, we are often in a better position to understand what is going on with someone to whom we have a deep or historical connection. But we are not unable to imagine the perspectives of different others, although it isn't easy or simple, just because they are not close to us spatially, emotionally, and/or physically. Chris Cuomo and I argue that it is within close relationships that we may build up the imaginative skills of perspective-taking across distance (Cuomo and Gruen 1998). Building on those initial thoughts, I argue that entangled empathy is not limited to those who are nearest and dearest. Unlike Hume's and Smith's sympathy, which tends to focus on more immediate others, as Cherry rightly points out, given that entangled empathy is a reflective and caring process, one can use one's capacities to feel and judge over spatial and contextual differences, to empathize with distant others.

This process will more often than not incorporate sympathies as feeling-along-with, the phenomenon that Meyers raises, but it is never simply that. That is just one feature that is neither necessary nor sufficient for entangled empathy. As Meyers herself points out, feeling-with can often be problematic when someone, for example, is feeling distraught about an event that does not warrant that feeling, as when someone expresses that they feel disgust at same-sex affection, for example. Too many of us have witnessed that misguided reaction, and it does not warrant sympathy (although pity may be more appropriate). Sadly, such visceral prejudices have become more noticeable of late, and they are not the sorts of feelings that one should empathize with. Empathy helps reveal the experience of the interiority of the other, what Meyers describes as a “poignancy” and Martha Nussbaum describes as “a vicarious visualization that causes these circumstances to come alive in the theater of my mind” (Nussbaum 2001, 331), but entangled empathy contextualizes and expands on these perceptions.

Empathy directs us to focus on and seek to understand the circumstances of the other. This understanding may not be complete and often is in need of significant revisions; however, the goal is to try to take in as much about another's situation and perspective as possible. Importantly, entangled empathy does not involve abandoning one's own attitudes, perspectives, and value commitments. It provides an important reference point from which to assess the features of a situation and to ask appropriate normative questions. Cherry suggests that the process I am describing can be the site for the development and nurturing of other emotions, and I would add it can also be a site for the correction of some emotions too. I agree that entangled empathy can “activate” other emotions. In combination with thoughts, observations, sensitivities, and emotional responsiveness, entangled empathy marshals our perceptions toward action. Entangled empathy goes beyond feeling what others feel, as the process is to develop a caring perception—a recognition that we are in both obvious and more distant relationships with others and are responsible in these relationships. It is an experiential process that is a blend of emotion and cognition.

We can go wrong, and this is another way in which entangled empathy differs from sympathy when the latter is understood as a feeling. If we understand empathy as being like sympathy, then some of the loud criticisms of empathy, like those of Paul Bloom, for example, would be of greater concern. Bloom writes, “By empathy, I mean, ‘Putting yourself in another's shoes, feeling what they feel’” (Bloom 2014). This is not an uncommon understanding of empathy, one he calls “emotional empathy.” That label presupposes a particular understanding of emotion, and it is helpful to unpack it.

There are different ways to understand what emotions are, and whereas Bloom seems to be thinking of emotion as sensation or feeling, others have, in my view, convincingly argued that where bodily sensations are understood through biological or psychological explanations that are not subject to reason, emotions can be explained by the reasons that give rise to them and can be altered in light of those reasons. I would go further and point out that some emotional states can also alter reasons. Emotions are the sorts of things that we can be taught or conditioned to feel or not feel, and reasons can be changed based on our affect. To reiterate, entangled empathy is not itself an emotion, but a process of engaging caring moral perception.The Role of Empathy in Ethical Theory and Practice

Much of the development of my view of entangled empathy was inspired by Iris Murdoch's critique of traditional ethical theories (Murdoch 1970). Murdoch was worried about the way standard approaches require that a moral agent submit herself to the authority of external forces, like principles or rules, and in doing this, she is detaching herself from her experiences, commitments, personality, or as Murdoch put it, her “vision of life.”

As I discuss in the book, following Murdoch, in traditional ethical theories, the moral agent is conceived as someone who already has a handle on any given situation, who knows what he is doing, whose thoughts and intentions are “directed towards definite overt issues” (Murdoch 1970, 7), and whose responsibility is a function of impersonal knowledge. I love the irony in Murdoch's comparison of this sort of moral action with shopping: the agent enters the shop “in a condition of totally responsible freedom” and surveys the products and chooses to purchase one product or another. But there really is only so much that one sees of that “inner life” through outer behavior; it is an anemic view of our inner life, if it provides anything at all. That we perform behaviors that are meant to project meaning very different from what we internally experience is a good part of what therapy and other efforts at self-reflection start with. These outward behaviors become the focal point of ethical choice and action; the inner life of the agent remains mysterious or, when accessible, beside the point of ethical theorizing.

In order to provide a more meaningful account of what moral choice involves—an account that would include what goes on between choices and attends to the fixation and elevation of “choice”—a more robust and nuanced picture of both the inner workings of the agent AND the outer “structures of value round about us” must be painted. That is what entangled empathy is, in part, trying to provide: an embedded and embodied process of moral perception.

But it isn't just the first-person perspective, just our own moral perception, that entangled empathy is interested in improving. I see entangled empathy as requiring the movement from the first-person to the third-person point of view. To meaningfully attend to the particularities of another being's interests, desires, sensitivities, aspirations, and so on as they occur in particular contexts, under certain norms, within social relations of all sorts, and to avoid projecting one's own states of mind on others, this movement from me to you and back, through these shifting perspectives, is key. Entangled empathy helps an agent understand herself and her situation better and thus helps her to discern what is relevant and what is not in her own choice context. Moreover, it helps us see what is relevant to the choice situations of others (or what is preventing choices) in particular, by drawing attention to the wellbeing of another, whatever state it may be. Entangled empathy isn't just a form of ethical attention, but a particular form: caring or loving attention, attention that is directed toward another's flourishing.

Meyers argues that this presupposes a fairly significant “cultural understanding.” She notes “as far as I can tell, empathetic experience is not the source of the conceptions of values and disvalues that are needed to interpret another individual's subjective experience. Rather, empathy mobilizes a culturally transmitted, normative conceptual repertoire that underwrites the empathizer's appreciation of the moral significance of others’ needs, frustrations, sensitivities, and so forth” ($$). I see Debes's worry about “fullness” as related to this concern. Debes raises this as particularly worrisome for my project of understanding very different others, such as nonhuman animals: “Our interpretations are so saturated in human concepts, theory, and ideology that it seems wild to say nonhuman animals could fathom them. So how can they confirm what we mean by our interpretations of their perspectives?” ($$).

I agree that we often stumble when we fail to grasp human, cultural understandings of the values and disvalues that are presupposed by empathetic experience. I take it that evaluating those presuppositions is one of the tasks necessary for getting empathy right. An empathetic agent's evaluations, deliberations, and choices are shaped, at least in part, by the social context in which she lives. Various social institutions and norms affect expectations. Empathetic engagement will often involve examining the conditions under which both the empathizer's and the one with whom she is empathizing's choice sets are formulated, and considering both the internal and external factors that helped shape deliberative capacities and the objects to which choices are directed. Entangled empathizers will be attuned to the distribution, both just and unjust, of hermeneutical resources that have an impact on choice and action. An astute empathizer will thus try to answer a host of questions, including: What psychological predispositions do I have and does she have and how do they affect our different levels of confidence in choosing? How do cultural understandings of value affect our sense of our worth as deliberators and the worth of our choices? Were certain deliberative paths closed to me or to her by familial, educational, social, political, racial, gendered, economic, or religious barriers or prohibitions? How successful do I think I will be in my empathizing with her and what do I need to do and know to be more successful? Will my success or failure depend on the social position I occupy? The social position she occupies? Do people like me culturally or historically have less chance of empathetically succeeding and of “making a difference”?

We can develop a slightly different set of questions when the relationship is between a human empathizer and a nonhuman toward whom one's ethical attention is directed. For example, what were the early rearing conditions this animal experienced and how did that shape her current experiences? What sort of species-typical behaviors does a creature of this kind usually engage in and does she have opportunities to engage in those behaviors? What sorts of social relationships are important, whether they be with conspecifics or animals from other species, including humans? Is this animal able to be alone, if she chooses? Is she able to make choices about who to spend time with, where to be, what and when to eat? Are these the sort of choices that are meaningful to this particular animal?

Answers to these questions and others will help us develop better skills at perceiving and noticing the complexity of moral experience in the world and navigating the “values round about us” as richly and fully as we can. When we work at it, our entangled empathetic responses will be more apt.

Why Care?

Debes wonders why we need moral perception to be caring or why another's wellbeing or flourishing is what we attend to, and I think my response to the oft-cited, though somewhat far-fetched, example of the so-called “empathetic” torturer provides part of an answer. The successful torturer would need to know what really causes anguish, and thus will be a very good behavior-reader, in order to produce the most pain. But one would be hard-pressed to articulate what is ethical, as opposed to simply efficient, about the torturer's capacity to accurately determine what causes his victim pain. What the torturer cares about is the result of his own actions, not the state that result produces in his victim. Entangled empathy not only has us attend to the pain the torture victim is experiencing and the way this torture harms her, but also the values, or in this case disvalues, that motivate the action that leads to the harm. Caring about these things would not condone these actions. Entangled empathy is intended to provide an alternative approach to arriving at a judgment about why such action wouldn't be condoned. Wellbeing is the value theory that informs moral perception that structures ethical engagement. Of course, there are different conceptions of wellbeing, and I intentionally leave that notion open, but whatever the torturer is allegedly “empathetically” doing, it isn't entangled empathy. Through entangled empathy we see not only whom we ought to attend to and what their situation evokes, but also whether and how we should respond in ways that help to preserve and promote their wellbeing.

One of the most serious ways we go wrong, where “we” is humanity quite broadly, is to not engage our empathy at all. Too many people just don't care. Or maybe they have limited energy for empathetic attention, and when they do expend that energy it is directed to those nearest and dearest. Most of us are busy and absorbed in our own problems, projects, and plans. Many of us also have the luxury of not thinking about the problems that so many people around the world and most other animals are confronted with, in one form or another, almost every day.

This brings me to questions of moral motivation that all of my critics have raised. There are at least three levels of motivation to discuss. The first is meta-level motivation: why care about ethical action in the first instance? I haven't been fully convinced by any answer to this question, and I don't think I have provided one. I am interested in trying to improve my moral perception and act well in my dealings with others, human and non, near and far, friends and strangers. The approach I'm offering is directed at those who, like me, are already interested in figuring out what would constitute ethical perception and action, not those who don't really care about ethics at all.

The second motivational question involves attending to others’ wellbeing: why should I care about others, why should I be moved to attend to them from an ethical perspective? Why should their wellbeing, however understood, matter to me? Traditional views have us focus on others insofar as they are vessels of happiness, suffering, or utility; or they are members of a kingdom of ends, instantiations of our shared humanity who deserve respect; or because behind the veil of ignorance I don't know if I'm me or them, and the impartial perspective urges us to think of our own wellbeing, in the abstract, as being as valuable as their wellbeing. My view is different from these views in that I think we must focus on others because they co-constitute our very agency.

This is the entanglement part of entangled empathy. As Meyers notes, I have a relational conception of the self, but it is a rather robust relational ontology; not the simplistic notion that we are all “related” nor the idea that my personal relationships shape who I am. I argue that our agency is co-constituted by our social and material entanglements. I don't think it is a reductive account, as she suggests. Indeed, I wouldn't even know how to make it so considering that our entanglements are so complex. Social entanglements often extend beyond the human and far beyond our geographical location. By material entanglements, I have the old sense of materialism in mind, that is, our socioeconomic opportunities and limitations and our consumer choices, for example. I also am invoking the new sense of materialism, which would include our entanglement with the food we have access to, the safety of our physical environment (for example, water, air, particulate matter, toxic exposure), the nature of our microbiome, and a host of other relations. These entanglements are quite complex, and include our relations to the child slaves who harvest cocoa for chocolate; the orangutans who are on the brink of extinction due to our consumptions of palm oil and palm products; those working in sweatshops who provide cheap clothing; our greenhouse-gas-emitting activities that are creating climate refugees. All of these relations, in part, constitute who we are. Our identities are not simply “socially constructed”; rather, we are who we are at any particular time as an expression of entanglements in multiple relations across space, species, and substance. I take this notion of entanglement from feminist philosopher of physics Karen Barad, who is thinking of it in Bohrian terms. Here is what Barad has said about entanglement, ethics, and action:

Matters of fact, matters of concern, and matters of care are shot through with one another … . All bodies, including but not limited to human bodies, come to matter through the world's iterative intra-activity … . differentiating is not about Othering, separating, but on the contrary, about making connections and commitments. So the very nature of materiality itself is an entanglement … . Ethics is therefore not about right responses to a radically exteriorized other, but about responsibility and accountability for the lively relationalities of becoming, of which we are a part. Ethics is about mattering, about taking account of the entangled materializations of which we are part, including new configurations, new subjectivities, new possibilities … . Responsibility, then, is a matter of the ability to respond. Listening for the response of the other and an obligation to be responsive to the other, who is not entirely separate from what we call the self. (Barad 2012, 69)

As I understand Barad, and as I am thinking about it, we care about others because they are fundamentally part of our own agency. They don't simply “influence” or “shape” us, they co-constitute us. My failure to respond to others is not just a failure of my responsibility, but represents a rupture in my very moral agency.

Returning to Meyers's earlier concern about cultural norms and inspired by Cherry's political examples, consider how responsibility is understood in communities where norms of restorative justice and community service are strong. Rather than viewing certain activities as supererogatory, people in communities with strong social norms of collectivecare usually see community activities as their responsibility. Rather than calling the police if there is a problem, for example, we might see violent activity as a problem that we as a community should be responsive to. Social-psychological studies have identified what is called “social loafing” or “the bystander effect,” the phenomenon of failing to take action to prevent harm in conditions in which others are expected to do so. Presumably, bystanders believe that preventing a harm from occurring, or aiding one in need, is not their responsibility. I'm suggesting that this belief structure is shaped by a narrow conception of the self, a conception that can be effectively altered by seeing the ways in which our agency is co-constituted by others and our responsiveness to those others. And fortunately, there is some evidence that when these failures of responsiveness are pointed out, many people's self-concept is negatively affected and they work to change.

The psychological literature is also replete with discussions of empathy as coupled with a motivational state in order for helping action or pro-social behavior to occur.1 Generally, these “psychological” motivational states fall into two mutually exclusive general categories: self-interested motivation and altruistic motivation. If the self is understood as deeply relational, the distinction between these motivational states breaks down. And this is the third sense of motivation I want to mention. Attuned moral perception moves me to act on behalf of the wellbeing of others who co-constitute my agency. Directing one's empathetic attention toward others is also shaped largely by whether one is so motivated, so while entangled empathizing moves us to action, we can alter our empathetic focus by acts of will. The process of being moved by entangled empathetic attention and being moved to refine our empathy are part of the dynamic process of developing our moral perception.

When one is made aware of a shortcoming in her responsiveness or a failure of her empathetic attention, when she is able, in other words, to see that she is in a “bad” relationship, as I put it—by which I mean one of instrumentalization, exploitation, or violence, for example—she cannot maintain that relationship and hold onto the belief that she is engaged in loving or caring attention. That sort of attention is part of what it means to be a moral agent, I suggest, so one is at least going to be moved to change one's conception, and I would hope, that will also lead to behavioral changes.

But there is a deeper resonance to the question “why care?” that addresses a danger that has been mentioned to me on a number of occasions and that all of my critics discuss. That is a worry about the possibility of ever really, truly understanding and empathizing with another. In the book, I discuss a case worth repeating briefly here. Two wealthy black parents who raised their children to be cautious in white society were devastated in the aftermath of an incident in which their son, who was walking near the boarding school he attended in Connecticut, was called the “N” word. The son became scared and angry, and felt vulnerable. This incident had a negative impact on his schoolwork and his confidence. When the father, Mr. Graham, tried to get the attention of the administration at his son's school, he received little response. This led him to realize that he was no better able to understand the perspective of the white people to whom he reported the incident than of those who called his son the “N” word (Graham 2014).

In many ways Mr. Graham is right. White people in a culture of anti-black racism cannot understand the burden of racism. And if white people can't understand Black people, what hope is there to understand a chimpanzee in entertainment, a dairy cow, or a lab rat? Perhaps entangled empathy is simply too optimistic to think any sort of meaningful moral perception is possible.

Recently, I was asked by Frank Wilderson, whose work I much admire, why do I care? I got a better sense of the force of his question after reading his paper “‘Raw Life’ and the Ruse of Empathy.”2 In it Wilderson interrogates “an optimism that assumes relationality within and between all sentient beings.” His analysis is that there are some beings who are beyond relationality. “The explanatory powers of empathy and analysis are scandalized when confronted with the Black position, a paradigmatic location synonymous with slavery” (Wilderson 2013, 184). Following on the definition of slavery provided by Orlando Patterson as a permanent, violent domination of natally alienated and generally dishonored persons (Patterson 1988), Wilderson sees Blackness as a form of social death, a state of being deprived of relationality. So “even perceived moments of empathic identification with the Slave are ruses” (Wilderson 2013, 189), as one cannot empathize with objects or beings that are not in the relation. Further, he argues that if empathy is meant to facilitate and produce “civic relation and if anti-Blackness is the generative mechanism of this mode of production, then it becomes understandable how and why” (201) empathy is problematic.

There are two concerns here; the latter is not unlike the worry that Debes raises about epistemic injustice, although in a different register. Debes says “dominant social groups trade on existing, ‘collectively’ shared—perhaps we should say, mainstream—forms of social understanding to reach self- and interpersonal understanding. And disempowered groups are pressed to conform to these normalized, mainstream social understandings” ($$). If these normalized understandings require, as Wilderson says, the social death of Black people, and these understandings are what entangled empathy is relying on, then it looks like entangled empathy is in the service of anti-Blackness and should thus be rejected. Debes is right insofar as this form of understanding is meant to be full understanding, and he is also onto something if the understanding required for entangled empathy inescapably emerges from mainstream “narrative tropes.” But I'm not sure why either needs to be the case. Trying to fully understand is not the same as actually achieving full understanding. Understanding among those on the margins happens all the time. Indeed, following the insights of Black feminists, often those on the margins understand more than those at the center, as they have opportunities for understanding both.

What I take us to be doing when we are engaged in entangled empathetic moral attention is working through complicated processes of understanding one another and other animals in situations of differential social, political, and species-based power. Usually what we “get” is just a glimpse. We never really “know,” but too many people use the idea that we can't really know as an excuse to opt out of working at it. I take this to be a failure of both imagination and moral agency.

The second worry will be something I continue to work out, and that is a more robust description of relationality. On the relational ontology I envisage, there is no place beyond relations; anti-Blackness or speciesism, for example, are political and ethical relations that view whites and humans as justified in regarding Blacks and animals as fungible, disposable, and perhaps paradoxically, outside of relationality. But as I've suggested, the relations we are in are not always, perhaps not even often, the sorts of things we choose. Some relations I am forced into, some I seek to develop, some are unjust, some are harmful, some may even seek to forever deprive me of my subjectivity. And since we are constituted in various ways by these relations, when some relations make it hard to see ourselves and others, entangled empathy will seem almost impossible. But that these relationships are part of us means that we can, indeed must, work with them and try to change them for the better.