# 1NC

## T

#### The role of the ballot is to determine the desirability of topical action:

#### The Aff violates this:

#### “USFG should” means the debate is solely about a policy established by governmental means

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

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

#### Vote neg for two reasons:

#### First - predictable limits---allowing the aff to pick any grounds for debate makes engagement impossible by skirting a predictable starting point and undermining preparation and research. Radical aff choice shifts the grounds for the debate and puts the aff far ahead: they have incentives to cement their infinite prep by selecting the most one-sided ideas and can choose only orientations toward the word, not praxis with an actor or mechanism. Fairness is an intrinsic good, vital to the practice of debate, and logically prior to deciding any other argument.

#### Second- our Testing warrant:

#### A well-defined resolution is critical to allow an iterative process of argument testing and improvement---this does not require particular forms of argument, but does require a common point of disagreement.

Poscher ‘16

Director at the Institute for Staatswissenschaft and Philosophy of Law at the University of Freiburg (Ralf, “Why We Argue About the Law: An Agonistic Account of Legal Disagreement”, Metaphilosophy of Law, Tomasz Gizbert-Studnicki/Adam Dyrda/Pawel Banas (eds.), Hart Publishing, forthcoming. Modified for language that may offend)

Hegel’s dialectical thinking powerfully exploits the idea of negation. It is a central feature of spirit and consciousness that they have the power to negate. The spirit “is this power only by looking the negative in the face and tarrying with it. This […] is the magical power that converts it into being.”102 The tarrying with the negative is part of what Hegel calls the “labour of the negative”103. In a loose reference to this Hegelian notion Gerald Postema points to yet another feature of disagreements as a necessary ingredient of the process of practical reasoning. Only if our reasoning is exposed to contrary arguments can we test its merits. We must go through the “labor of the negative” to have trust in our deliberative processes.104

This also holds where we seem to be in agreement. Agreement without exposure to disagreement can be deceptive in various ways. The first phenomenon Postema draws attention to is the group polarization effect. When a group of like‐minded people deliberates an issue, informational and reputational cascades produce more extreme views in the process of their deliberations.105 The polarization and biases that are well documented for such groups106 can be countered at least in some settings by the inclusion of dissenting voices. In these scenarios, disagreement can be a cure for dysfunctional deliberative polarization and biases.107 A second deliberative dysfunction mitigated by disagreement is superficial agreement, which can even be manipulatively used in the sense of a “presumptuous ‘We’”108. Disagreement can help to police such distortions of deliberative processes by challenging superficial agreements. Disagreements may thus signal that a deliberative process is not contaminated with dysfunctional agreements stemming from polarization or superficiality. Protecting our discourse against such contaminations is valuable even if we do not come to terms. Each of the opposing positions will profit from the catharsis it received “by looking the negative in the face and tarrying with it”.

These advantages of disagreement in collective deliberations are mirrored on the individual level. Even if the probability of reaching a consensus with our opponents is very low from the beginning, as might be the case in deeply entrenched conflicts, entering into an exchange of arguments can still serve to test and improve our position. We have to do the “labor of the negative” for ourselves. Even if we cannot come up with a line of argument that coheres well with everybody else’s beliefs, attitudes and dispositions, we can still come up with a line of argument that achieves this goal for our own personal beliefs, attitudes and dispositions. To provide ourselves with the most coherent system of our own beliefs, attitudes and dispositions is – at least in important issues – an aspect of personal integrity – to borrow one of Dworkin’s favorite expressions for a less aspirational idea.

In hard cases we must – in some way – lay out the argument for ourselves to figure out what we believe to be the right answer. We might not know what we believe ourselves in questions of abortion, the death penalty, torture, and stem cell research, until we have developed a line of argument against the background of our subjective beliefs, attitudes and dispositions. In these cases it might be rational to discuss the issue with someone unlikely to share some of our more fundamental convictions or who opposes the (perspective) ~~view~~ towards which we lean. This might even be the most helpful way of corroborating a view, because we know that our adversary is much more motivated to find a potential flaw in our argument than someone with whom we know we are in agreement. It might be more helpful to discuss a liberal position with Scalia than with Breyer if we want to make sure that we have not overlooked some counter‐argument to our case.

It would be too narrow an understanding of our practice of legal disagreement and argumentation if we restricted its purpose to persuading an adversary in the case at hand and inferred from this narrow understanding the irrationality of argumentation in hard cases, in which we know beforehand that we will not be able to persuade. Rational argumentation is a much more complex practice in a more complex social framework. Argumentation with an adversary can have purposes beyond persuading him: to test one’s own convictions, to engage our opponent in inferential commitments and to persuade third parties are only some of these; to rally our troops or express our convictions might be others. To make our peace with Kant we could say that “there must be a hope of coming to terms” with someone though not necessarily with our opponent, but maybe only a third party or even just ourselves and not necessarily only on the issue at hand, but maybe through inferential commitments in a different arena.

f) The Advantage Over Non‐Argumentative Alternatives

It goes without saying that in real world legal disagreements, all of the reasons listed above usually play in concert and will typically hold true to different degrees relative to different participants in the debate: There will be some participants for whom our hope of coming to terms might still be justified and others for whom only some of the other reasons hold and some for whom it is a mixture of all of the reasons in shifting degrees as our disagreements evolve. It is also apparent that, with the exception of the first reason, the rationality of our disagreements is of a secondary nature. The rational does not lie in the discovery of a single right answer to the topic of debate, since in hard cases there are no single right answers. Instead, our disagreements are instrumental to rationales which lie beyond the topic at hand, like the exploration of our communalities or of our inferential commitments. Since these reasons are of this secondary nature, they must stand up to alternative ways of settling irreconcilable disagreements that have other secondary reasons in their favor – like swiftness of decision making or using fewer resources. Why does our legal practice require lengthy arguments and discursive efforts even in appellate or supreme court cases of irreconcilable legal disagreements? The closure has to come by some non‐argumentative mean and courts have always relied on them. For the medieval courts of the Germanic tradition it is bequeathed that judges had to fight it out literally if they disagreed on a question of law – though the king allowed them to pick surrogate fighters.109 It is understandable that the process of civilization has led us to non‐violent non‐ argumentative means to determine the law. But what was wrong with District Judge Currin of Umatilla County in Oregon, who – in his late days – decided inconclusive traffic violations by publicly flipping a coin?110 If we are counting heads at the end of our lengthy argumentative proceedings anyway, why not decide hard cases by gut voting at the outset and spare everybody the cost of developing elaborate arguments on questions, where there is not fact of the matter to be discovered?

One reason lies in the mixed nature of our reasons in actual legal disagreements. The different second order reasons can be held apart analytically, but not in real life cases. The hope of coming to terms will often play a role at least for some time relative to some participants in the debate. A second reason is that the objectives listed above could not be achieved by a non‐argumentative procedure. Flipping a coin, throwing dice or taking a gut vote would not help us to explore our communalities or our inferential commitments nor help to scrutinize the positions in play. A third reason is the overall rational aspiration of the law that Dworkin relates to in his integrity account111. In a justificatory sense112 the law aspires to give a coherent account of itself – even if it is not the only right one – required by equal respect under conditions of normative disagreement.113 Combining legal argumentation with the non‐argumentative decision‐ making procedure of counting reasoned opinions serves the coherence aspiration of the law in at least two ways: First, the labor of the negative reduces the chances that constructions of the law that have major flaws or inconsistencies built into the arguments supporting them will prevail. Second, since every position must be a reasoned one within the given framework of the law, it must be one that somehow fits into the overall structure of the law along coherent lines. It thus protects against incoherent “checkerboard” treatments114 of hard cases. It is the combination of reasoned disagreement and the non‐rational decision‐making mechanism of counting reasoned opinions that provides for both in hard cases: a decision and one – of multiple possible – coherent constructions of the law. Pure non‐rational procedures – like flipping a coin – would only provide for the decision part. Pure argumentative procedures – which are not geared towards a decision procedure – would undercut the incentive structure of our agonistic disagreements.115 In the face of unresolvable disagreements endless debates would seem an idle enterprise. That the debates are about winning or losing helps to keep the participants engaged. That the decision depends on counting reasoned opinions guarantees that the engagement focuses on rational argumentation. No plain non‐argumentative procedure would achieve this result. If the judges were to flip a coin at the end of the trial in hard cases, there would be little incentive to engage in an exchange of arguments. It is specifically the count of reasoned opinions which provides for rational scrutiny in our legal disagreements and thus contributes to the rationales discussed above.

2. THE SEMANTICS OF AGONISTIC DISAGREEMENTS

The agonistic account does not presuppose a fact of the matter, it is not accompanied by an ontological commitment, and the question of how the fact of the matter could be known to us is not even raised. Thus the agonistic account of legal disagreement is not confronted with the metaphysical or epistemological questions that plague one‐right‐answer theories in particular. However, it must still come up with a semantics that explains in what sense we disagree about the same issue and are not just talking at cross purposes.

In a series of articles David Plunkett and Tim Sundell have reconstructed legal disagreements in semantic terms as metalinguistic negotiations on the usage of a term that at the center of a hard case like “cruel and unusual punishment” in a death‐penalty case.116 Even though the different sides in the debate define the term differently, they are not talking past each other, since they are engaged in a metalinguistic negotiation on the use of the same term. The metalinguistic negotiation on the use of the term serves as a semantic anchor for a disagreement on the substantive issues connected with the term because of its functional role in the law. The “cruel and unusual punishment”‐clause thus serves to argue about the permissibility of the death penalty. This account, however only provides a very superficial semantic commonality. But the commonality between the participants of a legal disagreement go deeper than a discussion whether the term “bank” should in future only to be used for financial institutions, which fulfills every criteria for semantic negotiations that Plunkett and Sundell propose. Unlike in mere semantic negotiations, like the on the disambiguation of the term “bank”, there is also some kind of identity of the substantive issues at stake in legal disagreements.

A promising route to capture this aspect of legal disagreements might be offered by recent semantic approaches that try to accommodate the externalist challenges of realist semantics,117 which inspire one‐right‐answer theorists like Moore or David Brink. Neo‐ descriptivist and two‐valued semantics provide for the theoretical or interpretive element of realist semantics without having to commit to the ontological positions of traditional externalism. In a sense they offer externalist semantics with no ontological strings attached.

The less controversial aspect of the externalist picture of meaning developed in neo‐ descriptivist and two‐valued semantics can be found in the deferential structure that our meaning‐providing intentions often encompass.118 In the case of natural kinds, speakers defer to the expertise of chemists when they employ natural kind terms like gold or water. If a speaker orders someone to buy $ 10,000 worth of gold as a safe investment, he might not know the exact atomic structure of the chemical element 79. In cases of doubt, though, he would insist that he meant to buy only stuff that chemical experts – or the markets for that matter – qualify as gold. The deferential element in the speaker’s intentions provides for the specific externalist element of the semantics.

In the case of the law, the meaning‐providing intentions connected to the provisions of the law can be understood to defer in a similar manner to the best overall theory or interpretation of the legal materials. Against the background of such a semantic framework the conceptual unity of a linguistic practice is not ratified by the existence of a single best answer, but by the unity of the interpretive effort that extends to legal materials and legal practices that have sufficient overlap119 – be it only in a historical perspective120. The fulcrum of disagreement that Dworkin sees in the existence of a single right answer121 does not lie in its existence, but in the communality of the effort – if only on the basis of an overlapping common ground of legal materials, accepted practices, experiences and dispositions. As two athletes are engaged in the same contest when they follow the same rules, share the same concept of winning and losing and act in the same context, but follow very different styles of e.g. wrestling, boxing, swimming etc. They are in the same contest, even if there is no single best style in which to wrestle, box or swim. Each, however, is engaged in developing the best style to win against their opponent, just as two lawyers try to develop the best argument to convince a bench of judges.122 Within such a semantic framework even people with radically opposing views about the application of an expression can still share a concept, in that they are engaged in the same process of theorizing over roughly the same legal materials and practices. Semantic frameworks along these lines allow for adamant disagreements without abandoning the idea that people are ~~talking about~~ (discussing) the same concept. An agonistic account of legal disagreement can build on such a semantic framework, which can explain in what sense lawyers, judges and scholars engaged in agonistic disagreements are not talking past each other. They are engaged in developing the best interpretation of roughly the same legal materials, albeit against the background of diverging beliefs, attitudes and dispositions that lead them to divergent conclusions in hard cases. Despite the divergent conclusions, semantic unity is provided by the largely overlapping legal materials that form the basis for their disagreement. Such a semantic collapses only when we lack a sufficient overlap in the materials. To use an example of Michael Moore’s: If we wanted to debate whether a certain work of art was “just”, we share neither paradigms nor a tradition of applying the concept of justice to art such as to engage in an intelligible controversy.

#### Our testing arg *link turns* the Aff’s efforts to counter injustice. It’s also a reason to Negate their method based on external offense. Testing is the stronger mechanism for actualizing solvency for Aff and Neg impacts.

Connolly 17

William Connolly, Krieger-Eisenhower Professor of Political Science at Johns Hopkins University, Aspirational Fascism: The Struggle for Multifaceted Democracy under Trumpism, p. 694-777

If a dissident movement is to acquire momentum, the democratic Left must also identify more young leaders in multiple settings who are charismatic in democratic ways and who can inspire large constituencies as they counter the appeal of Trumpian authoritarian charisma. For Trump is a charismatic adversary whose rhetorical effectiveness has not yet been measured adequately by enough of his critics. He and Hitler are both right about one thing: there is a tendency in the professoriate to downplay the role of rhetoric in politics and the ubiquitous importance of the visceral register of culture to public life. We often love writing more than speech. There is thus a corollary reticence to working hard enough to counter a rhetoric organized around authoritarian leadership, militarism, whiteness, and aggressive national assertion with another mode that draws on our higher angels to encourage horizontal modes of organization and an ethos of presumptive generosity as it articulates the differential class, regional, and urban dangers of rapid climate change.

We both need to learn more about Trump and to rebut his rhetorical style with positive styles of engagement. Bernie Sanders shined a bright light here, too. For visceral group identifications do not always and only pass through the filter of a narcissistic leader, as a few steeped in Freudianism may think. They can also be mediated by horizontal connections on both the visceral and refined registers of cultural life— connections forged across a variety of associational meetings, church assemblies, blogs, family gatherings, classrooms, neighborhood groups, school boards, tavern conversations, unions, and so on— as we forge reciprocal ties of presumptive generosity and care.[ 12] Charismatic, pluralizing, egalitarian leaders support such horizontal connections and infusions in the ways they provide Democratic leadership.[ 13] It is possible to improve the internal ethos of the United States while coming to terms more nobly with its new condition in the world, even if the probabilities may point in another direction. Indeed, it is imperative to try to accomplish both together, because failure to do so risks unleashing the vast military power of the country in a series of destructive wars that could be calamitous for the world. Think merely of how climate change— a gathering planetary force massive in destructive power— is subject to denial in part because those who seek to return to an old “greatness” are told that such a return requires the modes of industry, mining, imperial power, triumphalism, and fossil fuel energy that powered growth the last time around.

Trump’s attack upon the media and the professoriate is strategically chosen in this respect. His tweets calling the media “the enemy of the people” and carriers of “fake news” must never be treated lightly. Above all, this is not a site, if there is any site, at which the Left should seek to “accelerate the contradictions” of the order to speed up its collapse.[ 14] The latter route, however unintentionally, is a route to fascism.

Trump’s goal is to trap the media in a bind: he hopes he can win if the media evades the charges he makes; he hopes he can win if they reply simply by correcting the evidence when he endlessly accuses them of fake news. The best strategy, perhaps, is to keep exposing how the Big Lie works, to respond with evidence-based claims to each Lie as you also explain why he pursues it, to play up dramatically how critical a press free from state control or intimidation is to a democratic society, and to explore the real and neglected grievances of those constituencies most tempted to embrace Trump tweets. Yes, the media often deserves intense criticism from the democratic Left for its softness on a neoliberal corporate culture, but the Left must also expose and attack Trumpian intimidation of it. It recently seemed unwise to me, for instance, when a few on the Left reenforced Trump and Putin denials of the Putin intervention in the election with statements that came close to describing this as fake news. The media and professoriate will both be vicious targets of Trump attacks for the next four years (at least), as he deflects attention from his probable collusion with Putin and the failure of his policies to uplift the working class. It is possible for critics on the Left to chew gum and walk at the same time, in this case, to hold the media accountable as you also defend it against vicious Trumpian assaults that could get worse as his false promises continue to encounter harsh realities.

I have doted a bit on the working class not because it could today become the center of a new movement toward egalitarian democracy oriented to both pluralism and the new planetary condition. We do not inhabit a Fordist era in which much of the working class is centered in large factories. That class is now even more dispersed geographically and underorganized into unions. It is often distributed in small clusters in fast-food restaurants, shopping mall stores, janitorial duties, farm work, small factories, prison work, security assignments, subordinate administrative duties, hospital services, and so on. Moreover, its dispersed distribution makes it easier for those outside those circumstances to ignore or deny its grievances, as they look merely at yearly income statistics and fail to register how differences in lifetime income and an evolving infrastructure of consumption make it harder for many with apparently decent incomes to make ends meet. Its very dispersion, disorganization, and uneven geodistribution, however, mean that, intelligently engaged, it could also forge indispensable elements in a vibrant pluralism that has been on the move for a while without its active involvement, a pluralism that can also constitute a key bulwark against aspirational fascism. That is why it is wise to appreciate the working class today as one dispersed minority among others.

**Third- our Preparation warrant:**

**Operating within negotiated statis maximizes in-depth discussions for both teams and the judging community. An in-depth iterative process creates a broader model that moves second and third line strategies from theoretically feasible to practical. Neg responses. Some will be effective, some won’t – but the process alone shifts incentive structures towards more on-point and in-depth approaches. This does not require the Aff argue within a narrow horizon of problem or solution areas – but does work within stasis and prevents the Neg from abandoning the wisdom in-depth case hits. After all, nothing in their model prevents Aff from shifting to 1AC that solely claim “bigotry is bad” or “I think that bigot is bigoted”. Our model better aligns incentive structures for Neg research on critical and cultural theory – improving the depth of every participant’s knowledge on the very subject matter the Aff contends is vital for education.**

## Frame Subtraction

#### Neoliberal lexicon

#### A -- The Aff deployed terms from that lexicon. It’s irrel if it was intentional OR even a disingenuous deployment that aspired to K neolib. Speech acts grow more potent when such deployments are removed.

Kipnis ‘7

Andrew Kipnis - Senior Fellow and Professor Andrew Kipnis in The Department of Anthropology, The Australian National University – “Neoliberalism reified: suzhi discourse and tropes of neoliberalism in the People's Republic of China” - Journal of the Royal Anthropological Institute (N.S.) 13,383-400 - #E&F – modified for language that may offend - obtained via J-Stor database.

Another problem is that neoliberal policies, *however defined*, may be sincerely or disingenously pursued. Often enough, powerful *social actors* ~~mouth~~ (deploy) neoliberal slogans or ideology of one form or another in a crass attempt to grab power or exploit others. There may be no intention of actually enacting neoliberal policy or striving for neoliberal goals. This issue should be of crucial interest to those who believe (as the author of this article does not) that neoliberalism is systemic in the contemporary world. If neoliberalism is a systemic 'discourse' (as some governmen-tality theorists would have it), then it reproduces itself by producing 'responsibilized' subject/citizens who re-create neoliberal institutions. From this vantage, disingenuous applications of neoliberal discourse would thus work to undermine neoliberal-ism. But if neoliberalism is an 'ideology' that serves merely to mask the true workings of class domination, then disingenuous applications of neoliberal ideas are central to the reproduction of neoliberalism. In such a case, the actual production of autonomous, responsible citizen/subjects would undermine neoliberalism. Few who write as if neoliberalism were systemic in the contemporary world demonstrate awareness of this contradiction.

#### B - The tag to the Morant card refers to monopolization of language – that is quite distinct from a literal monopoly

#### C -- Neolib discourse *creates realities* which re-frame the social violence cited by the Aff. That link turns case … it’s also external offense via neolib’s perpetuation of sexualized, racialized, and socio-economic repression.

Della Faille ‘15

Dr. Dimitri DELLA FAILLE (PhD, Sociology) is a professor in International Development and Social Sciences at Université du Québec en Outaouai - “A Sociological Understanding of Neoliberal Discourses of Development” - #E&F - https://hal.archives-ouvertes.fr/hal-02046915/document

This paper will attempt to show that social scientists studying development issues must consider these common ideas with considerable caution. We argue that words are, in fact, actions. And as such, they must be investigated. We contend that an examination of underdevelopment and "developing" societies must go beyond an artificial divide between discourse and action. But also, that it must not limit its definition of discourse to an act of deception. Otherwise, we run the risk of misunderstanding social problems, which is the basis for much social action and collective mobilization in the "developing" world. We will also propose in this paper a number of ways to examine language and discourse that go beyond received ideas. We will attempt to show that they are integral parts of action - whether scholarly, activist, administrative or otherwise - against underdevelopment. In the first place, we will focus most of our explanation on how neoliberal governance and policymaking use language, social representation and discourse to achieve their goals. Using example of neoliberal discourses, we will attempt to show how the main ideologies of the various contemporary development discourses transforms our perception and understanding of development problems. This transformation, we argue, exists both in imposing the use of specific words and in successfully controlling means of communication.

We will begin with a quick presentation of discourse and a definition of neoliberal ideologies. Then, we will demonstrate how discourse analysis could study neoliberal discourses by applying to documents about a natural disaster in the Philippines. After this demonstration, we present other various examples of discourse analysis as it applies to development discourses. Then, we present some of the major approaches and methodologies of discourse analysis. Before concluding, we will present some ethical considerations for the analysis of development discourses.

Words of Caution

A paper about language and discourse would fall short of its goal to draw attention to the use of language if it did not contain at least some form of criticism of usages of the word "development". We argue that calling societies "developing" is actually making a normative statement about the past trajectory, current status and expected future of these societies. Social scientists may contend that political, scientific, ethical or lay statements about development and underdevelopment are in fact "problematizations" of human societies. A problematization is a process by which social relations, practices, rules, institutions, and habits previously established are suddenly viewed as doubtful and problematic (Foucault 2001). The word "development" itself may carry different meanings around the world (Thornton et al. 2012). The understanding and expectations of actions in the name of "development" are conditioned by social representations and interpretations. However, we contend that development discourses are problematizations of the "developing" world because they transform the history of societies of Latin America, Asia, Africa and some parts of Europe into a long story of troubles and failures. They do that in order to justify social transformations and interventions (Escobar 1994). We also contend that they are problematizations because they produce cultural discourses that apply specifically to "developing" countries, and therefore reinforce ideas about the perceived superiority of "developed" countries over the rest of the world (Mohanty 1984).

This paper refuses to hierarchize societies based on perceptions of their economic achievement, their form of political governance or the global recognition of their cultural products. We recognize that discourses about "development" are problematizations, and that perceptions of any social, political or cultural inferiority of these regions, countries or populations must be criticized. We therefore use the term "developing" for some societies, not as a normative statement on regions, countries, and populations viewed as economically, socially, politically or culturally inferior to the "developed world", but rather as an unfortunate shortcut to describe regions and countries in which actors desire to act in the name of "development". There is a wealth of scholarly literature on criticism of the use of the word "development", some of which is evoked further in this paper.

We will give further explanations that might help you better understand why we must be cautious when comparing societies in terms of their perceived "development". Now that we explained why we, in this paper, are cautious of talking about "development" and "underdevelopment", let us very briefly present some aspects of discourse and its analysis.

Understanding discourse and its analysis

If discourse analysis is getting more recognition in development studies, before we further embark in this paper it must be noted that if you chose to study discourse, you might encounter disapproval (Ziai 2015). As we have argued elsewhere, discourse analysis is often viewed with reservations or criticized in the context of the study of "development" and "underdevelopment" (Delia Faille 2011; 2014). But very often, the criticism comes from misunderstanding of what discourse actually is. Discourse analysts face many commonly held ideas, as per the examples we have provided in the introduction of this paper. We believe that the best way for social scientists to justify the analysis of words, language and communication is to approach it with a clear definition of discourse that relates to the study of social relations and also to present convincing analysis. This section attempts to clarify our definition of discourse analysis and the following sections will attempt to illustrate how this analysis relates to the study of social relations and "development".

Social scientists studying discourses are examining the social and institutional constraints of language. At the conceptual level, language can be apprehended either as a social fact determined by material conditions and social domination, or as a field of social activity with specific rules and a social environment where meaning, social relations, and society are produced. Most discourse analysts adopt the latter conception. They attempt to reveal the strategies that aim to convey cultural values and ideologies, whether implicitly or explicitly. They define language as the production of meaning and the results of acts of communication that are conditioned by collective rules and social codes. Through the use of language, social groups and individuals come to build their identity, describe themselves, interact, and share ideas. Language is thus more than the use of specific vocabularies and grammars. It is an organized sequence of social acts that is not limited to speech or utterance. Some analysts study images and material artefacts as sequences of social acts and social strategies to convey ideologies.

In the 1960s French and British philosophers, sociologists and political scientists began to understand the production of language in terms of communication strategies. This new direction was dubbed the "linguistic turn" of humanities and social sciences (Rorty 1967). Based on several decades of debate in literary study, linguistics and anthropology, discourse analysis emerged as a new discipline. It proposed a way to see language as a field of social confrontation and struggles. Discourse is therefore understood as the social usage of language and studied as a social practice and a materialization of social relations. It means that discourse analysts are interested in the social practice of using language to put forward agendas, to express dissent, to defend a position, or to transmit values. They also study acts of silencing and censoring - such as prohibiting other worldviews from circulating and being heard. Therefore, discourse analysts see language as a series of social processes and they acknowledge that language is not limited to otherwise unrelated individual acts.

Discourse analysis could be described as a political understanding of the use of language in the context of unequal access to platforms of decision making, economic resources, and social recognition. As we will attempt to demonstrate throughout this paper, the study of discourse is not limited to looking for hidden agendas, lies or the uttering of meaningless and empty words. Deception is only one of the strategies used to convey worldviews, and it is not necessarily the most effective or even the most interesting for discourse analysts.

Some schools of discourse analysis criticize social reproduction of gender inequality, racism and social class. Critical Discourse Analysis is an example of this field. For this school of thought, discourse analysis is the social study of language, its social constraints and its effects (Fairclough 2001). Through language, social groups come to represent society in a way that perpetuates domination, positive or negative discrimination, and social repression. Critical discourse analysts look at the perpetuation of social conflicts and unequal relations of power. They examine issues related to gender, sexuality, social class, and ethnicity.

While our presentation of neoliberal discourses and its analysis does not fall totally under the umbrella of the school of Critical Discourse Analysis, this paper demonstrates how to analyse discourse in the context of the study of global inequalities, social discrimination and repression. We are critical of the current state of global politics, economy and society as it reproduces and reinforces inequalities. Therefore, the next section presents a critical analysis of neoliberalism understood as an ideology whose aim is to impose its ~~worldviews~~ (perspective) and the interest of the actors it attempts to defend and whose interests this ideology is putting forward in the context of development discourses.

## Case

#### 1) Presumption.

The 1AC is heavy on diagnosis and light on remedy. There’s a diagnosis of identity and violence, but little discussion of how the Aff re-distributes privilege.

Sure, the 1AC critiques Topicality – but that alone isn’t a reason to affirm. Vote neg on presumption - K Affs still have solvency burdens.

#### 2) It’s not just D – if the Aff fails to generate new collectives it’s non-workable concept is a trap that empowers reigning ideologies.

Bryant ‘12

(Levi Bryant is currently a Professor of Philosophy at Collin College. In addition to working as a professor, Bryant has also served as a Lacanian psychoanalyst. He received his Ph.D. from Loyola University in Chicago, Illinois, where he originally studied 'disclosedness' with the Heidegger scholar Thomas Sheehan. Bryant later changed his dissertation topic to the transcendental empiricism of Gilles Deleuze, “Critique of the Academic Left”, http://larvalsubjects.wordpress.com/2012/11/11/underpants-gnomes-a-critique-of-the-academic-left/)

Unfortunately, the academic left falls prey to its own form of abstraction. It’s good at carrying out critiques that denounce various social formations, yet very poor at proposing any sort of realistic constructions of alternatives. This because it thinks abstractly in its own way, ignoring how networks, assemblages, structures, or regimes of attraction would have to be remade to create a workable alternative. Here I’m reminded by the “underpants gnomes” depicted in South Park: The underpants gnomes have a plan for achieving profit that goes like this: Phase 1: Collect Underpants Phase 2: ? Phase 3: Profit! They even have a catchy song to go with their work: Well this is sadly how it often is with the academic left. Our plan seems to be as follows: Phase 1: Ultra-Radical Critique Phase 2: ? Phase 3: Revolution and complete social transformation! Our problem is that we seem perpetually stuck at phase 1 without ever explaining what is to be done at phase 2. Often the critiques articulated at phase 1 are right, but there are nonetheless all sorts of problems with those critiques nonetheless. In order to reach phase 3, we have to produce new collectives. In order for new collectives to be produced, people need to be able to hear and understand the critiques developed at phase 1. Yet this is where everything begins to fall apart. Even though these critiques are often right, we express them in ways that only an academic with a PhD in critical theory and post-structural theory can understand. How exactly is Adorno to produce an effect in the world if only PhD’s in the humanities can understand him? Who are these things for? We seem to always ignore these things and then look down our noses with disdain at the Naomi Kleins and David Graebers of the world. To make matters worse, we publish our work in expensive academic journals that only universities can afford, with presses that don’t have a wide distribution, and give our talks at expensive hotels at academic conferences attended only by other academics. Again, who are these things for? Is it an accident that so many activists look away from these things with contempt, thinking their more about an academic industry and tenure, than producing change in the world? If a tree falls in a forest and no one is there to hear it, it doesn’t make a sound! Seriously dudes and dudettes, what are you doing? But finally, and worst of all, us Marxists and anarchists all too often act like assholes. We denounce others, we condemn them, we berate them for not engaging with the questions we want to engage with, and we vilify them when they don’t embrace every bit of the doxa that we endorse. We are every bit as off-putting and unpleasant as the fundamentalist minister or the priest of the inquisition (have people yet understood that Deleuze and Guattari’s Anti-Oedipus was a critique of the French communist party system and the Stalinist party system, and the horrific passions that arise out of parties and identifications in general?). This type of “revolutionary” is the greatest friend of the reactionary and capitalist because they do more to drive people into the embrace of reigning ideology than to undermine reigning ideology. These are the people that keep Rush Limbaugh in business. Well done! But this isn’t where our most serious shortcomings lie. Our most serious shortcomings are to be found at phase 2. We almost never make concrete proposals for how things ought to be restructured, for what new material infrastructures and semiotic fields need to be produced, *and when we do*, our critique-intoxicated cynics and skeptics immediately jump in with an analysis of all the ways in which these things contain dirty secrets, ugly motives, and are doomed to fail. How, I wonder, are we to do anything at all when we have no concrete proposals? We live on a planet of 6 billion people. These 6 billion people are dependent on a certain network of production and distribution to meet the needs of their consumption. That network of production and distribution does involve the extraction of resources, the production of food, the maintenance of paths of transit and communication, the disposal of waste, the building of shelters, the distribution of medicines, etc., etc., etc. What are your proposals? How will you meet these problems? How will you navigate the existing mediations or semiotic and material features of infrastructure? Marx and Lenin had proposals. Do you? Have you even explored the cartography of the problem? Today we are so intellectually bankrupt on these points that we even have theorists speaking of events and acts and talking about a return to the old socialist party systems, ignoring the horror they generated, their failures, and not even proposing ways of avoiding the repetition of these horrors in a new system of organization. Who among our critical theorists is thinking seriously about how to build a distribution and production system that is responsive to the needs of global consumption, avoiding the problems of planned economy, ie., who is doing this in a way that gets notice in our circles? Who is addressing the problems of micro-fascism that arise with party systems (there’s a reason that it was the Negri & Hardt contingent, not the Badiou contingent that has been the heart of the occupy movement). At least the ecologists are thinking about these things in these terms because, well, they think ecologically. Sadly we need something more, a melding of the ecologists, the Marxists, and the anarchists. We’re not getting it yet though, as far as I can tell. Indeed, folks seem attracted to yet another critical paradigm, Laruelle. I would love, just for a moment, to hear a radical environmentalist talk about his ideal high school that would be academically sound. How would he provide for the energy needs of that school? How would he meet building codes in an environmentally sound way? How would she provide food for the students? What would be her plan for waste disposal? And most importantly, how would she navigate the school board, the state legislature, the federal government, and all the families of these students? What is your plan? What is your alternative? I think there are alternatives. I saw one that approached an alternative in Rotterdam. If you want to make a truly revolutionary contribution, this is where you should start. Why should anyone even bother listening to you if you aren’t proposing real plans? But we haven’t even gotten to that point. Instead we’re like underpants gnomes, saying “revolution is the answer!” without addressing any of the infrastructural questions of just how revolution is to be produced, what alternatives it would offer, and how we would concretely go about building those alternatives. Masturbation. “Underpants gnome” deserves to be a category in critical theory; a sort of synonym for self-congratulatory masturbation. We need less critique not because critique isn’t important or necessary– it is –but because we know the critiques, we know the problems. We’re intoxicated with critique because it’s easy and safe. We best every opponent with critique. We occupy a position of moral superiority with critique. But do we really do anything with critique? What we need today, more than ever, is composition or carpentry. Everyone knows something is wrong. Everyone knows this system is destructive and stacked against them. Even the Tea Party knows something is wrong with the economic system, despite having the wrong economic theory. None of us, however, are proposing alternatives. Instead we prefer to shout and denounce. Good luck with that.

**3) Turn - The 1AC’s value stands on its own---responding to it with judgement and the ballot is a hollow validation that siphons off political energy and draws them into the oppressive gaze of the academy**

**Phillips 99** – Dr. Kendall R. Phillips, Professor of Communication at Central Missouri State University, PhD in Speech Communication from Pennsylvania State University, MA in Speech Communication from Central Missouri State University, BS in Psychology and Sociology from Southwest Baptist University, “Rhetoric, Resistance, and Criticism: A Response to Sloop and Ono”, Philosophy & Rhetoric, Volume 32, Number 1, p. 96-101

My concern with this movement centers around an issue that Sloop and Ono seem to take as a given, namely, the **role of the critic**. On one hand, calling for the systematic investigation of existing marginalized discourses is a natural extension both of critical rhetoric (see McKerrow 1989, 1991) and of the general ideological turn in criticism (see Wander 1983). On the other hand, the ease of transition from criticism in the service of resistance to criticism of resistance may obscure the need to address some fundamental issues regarding the general function of rhetorical criticism in an uncertain and contentious world. Beyond licensing the critic to engage in political struggle, Sloop and Ono advocate the pursuit of covert resistant discourses. Such a move not only stretches our understanding of rhetoric and criticism, but also alters significantly the relationship between critic and out- law. Critical interrogation of dominant discursive practices in the service of political/cultural reform is supplanted in favor of positioning covert out- law communities as **objects of investigation**. Invited to seek out subversive discourses, **the critic** is positioned as the **active agent of change** and the out-law discourse becomes **merely instrumental**. Rather than academic criticism acting in service of everyday acts of resistance, everyday acts of resistance are put into the service of academic criticism. Rhetorical resistance That we are "caught within conflicting logics of justice that are culturally struggled over" (Sloop and Ono 1997, 50) and that rhetoric is employed in these struggles seems an uncontroversial statement. Despite the theoretical miasma surrounding judgment, Sloop and Ono accurately note, the material process of rendering judgments (and of disputing the logics of litigation) continues in the world of actually practiced discourse. In the materially contested world, rhetoric is utilized both by those seeking to secure the grounds of dominant judgment and by those seeking to undermine or supplant dominant cultural logics with some out-law notion of justice. The distinction between these two cultural groups, "in-law" and out- law, however, deserves some consideration prior to any discussion of the role of the critic as implied in the out-law discourse project. The discourse of the dominant or those within the bounds of superordinate logics of litigation is reminiscent of Michel De Certeau's (1984) strategic discourse. For De Certeau, strategies are utilized by those who have authority by virtue of their proper position. Strategies exploit the institutionally guaranteed background consensus by which power relations (and litigations) are maintained and advanced. In contrast, tactics are utilized by those having no proper place of authority within the discursive economy who must seek opportunities whereby the discourse of the dominant might be undermined and contested. To extend Sloop and Ono's definition, out-law discourses are those that can (and, by their analysis, do) take advantage of situations (e.g., race riots) to disrupt the regularity of dominant cultural groups. The ongoing struggle between strategically instituted cultural dominants and the "out-law always lurk[ing] in the distance" (66) is acknowledged, even celebrated, by Sloop and Ono. What their acknowledgment fails to provide, however, is a clear need for critical intervention. Indeed, quite the reverse is presented: It is the critic (particularly the left-leaning critic) who needs out-law discourse. While the struggles over justice, equality, and freedom have gone on, the left-leaning critics are those who have theoretically excluded themselves from the disputes. The study of out-law dis- courses, then, provides a means to reinvigorate the intellectual and re-institute (academic) leftist thinking into popular political struggles (53-54). Thus, Sloop and Ono's project incorporates three types of rhetoric: the rhetoric of the in-law, presumably the traditional object of critical attention; the rhetoric of the out-law, the study of which may transform our understanding of judgment as well as reinvigorate leftist democratic critiques; and the rhetoric of the critics who, having lost their political po- tency, can exploit the discourse of the out-law to promote ideological struggles. It is to this critical rhetoric that I now turn. Resistance criticism Sloop and Ono (1997) clearly state the relationship they envision between the rhetorical critic and out-law discourse: "Ultimately, we will argue that the role of critical rhetoricians is to produce 'materialist conceptions of judgment,' using out-law judgments to disrupt dominant logics of judgment" (54; emphasis added). Here the critic seeks out vernacular discourse (60), focuses on the methods and values embodied in these communities (62), listens to and evaluates the out-law community (62-63), and chooses appropriate discourses for the purpose of disrupting dominant practices (63). Essentially, it is the critic who seeks out marginalized discourses and returns them to the center for the purpose of provoking dominant cultural groups (63). Despite acknowledging the efficacy of out-law discourses, Sloop and Ono assume that the critiques generated and presented by the out-law community have only minimal effect. The irony, and indeed arrogance, of this assumption is evident when they claim: "There are cases, however, when, without the prompting of academic critics, out-law discourses serve local purposes at times and at others resonate within dominant discourses, disrupting sedimented ways of thinking, transforming dominant forms of judgment" (60; emphasis added). Sloop and Ono seem to suggest that such locally generated critiques are the exception, whereas the political efficacy of the academic critic is the rule. This seems an odd claim, given that the justification for their out-law discourse project is the lack of politically viable academic critique and the perceived potency of out-law conceptions of judgment. Their suggestion that out-law communities are in need of the academic critic **contradicts** not only the already disruptive nature of existing out-law discourses (the grounds for using out-law discourse), but also the impotence of contemporary critical discourse (the warrant for studying out-law discourse). By this I do not mean that the critiques and theories generated by academically instituted intellectuals have not been incorporated into subversive discourses. Just as out-law discourses inevitably mount critiques of dominant logics, so, too, the perspectives on rhetoric and criticism generated by academics are used in resistance movements. Feminist critiques of patriarchy, queer theories of homophobia, postcolonial interrogations of race have found their way into the service of resistant groups. The key distinction I wish to make is that the existence of criticism (academic or self-generated) in resistance does not necessitate Sloop and Ono's move to a criticism of resistance. What Sloop and Ono fail to offer is an adequate argument for "**taking public speaking out of the streets** and **studying it in the classroom**, for treating it less as an **expression of protest**" (Wander 1983, 3) and more as an **object for analysis** and **reproduction** within the **political economy of the academy**. Philip Wander made a similar charge against Herbert Wicheln's early critical project, and this concern should remain at the forefront of any discussion aimed at expanding the scope and function of criticism. Sloop and Ono offer numerous directives for the critic without addressing **whether the critic should be examining out-law discourses in the first place**. While it is too early to suggest any definitive answer to the question of criticism of resistance, some preliminary arguments as to why critics should not pursue out-law discourses can be offered: (1) Hidden out-law discourses may have **good reasons to stay hidden**. Sloop and Ono specifically instruct us that "the logic of the out-law must constantly be searched for, brought forth" (66) and used to disrupt dominant practices. But are we to believe that all out-law discourses are prepared to mount such a challenge to the dominant cultural logic? Or, indeed, that the members of out-law communities are prepared to be **brought into the arena of public surveillance** in the service of reconstituting logics of litigation? It seems highly unlikely that all divergent cultural groups have developed equally, or that all members of these groups share Sloop and Ono's "imperial impulse" (51) to promote their conceptions and practices of justice. (2) Academic critical discourse is not transparent. Here I allude to the overall problem of translation (see Foucault 1994; Lyotard 1988; Lyotard and Thebaud 1985; Zabus 1995) as an extension of the previous concern. Critical discourse cannot become the medium of commensurability for divergent language games. Are we to believe that the "use" of out-law dis- course by critics to disrupt dominant practices can fail to do violence to these diverse/divergent logics? Are out-law discourses merely tools to be exploited and discarded in the pursuit of returning leftist academic dis- course to the center? (3) Perhaps the academic translation of out-law discourse could be true to the internal logic of the out-law community. And, perhaps the re-presentation of out-law logic within the academic community will bestow a degree of **legitimacy** on the out-law community. **Nonetheless**, the effect of legitimizing out-law discourse is unknown and potentially **destructive**. In an effort to **siphon the political energy** of out-law discourse into academic practice, we may ultimately **destroy** the dissatisfaction that serves as a **cathexis** for these out-law discourses. It seems possible that academic recognition might **take the place** of struggle for material opportunities (see Fraser 1997). But, will academic legitimation create **any material changes** in the conditions of out-law communities? I mean to suggest, not that it is better to allow the out-law community to suffer for its cause, but rather that incorporating the struggle into an (admittedly) impotent academic critique does not offer a prima facie alternative. (4) Criticism of resistance denies the practical and theoretical importance of opportunity. Returning to De Certeau's notion of tactics, the crucial element of these discursive moves is their use of opportunity to disrupt the proper authority of the dominant. The kairos of intervention provides the key to undermining "in-law" discourses. But when is the "right moment in time" for the academic reproduction of out-law discourse? Mapping the points of resistance (ala Foucault and Biesecker) entails interrogating "in-law" discourses for their incongruities and contradictions, not turning the academic gaze upon those communities waiting for an opportunity. Out-laws do not lurk in the forefront (66), hoping to be exposed by academic critics; they wait for the right moment for their disruption. Rhetoricians can provide rhetorical instructions for seeking opportunities and for exploiting these opportunities (literally making the culturally weaker argument the stronger), but this does not justify interrogating (intervening in) the cultural logics of the marginalized. The concerns raised here are not designed to dismiss Sloop and Ono's provocative essay. The divergent critical logic they outline deserves careful consideration within the critical community, and it is my hope that the concerns I raise may help to further problematize the relationship between resistance and rhetorical criticism. Rhetorical criticism As I have suggested, my purpose is to use the provocative nature of Sloop and Ono's project to extend disputes regarding the ends of rhetorical criticism. Diverging perspectives on the ends of criticism have been categorized by Barbara Warnick (1992) as falling along four general lines: artist, analyst, audience, and advocate. Leah Ceccarelli (1997) discerns similar categories around the aesthetic, epistemic, and political ends of rhetorical criticism. The out-law discourse project presents clear ties to the notion of critic as advocate. For Sloop and Ono, the critic is an **interested party**, discerning (and at times disputing) the underlying values and forces contained within a discourse. Additionally, however, the out-law discourse critic is an analyst focusing on the **hidden**, aberrant texts of the out-law and **"rendering] an incoherent or esoteric text comprehensible"** (Warnick 1992, 233). Now, I am not suggesting that a critic must serve only one function or that the roles of advocate and analyst are mutually exclusive; rather, these entanglings of power (political ends) and knowledge (epistemic ends) are inevitable. My concern is that we not neglect the complexity of these entanglements. **Turning covert out-law discourses into objects of our analyses runs the risk of subjecting them both to the gaze of the dominant and to the power relations of the academy**. As the works of Michel Foucault (especially 1979, 1980) aptly illustrate, practices presented as extending such noble goals as emancipation and humanity may endow institutions of confinement and objectification. Any justification for studying out-law dis- course because doing so may extend our political usefulness in the pursuit of emancipatory goals must not obscure the already existing power relations authorizing such studies. Our attempts to extend our domains of knowledge and expertise (authority) must not be pursued unreflexively.

#### 4) Their demonstrated ability to transparently communicate their arguments and your ability to endorse them disproves assertion of any intrinsic relationship between blackness and anti-grammar or unintelligibility – proves BOTH that positionality can be changed AND that prepared argumentative engagement is valuable for that very reason

King Watts 15 (Eric King Watts, Associate Professor, Media and Technology Studies, University of North Carolina Chapel Hill, Ph.D. Rhetorical Studies, Northwestern University, M.A., B.A. University of Cincinnati, “Critical Cosmopolitanism, Antagonism, and Social Suffering,” Quarterly Journal of Speech, 101(1), 2015)

I have been asked by more than one graduate student at more than one university how I hope to reconcile the claims of Afro-Pessimism with my insistence that voice is a fundamental human capacity. I maintain, more or less consistently, that voice is a public occurrence animated by the acknowledgment of the ethical and affective dimensions of speech.16 The repetition of the inquiry is energized by the fact and mode of Afro-Pessimism being taken up in debate and argument organizations, programs, and competitions. I am not going to attempt to complete this reconciliation in this space, in part because I have not quite accomplished it. But I do have to briefly sketch out the terms of the challenge in order to try to evaluate the strengths and limits of critical cosmopolitanism as an academic practice that would ask “why and how” Communication Studies might interact with the Afro-Pessimistic enclave in Black Studies. While criticizing the work of Black film theory, Frank Wilderson embarks upon an ambitious and provocative campaign meant to foster an understanding of the conditions of impossibility for Black subjectivity within the contemporary ontological paradigm. The term “Afro-Pessimism” signals the work of scholars who are “theorists of structural positionality.”17 As such, Blackness and Whiteness18 are interrogated as emerging through a conjuncture with brutal modern technologies of organization and domination, and the birth of the very idea of race. Put simply, it took the modern invention of slavery and colonialism to bring about the racial ideologies that make Blackness and Whiteness intelligible. The Slave/Black, then, should not be considered exploited labor or simply oppressed. “Rather, the gratuitous violence of the Black's first ontological instance, the Middle Passage, ‘wiped out [his or her] metaphysics … his or her customs and sources on which they are based.’”19 The Black occupies a coordinate that marks a fundamental structural antagonism with the West, with Whiteness and, indeed, with the Human. It is quite easy to see why the term “Pessimism” is apt. The Black names the condition of state violence, a flesh-object brought into the world for “accumulation and fungibility.”20 The Black is essential to the production of Western subjectivity and to notions of what it means to be human. “In short, White (Human) capacity, in advance of the event of discrimination or oppression, is parasitic on Black incapacity: Without the Negro, capacity itself is incoherent, uncertain at best.” Not only is the Black incapacitated as a structural determinate, the Black is “a structural position of noncommunicability.”21 But there is a form of communication here nevertheless because the Black paradoxically signifies the “outside” that allows for the articulation of “anti-Black solidarity.”22 There is theoretical and historical support for such an analysis. For example, the early twentieth-century Americanization projects used Blackness as an exclusionary trope meant to help spur non-White immigrants from Europe and Asia toward Whiteness.23 And here is where the term “Pessimism” seems inadequate. As a structurally overdetermined body-image in the Western imaginary and symbolic field, Blackness registers near-nothingness: In perceiving Black folk as being alive, or at least having the potential to live in the world, the same potential that any subaltern might have, the politics of Black film theorists' aesthetic methodology and desire disavowed the fact that “[Black folk] are always already dead wherever you find them.”24 Given this dire diagnosis, why and how might we interact with Afro-Pessimism? Speaking from the point of view of a Black rhetorical scholar (and a scholar of Blackness), the answer to why is virtually self-evident: thinking through Blackness as a condition of possibility for rhetorical action and social justice is a life-long pursuit that, given the tragic killing of Michael Brown in Ferguson, Missouri in August 2014, feels especially burning.25 Given the affective intensity of the charge of Black noncommunicability, a failure to meaningfully interact would engender a different kind of “violence”; in this case a structural injunction sponsored by a lingering and recurring anxiety regarding the authority of Communication Studies. And so how might we interact? If I take up the orientation of critical cosmopolitanism, I need to recognize immediately that my efforts can be dismissed by the Afro-Pessimist as colonial; that is, as a reiteration of the sort of practices that presume that one's epistemologies can translate other's bodies of knowledge into comprehensible and useful concepts and constructs. And yet, we must begin where we are, not where we hope to be. Hence, I want to make two modest and one not-so-modest suggestions for how Communication Studies in general and Rhetorical Studies in particular might interact: first, Wilderson calls for “a new language of abstraction” to elaborate “Blackness's grammar of suffering.”26 But in my reading, Afro-Pessimism is already too reliant on a language of abstraction. Lois McNay, in The Misguided Search for the Political, recently contends that theories of political power are overwrought owing to a social weightlessness brought about through high abstraction. She recommends the reinvigoration of the concept of “social suffering”—not as an entrenched category of victimage but, rather, as the habitus of lived experience that must be articulated to analyses of structural positionality.27 Second, I agree with McNay (who says nothing about Afro-Pessimism, by the way) that structural antagonisms are not static, but are movable and moving configurations. The Afro-Pessimist in Wilderson's account must agree that when a non-Black person is thrust toward the horrible condition approximating (but not identical to) the Black's structural position, that adjustment can rightfully be called a “Blackening.” As a happening—and not an event that has simply always already happened—this racialized procedure makes itself felt and knowable in the dense social fabric of the everyday. If the Black is in a structural position that delimits the impossibility of capacity, might we enjoin an analysis of the vocabulary of that impossibility itself? And since a “Blackening” receives intelligibility from the structural position of the Black, might we gain some productive understanding from a scrutiny of key discursive and material forms of “Blackening”? Was not Michael Brown “Blackened” in and through (and not only a priori to) his bodily encounter with state violence? Given my ongoing scholarly interest in the Zombie, I am willing to concede that an Afro-Pessimist might claim that Brown was, at the moment he was shot to death, “the dead but sentient thing, the Black” struggling “to articulate in a world of living subjects.”28 This concession functions as an assertion: the Zombie is not wholly outside Western intelligibility; it haunts the nether regions between Human and Black. Its undead existence is material and social, and supplies some vital resources for inventing a new language—a grammar of (Black) suffering. Perhaps “there is no way to Africa through the Black,”29 but maybe there is a route through the Zombie. I have argued for such a project using the terminology of reanimating Zombie voices.30 Lastly, we might think of this gloomy predicament as a tenuous point of contact with Afro-Pessimism. Wilson's intellectual history provides the basis for such a conception. Communication Studies has been (and continues to anguish over the extent that it still is) in the structural position of inferior and alienated. There should be no shame in admitting that the discipline, in relation to both the Social Sciences and the Humanities, has been and is subject to being “Blackened.” Indeed, its originary moment, as I alluded to above, meant the rejection of a set of nationalistic proprietary politics that treated Speech teachers like disposable labor. By any reasonable measure, that structural positioning—despite the fact that the people involved were White—was a racialization, a “Blackening.” Let's be perfectly clear: there is no identification being made here with the fundamental antagonism associated with the Black. However, this racialized politics (among other political registers) might provide a new critical vocabulary for Communication scholars if we do the painful work of coming to grips with the discursive and material practices of “Blackening.” There are structures of different scales. Academic structural dynamics are not dissociated from the identity ideologies implicated in nationalism and cosmopolitanism, citizenship and exile, privilege and destitution, Whiteness and Blackness. Indeed, Wilderson's critique is launched from and resides within those very same structural dynamics. It seems to me then that, at the very least, our shared social suffering with Afro-Pessimism—although of vastly different magnitudes and qualities—should be asserted as a mode of transnational fidelity.

#### 5) Our conflation turn

#### A – The Link:

The 1AC draws an anlogy between Topicality and the idea that “the feds will come and try to lock us up with T and FW arguments”.

#### B -- That analogy conflates – which is violent.

Note – this card does mention Wilderson, but it is critiquing those that conflate Wilderson’s conception(s) of gratuitous violence with academic modes of violence. Thus – even though the Aff is not reading Wilderson – we aren’t making a link to Wilderson. We are making a link to analogies – and that DOES contextualize.

Watts ’15

(Eric King Watts is an Associate Professor in the Department of Communication Studies at the University of North Carolina at Chapel Hill. “Critical Cosmopolitanism, Antagonism, and Social Suffering” - Quarterly Journal of Speech, V 101 issue 1 pages 271-279, Published online: 04 Feb 2015 – modified for language that may offend - Taylor & Francis)

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The Slave/Black, then, should not be considered exploited labor or simply oppressed. “Rather, the gratuitous violence of the Black's first ontological instance, the Middle Passage, ‘wiped out [his or her] metaphysics … his or her customs and sources on which they are based.’”19 The Black occupies a coordinate that marks a fundamental structural antagonism with the West, with Whiteness and, indeed, with the Human. It is quite easy to see why the term “Pessimism” is apt. 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Speaking from the ~~point of view~~ (perspective) of a Black rhetorical scholar (and a scholar of Blackness), the answer to why is virtually self-evident: thinking through Blackness as a condition of possibility for rhetorical action and social justice is a life-long pursuit that, given the tragic killing of Michael Brown in Ferguson, Missouri in August 2014, feels especially burning.25 Given the affective intensity of the charge of Black noncommunicability, a failure to meaningfully interact would engender a different kind of “violence”; in this case a structural injunction sponsored by a lingering and recurring anxiety regarding the authority of Communication Studies. And so how might we interact? If I take up the orientation of critical cosmopolitanism, I need to recognize immediately that my efforts can be dismissed by the Afro-Pessimist as colonial; that is, as a reiteration of the sort of practices that presume that one's epistemologies can translate other's bodies of knowledge into comprehensible and useful concepts and constructs. And yet, we must begin where we are, not where we hope to be. Hence, I want to make two modest and one not-so-modest suggestions for how Communication Studies in general and Rhetorical Studies in particular might interact: first, Wilderson calls for “a new language of abstraction” to elaborate “Blackness's grammar of suffering.”26 But in my reading, Afro-Pessimism is already too reliant on a language of abstraction. Lois McNay, in The Misguided Search for the Political, recently contends that theories of political power are overwrought owing to a social weightlessness brought about through high abstraction. She recommends the reinvigoration of the concept of “social suffering”—not as an entrenched category of victimage but, rather, as the habitus of lived experience that must be articulated to analyses of structural positionality.27 Second, I agree with McNay (who says nothing about Afro-Pessimism, by the way) that structural antagonisms are not static, but are movable and moving configurations. The Afro-Pessimist in Wilderson's account must agree that when a non-Black person is thrust toward the horrible condition approximating (but not identical to) the Black's structural position, that adjustment can rightfully be called a “Blackening.” As a happening—and not an event that has simply always already happened—this racialized procedure makes itself felt and knowable in the dense social fabric of the everyday. If the Black is in a structural position that delimits the impossibility of capacity, might we enjoin an analysis of the vocabulary of that impossibility itself? And since a “Blackening” receives intelligibility from the structural position of the Black, might we gain some productive understanding from a scrutiny of key discursive and material forms of “Blackening”? Was not Michael Brown “Blackened” in and through (and not only a priori to) his bodily encounter with state violence? Given my ongoing scholarly interest in the Zombie, I am willing to concede that an Afro-Pessimist might claim that Brown was, at the moment he was shot to death, “the dead but sentient thing, the Black” struggling “to articulate in a world of living subjects.”28 This concession functions as an assertion: the Zombie is not wholly outside Western intelligibility; it haunts the nether regions between Human and Black. Its undead existence is material and social, and supplies some vital resources for inventing a new language—a grammar of (Black) suffering. Perhaps “there is no way to Africa through the Black,”29 but maybe there is a route through the Zombie. I have argued for such a project using the terminology of reanimating Zombie voices.30 Lastly, we might think of this gloomy predicament as a tenuous point of contact with Afro-Pessimism. Wilson’s intellectual history provides the basis for such a conception. Communication Studies has been (and continues to anguish over the extent that it still is) in the structural position of inferior and alienated. There should be no shame in admitting that the discipline, in relation to both the Social Sciences and the Humanities, has been and is subject to being “Blackened.” Indeed, its originary moment, as I alluded to above, meant the rejection of a set of nationalistic proprietary politics that treated Speech teachers like disposable labor. By any reasonable measure, that structural positioning—despite the fact that the people involved were White—was a racialization, a “Blackening.” Let’s be perfectly clear: there is no identification being made here with the fundamental antagonism associated with the Black. However, this racialized politics (among other political registers) might provide a new critical vocabulary for Communication scholars if we do the painful work of coming to grips with the discursive and material practices of “Blackening.” There are structures of different scales. *Academic* structural dynamics are not dissociated from the identity ideologies implicated in nationalism and cosmopolitanism, citizenship and exile, privilege and destitution, Whiteness and Blackness. Indeed, Wilderson’s critique is launched from and resides within those very same structural dynamics. It seems to me then that, at the very least, our shared social suffering with Afro-Pessimism—although of vastly different magnitudes and qualities—should be asserted as a mode of transnational fidelity.

#### 6) Explaining to us how and why their strategy is artistic opacity ruins both its poetic and political value

Kennedy, 17—American University of Paris (Kevin, “Heterology as Aesthetics: Bataille, Sovereign Art and the Affirmation of Impossibility,” Theory, Culture & Society July 28, 2017, dml)

Bataille’s conception of sovereign art, as something that **essentially withdraws from discourse**, exhibits certain similarities with Graham Harman’s object-oriented ontology, which claims that the essential feature of all objects lies in their withdrawal from or unavailability to precise or exhaustive definition. In an essay on the fiction of H.P. Lovecraft, Harman argues that philosophy and art are similar in that they both probe but never fully explain this withdrawal (see Harman, 2008). While Harman’s account is illuminating regarding the potential strangeness of all objects, he nonetheless fails to consider that philosophy, by **systematizing this strangeness**, **inevitably reduces it**. It thereby (to use Bataille’s diction) **deprives the strange** of its heterogeneous character. In the fiction of H.P. Lovecraft or Edgar Allan Poe, the strange, uncanny or heterogeneous can be experienced **because they are not subsumed within a general theory of strangeness**, which would **immediately diminish the feeling** of horror and confusion their stories so masterfully provoke. In order for sovereign art (such as the works of Lovecraft) to have the desired effect (confusion, elation, attraction, repulsion, etc.) its aesthetic sovereignty **needs to resist the anaesthetic effects of theory**. In Bataille’s essay on William Blake he clarifies this point in relation to ‘the confusion that is provoked’ (2006b: 94) by the works of the English **poet**. Here the attempts of criticism and philosophy to **account for this confusion** by forcing it into some kind of conceptual straightjacket are likened to a state of sleep, which **always petrifies** and **numbs** the **sovereign power of the work**: ‘As we try to escape from it, we pass from waking and awareness of the confusion to the sleep of logical explanation’ (2006b: 94).

Bataille’s later account of art is closer to Rancière’s delineation of Schiller’s aesthetic theory, which also insists on the radical incongruence between heterogeneous art and homogeneous thought: ‘Free appearance is the power of the heterogeneous sensible element … it is foreign to all volition, to every combination of means and end … inaccessible for the thought, desires and ends of the subject contemplating it’ (2009: 34). However, unlike Schiller, for whom, according to Rancière, ‘this strangeness … this radical unavailability … bears the mark of man’s full humanity and the promise of a humanity to come, one at last in tune with the fullness of its essence’ (2009: 34), Bataille’s conception of sovereign art is **radically divorced** from **any notion of utopian fulfillment**. In the third part of The Accursed Share, simply entitled Sovereignty, he explains the difference between traditional forms of sovereignty (such as the idea of god, the feudal lord or the fascist leader) and his notion of sovereign art: ‘Sovereign art is such only in the renunciation of, indeed in the repudiation of the functions and the power assumed by real sovereignty. From the viewpoint of power, sovereign art is an abdication. It throws the responsibility for managing things back onto things themselves’ (1993: 421). In his work of the 1930s, as we have seen, art is rejected because of its lack of revolutionary or political leverage. In Bataille’s later work this lack of efficacy in the socio-political realm becomes the mark of its sovereignty, of its sovereign rejection of responsibility and accountability. Bataille now insists that the much decried distance or **separation between the artistic** and the **political realm** in modern society **needs to be maintained** or even **made more trenchant**, as **any attempt at fusion** would **instantly compromise art’s sovereign immediacy**, its **freedom to celebrate confusion**, **disorder** and **incoherence**.11 For this reason it should **never be expected** to **create blueprints** or **models** for a **possible future society**: ‘I have continually placed the present moment **against a concern for the future** and for me poetry is **defined by concern for the present moment’** (2006a: 86).

Conversely, political action is now placed **squarely in the realm of the homogeneous**, as it is **always guided by a concern for the future**, which, according to Bataille’s definition, is a **rational concern**. **Every work of art** is **always** an act ‘**against the unacceptable world of rational utility**’ (2006a: 70), as it is aimed at an experience of immediacy **beyond the practical** and **future-oriented considerations** of everyday life. However, ‘the refusal this involves would gain from **not being confounded** with the **reasoned refusal** of **unreasonable conditions** of life’ (2006a: 70). In other words, **it would be a mistake** to attempt to **enlist the heterogeneous**, **immediate nature** of **art** and **poetry** to combat the ‘unreasonable conditions of life’, as this **always requires** a **sober analysis of those conditions**, **devoid** of the **effusive powers of attraction** and **repulsion**: ‘the mastery of [intellectual aptitude] remains the key to rigorous emancipation’ (2006a: 50). Bataille’s postwar insistence on the separation between these two spheres, the political/rational (homogeneous) and artistic/aesthetic (heterogeneous), then presents an attempt to solve the immanent contradiction that surfaced in his initial theory of heterogeneity. If, as we have seen, the sovereign/heterogeneous is posited as that which resists instrumentalization (for revolutionary or utopian goals), this new disassociation is not only warranted but implicit in Bataille’s account of heterogeneity from the very first. He now argues that the attempt to **apply** the heterogeneous to the realm of homogeneity, **the immediate** to **mediating categories**, **art** to **politics**, constitutes a **disservice to both realms**: on the one hand it **denies the effusive**, **strange**, **opaque dimension** of the sovereign artwork and **reduces the latter** to the **flatness** of a **formula** or a **service rendered**: ‘In modes of thought in which the rational and the poetic remain confounded, the mind cannot elevate itself to the conception of poetic liberty, it subordinates the instant to some ulterior goal’ (2006a: 65). On the other hand, to **infuse politics** with the perplexing power of the heterogeneous **precludes a clearheaded** and **rational appraisal** of the **real conditions of social life**, which is a **prerequisite** for **any meaningful attempt** to **bring about political change**.

#### 7) Warren’s premises are wrong and don’t contextualize.

#### A -- On-point literary review confirms Warren’s K uniquely boosts harm both within and outside the realm of blackness.

Lloyd ‘15

If it matters, this card is uber-recent. This is a forthcoming chapter from the Book: Grace, Governance, and Globalization: Theology and Public Life, edited by Lieven Boeve, Stephan van Eip, and Martin Poulsom, Bloomsbury Press – “Chapter Title is “Afro-Pessimism and Christian Hope” - Dr. Vincent Lloyd researches and teaches about the philosophy of religion, religion and politics, and race at Syracuse University. Previously taught at Emory University and Georgia State University. At Emory, Vincent also served as a Visiting Scholar. The author holds a Ph.D. and M.A. from The University of California, Berkeley’s Rhetoric Department. The author also served and Exchange Scholar at the Divinity School at The University of Chicago. The author also holds a B.A. from Princeton University’s Religion Department – with Graduate Coursework in Religion and Philosophy. The author made this piece available online at: <http://vwlloyd.mysite.syr.edu/afro-pessimism-christian-hope.pdf> - #CutWithKirby.

What can Afro-pessimism and third wave Black theology teach us about hope? Unlike the first and second waves of Black theology, the third wave has remained relatively silent on hope. Whether or not the claims of Afro-pessimism are ultimately correct - thinking through the complications of race in a context like Europe, or thinking through the persistent nexus of Islamophobia and race, does urge caution - it is a sufficiently plausible theory to pose a dramatic problem for how we understand hope, perhaps accounting for the silence of recent Black theological writing on the topic. The depth of the challenge posed by Afro-pessimism suggests that this is an especially productive site for theological reflection. The Afro-pessimist bottom line is that hope for improvements in the lives of Blacks has been misplaced. Does this mean that the only hope possible is other-worldly, that the earlier Black theological insights about the paradoxical connection between this-worldly and other-worldly hope were misguided? Before turning to further theological reflection on this question, it will be helpful to review how deep pessimism has resulted in novel accounts of hope in recent secular' scholarship.

Afro-pessimist scholarship itself rarely turns towards practical questions and rarely asks: what are we to do, or how are we to hope? FN12 Afro-pessimist scholarship is largely descriptive work, taking political events (lynchings and police shootings, for example) as symptomatic of a deeper, racialized metaphysics. There is, *however,* a broader scholarly conversation about deep pessimism caused by difference that may be instinctive. Scholars of Native American studies, immigration, and queer studies *have* also explored how these categories of difference are deeply embedded in Western culture, but in some cases they have grappled more explicitly with questions of hope.

Jonathan Lear has identified a virtue he labels "radical hope11 in Native American communities facing the elimination of their ways of life.13 Focusing on Plenty Coups, the last chief of the Crow, Lear studies a context where the social practices that constituted the Crow world were no longer possible. For example, with lands stolen by the US government and traditional means of resolving conflicts disrupted by firearms, the practice of bravery in battle -which involved face painting by a wife, care for horses, and recounting the victory post-battle, so was woven into Crow life in many ways - was no longer possible. To be a Crow meant to do the social practices of the Crow, but when those social practices are foreclosed, Lear echoes Plenty Coups in concluding that "nothing happened." Crow continued to live, but with their culture gone it was only the barest form of biological existence. The good life, its meaning culturally determined, could no longer be pursued; practical reasoning went haywire when there were no longer goods to be pursued. However, all was not lost. As Lear tells it, Plenty Coup had a dream (significant because it indicates a break with practical reason) which the chief interpreted to mean that the Crow must acknowledge their traditional way of life was coming to an end, but they also must be committed to the notion that the Crow will survive and new social practices and new goods will come about, even if it is impossible to know what they are or how they will come about now. This radical hope rejected as futile practical reasoning, self-destruction, and fantasy. Soberly assessing the world as it is, radical hope persists in acting as if a wholly new world is possible - and so exercises the virtues of adaptability and perceptiveness. Yet radical hope only works, Lear argues, because of the Crow's premise that God exists and is good.

Might radical hope offer a way for Black theology to respond to the problem of Afro-pessimism? There are clear similarities between the cultural devastation faced by the Native American community Lear studies and the cultural devastation wrought on Blacks through, among other things, the slave trade and the prison system. Unlike the Crow, Black cultural devastation was not a one-off event but, according to the Afro-pessimist critique, is an ongoing process inherent in Euro-American culture itself, continually grinding away at the social practices of Blacks. Or, put another way, the continual pressures on Black individuals and communities tend not simply to take away social practices but to corrupt them, changing them at times from incubators of virtue to incubators of vice (one thinks of the corporate appropriation of Black music or the performance of Black respectability necessary for success in the white business world). Lear's account of radical hope depends on a robust culture that once, in the not-too-distant past, existed to fuel hope for the future (this past is the source of the chickadee, the symbol of hope in Plenty Coups' dream, along with the Crow view of God and the crucial practice of dream interpretation). The Afro-pessimist charges that Western anti-Blackness is so deep-seeded that there was never a robust culture from which such a radical hope could flow; *even if there was*, the centuries of fruitless hope and embattled community would surely lead to the collapse of the virtue.

Another approach to deep racism found in recent secular scholarship is to reject hope altogether. Such approaches propose two different sorts of alternatives: an embrace of grief or an embrace of the present. Anne Cheng's The Melancholy of Race exemplifies the former approach.14 She agrees that racialization has an enormous, persistent impact - in the context of her study, on African Americans and Asian Americans. She agrees that race shapes the ideological foundations of the West. On her view, the usual response to racism, articulating grievances and pressing for them to be addressed, does not adequately address the depths of the problem; indeed, it masks those depths. By formulating a list of grievances and putting one's hopes in the possibility that they will be rectified, the racialized subject imagines that she will achieve equality and dignity. Then, she will be just like everyone else: the world will be post-racial. Cheng argues that grievances obscure grief, the deeper process that afflicts the psyche of racialized subjects who know they will never be "normal" - and grief distorts the psyche of white subjects as well since white identity is constituted in relation to the racialized other. In the face of deep pessimism, the proper response, *on this view*, is to look beyond the specific grievances (and hopes) of a racial minority and instead explore the varied ways that the wound of racism sabotages the affective economy of that minority. Acknowledging and interrogating rather than rejecting grief - racial melancholia - is the only way to see the world rightly and so is the prerequisite for any properly directed social or political action.

Cheng's response to deep racial pessimism is decidedly secular and *decidedly individualist.* Her critique of grievance, which could be read as a critique of hope directed at specific objects or as desire for specific goals masked as hope, is in a sense of critique of idolatry, but her response to idolatry is to reject transcendence altogether in favor of the folds and wrinkles of immanence - of our affective economies. *But* what if we consider grievances not as ends in themselves but as instrumentally used in collective (anti-racist) struggle? Might the process of collective struggle, and not any particular goal, provide a means of healing psyches damaged by racism? Tracking and probing this damage seems *less important* than commending the forms of collective practice and community organizing that could cultivate the virtues which serve as a buffer against disabling grief. Indeed, this is a point made forcefully by the first and second generations of Black theologians: Black communities are essentially communities of struggle and, as such, shape character in a way that holds off despair.

FN 12 - For an exception, concluding that Afro-pessimism must reject hope and embrace nihilism, see Calvin L. Warren, "Black Nihilism and the Politics of Hope," CR: The New Centennial Review 15:1 (2015): 215-248.

(Note to students: The lead clause to the footnote reads a bit odd - Lloyd is saying that many Afro-pessimists offer no answer to the question of “how we should hope”. Lloyd says that Warren *does* offer an answer – and that the answer is to reject it altogether. That – accordingly to Lloyd – links to his defense of hope and pro-collective, anti-individualized responses to the items that cause (what he calls) “grief” in the first place).

# 2NC

## Frames

**our model teaches a form of engagement that corrects flaws in political strategies. Rejecting our approach is normatively worse for the Aff’s own cause.**

**Williams ‘15**

Douglas Williams is a third-generation organizer, He earned his BA in Political Science at the University of Minnesota at Morris and his MPA at the University of Missouri Columbia, where he was also a Thurgood Marshall Fellow and a Stanley Botner Fellow. He is currently a doctoral student in political science at Wayne State University in Detroit, where his research centers around public policy as it relates to disadvantaged communities and the labor movement. From the article: “The Dead End of Identity Politics” - From: The South Lawn - March 10, 2015 – Internally quoting Freddie DeBoer, Lecturer, Purdue University. DeBoer holds a PhD in Rhetoric and Composition from Purdue and an MA in English, concentration in Writing and Rhetoric from The University of Rhode Island, Modified for potentially objectionable language. In one instance a capital “B” was adjusted to a lower case “b” in a manner that boosted readability, but did not alter context. https://thesouthlawn.org/2015/03/10/the-dead-end-of-identity-politics/

Freddie **DeBoer** makes a great point in his piece on what he calls “critique drift“: “This all largely descends from a related condition: **many in the** broad online **left** have adopted a norm where being an ally means that you never critique people who are presumed to be speaking from your side, and especially if they are seen as speaking from a position of greater oppression. I understand the need for solidarity, I understand the problem of undermining and derailing, and I recognize why people feel strongly that those who have traditionally been silenced should be given a position of privilege in our conversations. B(b)ut critique drift demonstrates why a healthy, functioning political movement can’t forbid tactical criticism of those with whom you largely agree. Because critical vocabulary and political arguments are common intellectual property which gain or lose power based on their communal use, never criticizing those who misuse them ultimately disarms (hampers) the left. **Refusing** to say ‘***this*** is a real thing, but you are not being fair or helpful in making ***that*** accusation right now’ alienates potential allies, contributes to the burgeoning backlash against social justice politics, and prevents us from making the most accurate, cogent critique possible.”

----- (Williams is now no longer quoting DeBoer)

Look, I am Black. Also, sometimes, I can be wrong. Those two things are not mutually exclusive, and yet we have gotten to a point where any critique of tactics used by oppressed communities can result in being deemed “sexist/racist/insert oppression here-ist” and cast out of the Social Justice Magic Circle. And listen, maybe that is cool with some folks. Maybe the revolution that so many of these types speak about will simply consist of everyone spontaneously coming to consciousness **and there will be no need for coalitions**, give-and-take, or contact with people who do not know every word or phrase that these groups use as some sort of litmus test for the unwashed. But for the rest of us who reside in a reality-based world, where every social interaction is not tailored for your idiosyncratic indignations, we know that casting folks out for the tiniest of offenses will lead to a Left that will forever be marginalized and ineffective. I have stated before that the kind of people who put out these lists and engage in the kind of identitarian caterwauling that has become rote copy on the Internet might actually want that, as a world where left-wing activism is made potent and transformative will be one where they cannot simply take comfort in their cocoon of self-righteousness. But damn them when I can turn on my computer and see one Black person after another being gunned down by police. Damn them when we have a president that can sit there with a straight face and speak the words of freedom and liberation while using the power at his disposal to deny those very concepts to others. And damn them when we can get thousands of words on Patricia Arquette drunk at a party or how it is privileged to not like the same musicians that they do, but we cannot seem to get any thoughts on how the biggest moment for communities of color since the 1960s is being squandered in a hail of intergenerational squabbling. And do not even get me started on people writing articles that malign long-standing activist organizations without a whiff of evidence that there has been any wrongdoing on their part.

**The Aff deploys the phrase “monopoly”. This terminology originates from a neoliberal lexicon. It *occludes the aff’s alternate perspectives on the world* AND simultaneously *secures a system of neoliberal violence*.**

**Saltman ‘7**

Kenneth J. Saltman is an associate professor in the Department of Education Policy Studies and Research of the School of Education at DePaul University, Chicago, Illinois. “Schooling in Disaster Capitalism: How the Political Right Is Using Disaster To Privatize Public Schooling” - Teacher Education Quarterly, Spring 2007 - #E&F - https://files.eric.ed.gov/fulltext/EJ795160.pdf

In education, neoliberalism has pervasively infiltrated with radical implications, remaking educational practical judgment and forwarding the privatization and deregulation program. The steady rise of privatization and the shift to **business language** and logic can be understood through the extent to which neoliberal ideals have succeeded in taking over **educational debates.** Neoliberalism appears in the now common sense framing of education through presumed ideals of upward individual economic mobility (the promise of cashing in knowledge for jobs) and the social ideals of global economic competition. In this view national survival hinges upon educational preparation for international economic supremacy. The preposterousness of this assumption comes as school kids rather than corporate executives are being blamed for the global economic race to the bottom. The "TINA" thesis (There Is No Alternative to the Market) that has come to dominate politics throughout much of the world has infected **educational thought** as omnipresent **market terms** such as "accountability," "choice," "efficiency," "competition," **"monopoly,"** and "performance" **frame** educational **debates.** Nebulous terms borrowed from the business world such as "achievement," "excellence," and "best practices" conceal ongoing struggles over competing values, visions, and ideological perspectives. (Achieve what? Excel at what? Best practices for whom? And says who?) The only questions left on reform agendas appear to be how to best enforce knowledge and curriculum conducive to individual upward mobility within the economy and national economic interest as it contributes to a corporately managed model of globalization as perceived from the perspective of business. This is a dominant and now commonplace view of education propagated by such influential writers as Thomas Friedman in his books and New York Times columns, and such influential grant-givers as the Bill and Melinda Gates Foundation.

**This also address every Aff link claim about the surrounding “context of its deployment”. These terms provide an opening for the neoliberal encroachment. It is bett*er* to endorse the 1AC sans any such rhetoric.**

**Budd ‘97**

John Budd is an Emeritus Prof in the College of Education and Human Development at the Univ of Missouri –“A Critique of Customer and Commodity” - College & Research Libraries – vol 58:4 - #E&F – obtained via the EBSCO Open Access Journals Database

**Discussion**

One of the most important things to keep in mind with regard to customers and commodities is that the language librarians use to describe their purpose and activities inevitably **will define**, **even if they do not initially reflect**, thought. For instance, even though Brown says that "it is useful to understand more about the service interaction and what it is that makes 'buying' and evaluating a service (such as reference service) different for the customer than 'buying' and evaluating a material product," she proceeds to speak of consumption and retail analogy to describe reference work in academic libraries.34 The language employed **is a powerful shaping force**, and that force, in this context, is tied to the **discourse of consumption.** Baudrillard says that "consumption is the virtual totality of all objects and messages constituted in a more or less coherent discourse. Consumption, in so far as it is meaningful, is a systematic act of the manipulation of signs [italics in original]."35 Signs, in the Saussurean linguistic sense, are composed of the totality of the signifier and the signified. The focus on the customer approach and information as commodity embodies a shift from primary attention on the signified to attention centered on the signifier. The signified is the content, concept, or idea; the signifier is an expression, a sound-image, or form. In other words, the transformation is one from substance to form.

In another sense, the transformation **moves from semantics** (**meaning**) **to rhetoric** (**expression**). Emery writes that "'Without consumers, the marketer of economic goods and services does not have a market.' Similarly, without readers the library lacks its raison d'etre. Though in one case an individual may be called a 'consumer' and in the other a 'reader,' the difference is purely semantic."36 In actuality, Emery is dismissing the semantic and championing the rhetorical. In the more thoughtful connections of library purpose to capital, a kind of schizophrenia reigns. The schizoid tendency is evident in the conflict that Repo struggles with. Although he advocates economic analysis of information, he repeatedly reminds the reader (and himself) of the use value of information ("The value of information is fully explicated in its use."37) In less thoughtful treatments certainty governs. For example, in urging the customer approach, Weingand advocates the "paradigm" of consumerism as superior to the view of the library as a public good (noted above). **It seems to matter little that the language adopted is a usurpation of ideas** that either **do not apply** or **apply imperfectly to the** library's **situation.**

Weingand's statement is **not value neutral**. In fact, it is an exemplar of the Foucauldian will to truth and knowledge which, as Foucault observes, "**like the other systems of exclusion**, relies on institutional support: it is both reinforced and accompanied by whole strata of practices," and is "profoundly accompanied by the manner in which knowledge is employed in a society, the way it is exploited, divided and, in some ways, attributed. . . . [T]his will to knowledge, thus reliant upon institutional support and distribution, tends to exercise a sort of pres-sure, a power of constraint upon other **forms of discourse**."38 **The impact on knowledge is profound and debilitating**. The effect is best expressed by Lyotard:

The nature of knowledge cannot survive unchanged within this context of general transformation. . . . The relationship of the suppliers and users of knowledge to the knowledge they supply and use is now tending, and will increasingly tend, to **assume the form** already taken by the relationship of commodity producers and consumers to the commodities they produce and consume—that is, the form of value. Knowledge is and will be produced in order to be sold, it is and will be consumed in order to be valorized in a new production: in both cases, the goal is exchange. **Knowledge ceases to be an end in itself**, **it loses its "use-value."**39

Finally, the discourse on customer and commodity in the academic library **takes on the characteristics of ideology.** Specifi-cally, it is ideological in that **it asserts a dominance over other discourses**, and does so **through distortion of context** that **all but eliminates** any teleological sense. As Hawkes points out, two aspects of ideology —"instinctive deferral to 'the facts' as they are immediately represented to us, and blind faith in instrumental science —are the most dangerous effects of commodity fetishism. In order for a thing to become a commodity, the coercive power of human reason must be exerted over the thing-in-itself: we must represent it as what it is not, and then take the representations for the reality."40 Ultimately, librarians need to take care with the language they adopt, and with the facility with which they use it to shape concepts. That the language **of consumerism and commodification** dominates beyond the sphere of libraries is **not sufficient reason to accept it uncritically**. The library's language, and practice, should flow from as clear an idea of purpose as possible. And librarians should examine purpose independently from the pressures of capitalism and consumption.

**Two - Role of Ballot and Alt solves – critiquing and excising neoliberal terminology is valuable. It’s an important framework question - spills to better scholarship and awareness,**

**Bal ‘18**

et al; P. Matthijs Bal – Professor, Lincoln International Business School University of Lincoln – “Neoliberal Ideology in Work and Organizational Psychology” - Manuscript accepted for publication in European Journal of Work and Organizational Psychology - #E&F – available at: <https://core.ac.uk/download/pdf/151432027.pdf>

We postulate a number of implications and recommendations for future research. First, it is important that within the field of WOP, researchers become more aware of the underlying (ideological) assumptions driving their research. **Discourse analysis could be informative** in further elucidating the ideological underpinnings of our research and how researchers **justify their research** in **neoliberal terminology** (e.g., instrumentality, business case). Only through explicit awareness and acknowledgement of fundamental assumptions of research, these can be **debated,** defended **or changed**. As 'objective' research concerns an impossibility in a social science (Greenwood & Van Buren III, 2017), research is by definition driven by interpretations of what is happening in the workplace, and ideological choices regarding what type of constructs are studied, what theories and models are designed, and how outcomes are legitimized. We advocate pluralism in relation to our field, where we can openly debate the basic **assumptions underlying our research** (i.e., why and for whom we are conducting our research) and how we can create more pluralism in the actual research that we do (i.e., the topics, methods, techniques and analyses). This may also help researchers to make more explicit choices regarding what can be regarded as important in the context of WOP to study 1.

(Note: The field of “WOP” – internally referenced in this ev – is an acronym for “Work and Organizational Psychology”)

**Case**

**Here’s more ev --- locating political value in the ballot instills an adaptive politics of being and effaces institutional constraints that reproduce structural violence**

**Brown 95 –** Dr. Wendy Brown, Professor of Political Science at the University of California, Berkeley, Ph.D in Political Philosophy from Princeton University, States of Injury, p. 21-23

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

Here’s more ev --- **Validating *through EXTRINSIC wins* worse. This independently K’s their call for the ballot on a host of issues.**

**Kohn ‘86**

This card internally quotes Edward L. Deci – a Professor of Psychology and Gowen Professor in the Social Sciences at the University of Rochester, and director of its human motivation program. He is well known in psychology for his theories of intrinsic and extrinsic motivation and basic psychological needs. With Richard Ryan, he is the co-founder of self-determination theory (SDT), an influential contemporary motivational theory. Alfie Kohn is a contemporary academic. He holds an M.A. in the social sciences from the University of Chicago. He earned a B.A. from Brown University – where he created his own interdisciplinary course of study. He has published 13 books. He writes, travels to Universities, and speaks widely on human behavior and education. Kohn has been featured on hundreds of TV and radio programs, including the "Today" show and two appearances on "Oprah"; he has been profiled in the Washington Post and the Los Angeles Times, From the Book: No Contest: The Case Against Competition – modified for language that may offend - http://www.scribd.com/doc/153712556/No-Contest-The-Case-Against-Competition-1986-de-Alfie-

The idea that trying **to do well** and **trying to do better than others** may work at cross-purposes can be understood in the context of an issue addressed by motivational theorists. We do best at the tasks we enjoy. An outside or extrinsic motivator (money, grades, the trappings **of competitive success**) simply cannot take the place of an activity we find rewarding in itself. "While extrinsic motivation may affect performance," wrote Margaret Clifford, "performance is dependent upon learning, which in turn is primarily dependent upon intrinsic motivation." More specifically, "a significant performance-increase on a highly complex task will be dependent upon **intrinsic motivation**."59 In fact, even people who are judged to be high in achievement motivation do not perform well unless extrinsic motivation has been minimized, as several studies have shown.60 Competition works just as any other extrinsic motivator does. As Edward Deci, one of the leading students of this topic, has written, "The reward for extrinsically motivated behavior is something that is separate from and follows the behavior. **With competitive activities, the reward is typically 'winning' (that is,** ~~beating~~ **(defeating) the other** person or the other **team)**, so the reward is actually **extrinsic** to the activity itself."51 This has been corroborated by subjective reports: people who are more competitive regard themselves as being extrinsically motivated.62 Like any other extrinsic motivator, competition cannot produce the kind of results that flow from enjoying the activity itself. But this tells only half the story. As research by Deci and others has shown, the use of extrinsic motivators actually tends to **undermine intrinsic motivation** and thus **adversely affect** performance **in the long run**. The introduction of, say, monetary reward will edge out intrinsic satisfaction; once this reward is withdrawn, the activity may well cease even though no reward at all was necessary for its performance earlier. Money "may work to 'buy off one's intrinsic motivation for an activity. And this decreased motivation appears (from the results of the field experiment) to be more than just a temporary phenomenon."63 Extrinsic motivators, in other words, are **not only ineffective** but corrosive. They eat away at the kind of motivation that does produce results.

**Relationality is best explained through contingency**

**Rinehart ‘16**

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Smallwood’s analysis of these supposed techniques of “commodification” is thus deeply indebted to Orlando Patterson’s **concept of social death:** “slavery is the permanent, violent domination of natally alienated and generally dishonored persons.”33 Smallwood finds her “middle ground” in this condition—a legally or socially liminal state between initial enslavement and ultimate manumission and an ontologically liminal state between being and nonbeing: physical life without social life, belonging to no social community yet provisionally incorporated within a larger social order. Smallwood’s account is striking in how it maps techniques of “commodification” directly onto Patterson’s articulation of “social death.” The slave’s ontologically liminal space is precisely where “human commodification was possible,” where the slave is “reduced” to “currency” by severed social ties, violent domination, and general maltreatment. Vincent Brown has rightly noted how **strict** adherence to Patterson’s theory of social death can cause **serious interpretive problems** in the study of slavery. “It is often forgotten that the concept of social death is a distillation from Patterson’s breathtaking survey,” Brown writes, “a theoretical abstraction that is meant not to describe the lived experiences of the enslaved so much as to reduce them to a least common denominator that could reveal the essence of slavery in an ideal-type slave, shorn of meaningful heritage.”34 The flaw in Smallwood’s account is that she allows “the condition of social death to stand for the experience of life in slavery.”35 Hence, Smallwood’s (and others’) description of the thoroughly “dehumanized” or “commodified” slave is largely **ahistorical**; it maps itself directly onto a sociological abstraction, leaving **no room** for **historical contingency** or **local variation**. **It presumes the outcome** of “**commodification” and describes all aspects of enslavement as constituting or producing that outcome**. Indeed, the question that looms over all this analysis is: What aspects of Atlantic slavery, if any, might not have contributed to human “commodification?” If we suppose that captives were bought and sold along the west coast of Africa but that they were reasonably well fed, would these captives still be “commodified?” If slaves were not segregated by sex aboard slave ships, would they still be “commodified?” What if captives were kept in prisons, but not held in chains—would that make a difference? Analyses of the transatlantic slave trade like that above confuse **historical contingency** with **theoretical fact**. If anything, Smallwood’s emphasis on the biological aspect of “commodification” undermines the very concept itself. Smallwood writes that, “Because human beings were treated as inanimate objects, [End Page 35] the number of bodies stowed aboard a ship was limited only by the physical dimensions and configuration of those bodies.”36 This assertion that “human beings were treated as inanimate objects” contradicts the earlier statement that slave traders “reduced people to the sum of their biological parts.” How can something be both biological and inanimate? And more, when Smallwood claims that slave merchants were “probing the limits up to which it is possible to discipline the body without extinguishing the life within,” she is also revealing slavers’ recognition of the continued physical vitality and biological life of the slave. Patterson himself states this outright: “A dead slave, or one incapacitated by brutalization, was a useless slave.”37 In defining the power relation internal to slavery, Patterson further observes that “Perhaps the most distinctive attribute of the slave’s powerlessness was that it always originated . . . as a substitute for death, usually violent death.”38 And this is because slaves can die.39 I contend that even the horrific practices of starvation, torture, and other forms of “psychic and social” violence enacted upon slaves reveal a profound investment in and acknowledgement of the humanity of enslaved people by their enslavers. I use the word “investment” intentionally and ironically to argue that perpetrators of slavery, rather than treating slaves simply as inanimate things, marketable products, or exchangeable commodities—as things—understood them as thoroughly human. “Scientific” efforts to starve African captives rely on the presumption that captives can be starved. To violently subject captives to “unmitigated poverty” and deprive them of their social and familial ties is to make the fundamental concession that enslaved Africans could be violently subjected to poverty, that they could be deprived of social and familial ties. One cannot alienate a cowrie shell or starve a bale of cotton. This social fact is most evident when we venture beyond the representational mode of “commodification” and into the realm of everyday human contact. The exact terms in which Patterson defines “social death” confirm this much: If the slave is violently dominated, natally alienated, and generally dishonored, then we must recognize that only a human can be so dominated, so alienated, and so dishonored. As Patterson writes, “The counterpart of the master’s sense of honor is the slave’s experience of its loss. The so-called servile personality is merely the outward expression of this loss of honor.”40 This “experience . . . of loss” implies the loss of something that was once there. In sum, Smallwood’s stunning account of the Middle Passage—surely the best we have in the literature on slavery—would be enriched by redirecting analytical attention to how this particular historical process hinged upon, rather than depleted, the humanity and vulnerability of its victims. A Better Model: Commodity-as-Process Historians of slavery striving to demonstrate the “commodification” of enslaved people have been led astray by strict adherence not only to Patterson’s “social death” but also to Marx’s theory of the commodity. In his discussion of the United States’ internal slave trade and the sexual abuse of enslaved women, Edward Baptist constructs a theory of commodification that marries Marx’s commodity fetishism with Freud’s sexual fetishism. This theoretical framework is [End Page 36] troubling from the start, if only because Marx’s formulation of the commodity and commodity fetishism is arguably inapplicable here. According to Marx, “This Fetishism of commodities has its origin . . . in the peculiar social character of the labour that produces them.”41 And when Marx mentions “labour,” we should assume that he does not mean the reproductive sort. Indeed, Marx’s entire conception of the commodity as social use-value is grounded in the dynamic between human labor on one side and human want on the other. The commodity as social use-value is determined by the quantity of human labor embodied within it, representing the labor-time socially necessary for its production. Commodities are “only definite masses of congealed labour-time.”42 Marx’s articulation of commodity fetishism is thus not particularly suited to the perception or treatment of enslaved people. Baptist’s ensuing examination of the “commodification” of enslaved people—regarding the slave sale or auction, and the rape of enslaved women—demonstrates the instability of this rhetoric. In the first case, Baptist describes the “deanimation of enslaved people” as “virtually inanimate articles”43 and their subsequent “reanimation” as a “lifeless commodity”44 when they are made to pose, flex their muscles, dance, and play instruments or card games in slave pens where traders meticulously examined their bodies. Slaves were made “to demonstrate their salability by outwardly performing their supposed emotional insensibility and physical vitality,”45 as Walter Johnson writes of Louisiana slave markets. Baptist does not, however, see the apparent contradiction here—that slavers were invested in, dependent upon, the fundamentally human liveliness of their captives. Slaves were not just “reanimated” as “market myths”46 but as flesh capable of withstanding immense suffering. More central to Baptist’s amalgam of commodity and sexual fetishism is the frequent rape of enslaved women by slave traders. Several conclusions emerge from his discussion of the slave market and sexual abuse: first, that enslaved women were regarded by their traders as “impassioned”47 objects; second, that traders used these objects to satisfy their sexual desires, to assert their masculinity, to “erase dependence” and “forget fears”48 by exerting control over them; and third, that this capacity for sexual objectification was bought and sold in the slave markets of the United States. I maintain, on the contrary, that such historical instances of rape and sexual abuse do not signify the objectification of enslaved women. It seems rather that slave traders took pleasure in the inability of their “fancy maids” to express sexual consent. This powerlessness on the part of women who were not “people whose opinions must be considered” suggests that these women had opinions that were disregarded, that they had control or power over their lives and bodies that was suppressed. To take such pleasure in the displeasure, the lack of consent, the powerlessness of another is—perhaps counterintuitively—to recognize the humanity of that person. Baptist’s brilliant analysis of slave trader correspondences, specifically showing how their coded language of sexual conquest represented enslaved women as “commodities,” is less convincing in the material (and nonrepresentational) realm of everyday intimacy. Slavers were always deeply invested in slaves’ necessarily human—“frail, sentient, resistant”49—capacity for suffering.50 Such analytical inconsistencies are caused not only by the reductive “neo-abolitionist” ways we think about slavery but also by the rigid application of inadequate theoretical models. Simply put, Marx’s conception of the commodity does [End Page 37] not work in such studies, perhaps because its static quality does not sufficiently describe a historical experience that is thoroughly processual. As a possible remedy, I suggest that historians of slavery adopt Igor Kopytoff’s theory of the commodity-as-process. This model is best suited to our field of inquiry because it reflects the lived experience of enslavement itself. We first must acknowledge that “slavery” refers to a vast and nebulous web of associations and histories. Modern racial slavery, as a world-historical phenomenon, had many moving parts. From the coasts of Africa, to the Atlantic Middle Passage, to the shores of the New World, to the plantations and cities of the Americas, back and forth throughout the internal slave routes—the life of a single slave often comprised an accumulated series of various forms of enslavement. Any one of these stages might vary greatly. As Walter Johnson writes, the “daily process of the slave trade” involved “Many slaves trades, many versions of what was happening [that] met and were contested in every sale.”51 In order best to understand how “slavery” varied so widely across time and space—how slaves often passed between different modes of enslavement—we must embrace an appropriately flexible and contingent theoretical model. I would suggest further that the very word “slavery” itself is meaningless insofar as it attempts to describe abstractly what was historically a set of changing, disparate, and transitional circumstances and experiences.52 That is, enslavement was always profoundly processual in nature—but not just in the sense of bondage and freedom, life and death, being and nonbeing. It was so with respect to itself, with respect to the mundane life of the slave, with respect to the multiple slaveries endured by any single man or woman throughout a lifetime. Kopytoff acknowledges this precisely: “What we see in the career of a slave is a process of initial withdrawal from a given original social setting, his or her commoditization, followed by increased singularization (or decommoditization) in the new setting, with the possibility of later recommoditization.”53 This approach enables us to envision the slave not as a static, “commodified” entity but rather as a social figure that moves through various phases of expulsion, marginality, and reincorporation. Kopytoff’s formulation is also particularly useful for re-examining the contexts of Smallwood’s and Baptist’s work, respectively—the slave market (whether on the Gold Coast or in the American South) and the plantation. Commodity-as-process suggests that “The only time when a commodity status of a thing is beyond question is the moment of actual exchange.”54 Beyond the singular, ephemeral moment of purchase, the enslaved subject is then “decommoditized” in a process Kopytoff calls “singularization,” though often (if not always) able to be “recommoditized.” As such, the enslaved person in whatever context becomes a “potential commodity,” endowed with “an exchange value even if they have been effectively withdrawn from their exchange sphere and deactivated, so to speak, as commodities.”55 In the parlance of our historiography, this is the chattel principle; Kopytoff helps us understand how the plantation laborer, for example, is not definitionally a “commodified” individual but rather a “potential commodity.”56 Commodity-as-process skirts the theoretical and historical pitfalls of the so-called “commodification” of enslaved humanity in four ways. First, it productively revises a strictly Marxian conception of the commodity-fetish.57 Second, the observation that the commodity only truly exists in the “moment of actual exchange” enables us to realize that torture, starvation, and rape—the total [End Page 38] brutalization of the slave—is predicated on the presumed humanity of the victim. Third, it provides a manner of speaking about the “commoditization” of enslaved people without resorting to the normative impulses found in the historiographical opposition between person and thing. And finally, it is thoroughly historical. Miller urges that the global history of enslavement be rethought as a “historical process.”58 Slaving, he writes, was a strategy, not a sociological abstraction or simply an “institution.” And he reminds us that the study of enslavement should focus explicitly on humans and humans acting in order to go “beyond the passivity of suffering and domination.”59 Kopytoff’s theory of the commodity-as-process offers a suitable vocabulary and theoretical toolkit to meet such an occasion. We might consider, for example, how such framing might have enhanced Smallwood’s account of the successive processes of “turning African captives into Atlantic commodities” and “turning Atlantic commodities into American slaves,” where instead of the sociological flattening of “social death” we had the dynamism of Kopytoff’s description of the multi-phased career of the slave. We might also consider how, from this perspective, the slave auction in Baptist’s analysis might render the slave “commoditized” yet not necessarily “lifeless,” positioned interstitially such that the commodity status of the slave can be reactivated, deactivated, or potentialized without becoming permanent, definitional, or ontological. Commodity-as-process thus enables us to imagine historical enslavement in new ways that do not make recourse to such static and normative paradigms buttressed by “social death,” Marxian commodity fetish, or any other inadequate theoretical position. Reparative Semantics? That we might come to understand enslavement as thoroughly processual has been highlighted by recent scholarship describing the so-called “second slavery.” This work maintains that there was a fundamental transformation in the scalar, geographical, and technological aspects of slavery in the nineteenth century that made it both specifically modern and capitalistic. Atlantic slavery was thus reconfigured by the production of new staple commodities (especially cotton) in unprecedented quantities, the sweeping migration of enslaved people as well as slaveholders to regions previously marginal to the Atlantic economy (the Deep South, western Cuba, the interior of Jamaica, and south-central Brazil, among others), the incorporation of biological and technological innovations for harvesting crops, and a newfound reliance on often excessive financial speculation.60 The “second slavery” importantly “calls attention to the continual re-formation of slavery”61 and demonstrates conclusively, if somewhat ambiguously, the mutual historical embeddedness of racial slavery and the advent of global capitalism. Indeed, the relevant question for historians of slavery is no longer whether slavery was capitalistic—as it may have been for previous generations of scholars who emphasized the premodern, feudalistic, and paternalist aspects of American slavery—but precisely how and why (and when) slavery and capitalism converged so forcefully. Yet there are still analytical hurdles to overcome in parsing the relation between slavery and capitalism. As John J. Clegg observes, one central problem running throughout this new scholarship is the refusal to define capitalism itself. While several scholars have given names to the phenomena they describe—Walter Johnson’s “slave-racial capitalism” and Sven Beckert’s “war capitalism” [End Page 39] come immediately to mind—Clegg notes that “by dodging the problem of definition altogether they fail to provide a coherent account of capitalist slavery.”62 Another unresolved tension in this body of work is the conjunction of historical process and transformation with a critical vocabulary, as described above, that is insufficiently dynamic. Resorting to the concept of enslaved “commodification” in order to highlight the “dehumanizing” features of a highly profitable and financially sophisticated system of production based on unfree labor—in short, that this new kind of slavery “was tightly linked to the intensity and profits of industrial capitalism”63—belies the profound rupture at the heart of the “second slavery.” If we can speak of the “commodified” slave in both seventeenth-century Africa and nineteenth-century Mississippi, then it becomes increasingly difficult to argue that “the second slavery defines a distinct period of Atlantic history.”64 Moreover, the repeated emphasis on the increasingly strict and, in many cases, tortuous work regimes that compelled enslaved people to produce cotton and sugar in unprecedented quantities at an unprecedented rate in the nineteenth century reveals again slaveholders’ profound investment in the laboring, suffering body of the slave. This burgeoning research on mass slavery and its capitalistic aspects would be strengthened by increased attention to how such historical transformations—clearly resonant with a Kopytoffian vocabulary—did not signal the erosion of enslaved peoples’ humanity but rather were built upon it. In addition, this newfound emphasis on slave exploitation and the onset of modern industrial capitalism has resuscitated debates about the language of history. Recent writing has urged the substitution of the phrase “enslaved person” for the word “slave.” One article suggests we opt for “enslaved person” because such historical subjects were “humans first, commodities second,” thereby “restoring identity, reversing a cascade of institutional denials and obliterations.” “Slave,” on the other hand, is allegedly a “nonhuman noun.”65 This argument is not new. Deborah Gray White writes in the preface to the revised edition of her seminal study Ar’n’t I a Woman?: Female Slaves in the Plantation South (1999) that were she to rewrite her book, she would opt for “enslaved” rather than “slave”: “The noun ‘slave’ suggests a state of mind and being that is absolute and unmediated by an enslaver. ‘Enslaved’ says more about what happened to black people without unwittingly describing the sum total of who they were.”66 This same rhetoric was later echoed by Daina Ramey Berry, who writes that, “I prefer to use the term ‘enslaved’ rather than ‘slave’ because it forces us to consider that bondpeople did not let anyone ‘own’ them. They were enslaved against their will.”67 More recently, such semantic choices have been championed by Baptist—who opts for “enslavers” rather than “slaveowner” or “slavemaster”68—and Gregory O’Malley, who writes in his Final Passages: The Intercolonial Slave Trade of British America, 1619-1807 (2014) that “the historian [has] little to work with in the quest for more humanizing descriptors. To avoid endless repetition of the commodified term slave, I will often refer to those carried in the slave trade as Africans or simply as people.”69 As above, somehow the word “slave” has become “nonhuman” and “commodified,” thereby implying an ontological status of nonbeing thrust upon captive Africans against their will. The repeated idiom of enslaved “commodification” has thus sneakily embedded itself into the language of scholarly inquiry. The implied conclusion of such lexical uneasiness is that these historical persons were not actually slaves at all: “Enslavers” mistook their captives for “slaves,” whose nonextinguishable humanity made the “inhuman” project impossible simply [End Page 40] by means of their continued existence. But are there really such damned connotations to the word “slave,” which surely **does not** describe an ontological status at all (unless one forces it to), and is there such emancipatory potential in the phrase “enslaved person?”70 These efforts at developing a new glossary for the study of slavery seem not just **convoluted** and self-gratifying but also profoundly **ahistorical**. They demonstrate how a mere semantic quip becomes the basis for normative posturing and a shallow attempt at reparative historiography. The way to a more lucid account of the history of enslavement is not by investing analytical or explanatory weight in synonyms, it is by being more precise about what we talk about when we talk about slavery.

**Robust social science disproves**

**Tompson ‘13**

et al; Trevor Tompson is Vice President for Public Affairs Research, and Principal Research Scientist and Director of The Associated Press-NORC Center for Public Affairs Research at the university of Chicago. Tompson is a prominent political and social researcher with a specialization in research for public release. He has conducted hundreds of surveys on a wide range of topics, including politics and elections, racial attitudes, health care policy, technology, and sports and entertainment. NORC stands for National Opinion Research Center. Prior to joining NORC, Tompson was global director of polling for The Associated Press, the world's largest independent news agency, where he also served as polling editor and a senior analyst for political and elections coverage. He has also held positions with several other research companies and universities. Tompson's work has been published in leading academic journals including Public Opinion Quarterly and the Journal of Experimental Social Psychology. His surveys have also been covered by media around the globe, including on every major national television newscast in the United States and on the front pages of hundreds of newspapers around the globe. Tompson is currently a member of the executive council of the World Association for Public Opinion Research and has held several other offices in professional organizations, including as a member of the professional standards committee of AAPOR. Tompson was recently re-elected as Chair for the Publications Committee at the World Association for Public Opinion Research. “THE PUBLIC MOOD: WHITE MALAISE BUT OPTIMISM AMONG BLACKS, HISPANICS” – July – Modified for potentially offending language - http://www.apnorc.org/PDFs/Public%20Mood/AP-NORC\_PublicMoodWhiteMalaiseButOptimismAmongBlacksandHispanics.pdf

There has been much lament in recent years over the growing pessimism of the American public. Numerous observers have remarked upon the gloomy mood of the American people, drawing on both anecdotes and public opinion polls to chronicle the growing lack of confidence in the future of America. But by generalizing about the trend in the aggregate, many of those observers have missed the fact that not every social group sees the future as darkly (pessimistically) as every other. The Associated Press-NORC Center for Public Affairs Research has analyzed more than four decades of data from the General Social Survey (GSS) and from other public polls, including surveys conducted by The Associated Press. We find that while white Americans have indeed become increasingly pessimistic about the future of the country, **the same cannot be said about blacks** and Hispanic Americans. Indeed, some trends show a reversal in the way both whites and minorities view the future. It ***was*** the case in decades past that minorities were generally more pessimistic than whites, an outlook presumably driven by long-standing economic and social disparities that remained a barrier to the future advancement of those groups. But, beginning in the first decade of the new millennium, there was a shift. Now, whites tend to be pessimistic while blacks and Hispanics tend to be **significantly more optimistic about the future**. While these trends began before the Great Recession and before the election of President Obama. both events appear to have accelerated them. The 2008 election appears to have spurred optimism among blacks, while the economic crisis appears to have spurred pessimism among whites. Furthermore, the trend of pessimism among whites is holding steady in the immediate post-Great Recession period, even as economic conditions slowly improve. This trend towards greater optimism among blacks and Hispanics and increasing pessimism among whites is observed in many different domains, **not just in politics** but in several social and economic dimensions. And it does not seem to be grounded in any real improvement in the economic situation of blacks and Hispanics relative to whites. For the country, the implications of this shift in attitudes are potentially quite important, as public mood can be a factor in both politics and economics. The causes, beyond the obvious real and symbolic importance of electing the first African American to the presidency, have yet to be fully explained. For decades, surveys have asked questions to assess the U.S. public's optimism about the future. These public opinion trends have long shown racial disparities, most often with whites demonstrating greater optimism than blacks. However, over the past several years, some of these trends have been shifting. There appear to be two phenomena at work. First, whites are responding more pessimistically to the economic outlook, especially during the Great Recession which began in late 2007. Second, blacks responded to Obama's presidential victory in 2008 with a dramatic upsurge in optimism. A long-running measure of general optimism is the GSS question that asks respondents, "The way things are in America, people like me and my family have a good chance of improving our standard of living - do you agree or disagree?" Exhibit 1 shows the percent agree trend for blacks, whites, and Hispanics going back to 1987. This data series highlights the decline in optimism of whites, which reached just 46 percent in 2012 -the lowest level in the GSS time series on this measure - and a decline of 21 percentage points since 2006. Additionally, the difference in optimism between whites and blacks in 2012 is the largest it has been since the series began in 1987. In 2012,71 percent of blacks agreed that they have a good chance of improving their standard of living compared to 46 percent of whites - a 25 percentage point difference. Since 1996. Hispanics' level of optimism has generally remained higher than whites' and blacks' levels of optimism. Like the increasing gap between whites and blacks, the gap between Hispanic and white optimism has been increasing since 2004. with the largest difference since the series began being 27 percentage points between whites and Hispanics in 2012. Looking at the optimism trend for Hispanics. the trend line followed the trend for whites from 1994-2002. but then shifted to follow a similar trend for blacks. A second long-running measure of general optimism collected by The Associated Press and its survey partners asks the public, "Generally speaking, would you say things in this country are heading in the right direction or the wrong direction?" Exhibit 2 shows the percentage of whites and the percentage of blacks who think the country is heading in the right direction since the end of 2003 The trend for whites shows a steady decline in the percentage who feels the country is heading in the right direction, from a high of 56 percent in January 2004 to a 15 percent low in October 2008 - a 41 percentage point decline in less than four years. During that same period, the percentage of blacks reporting that the country was headed in the right direction remained relatively steady, most often between 10 and 20 percent with occasional fluctuations as low as 5 percent and as high as 31 percent. The trend among Hispanics between 2004 and October 2008 bounces around a great deal from a peak of 60 percent saying the country is headed in the right direction in January of 2004 to 24 percent in October 2008. After Obama's election, the picture changes dramatically. Although blacks, whites, and Hispanics show increased optimism, the increase among blacks is 63 percentage points between October 2008 (20 percent) and October 2009 (83 percent), while Hispanics' optimism increased 29 points and whites' increased just 19 points. While the initial surge in optimism waned for all groups, the percentage of blacks reporting that the country is headed in the right direction has only dipped below 50 percent three times since Obama's election (December 2008, August and October 2011), while the percentage of whites reporting that the country is headed in the right direction has not surpassed 42 percent. Perceptions among Hispanics tended toward a middle ground between blacks' optimism and whites' pessimism. The average percentage of Hispanics saying the country is headed in the right direction since Obama's election is 48 percent, compared to the average for whites at 30 percent and for blacks at 69 percent. Furthermore, since Obama's election, blacks' assessments of the direction of the country were, on average, 39 percentage points higher than whites' assessments. This is a complete reversal from the prior period when whites' assessments that the country was headed in the right direction were, on average, 18 percentage points higher than blacks'. There is a similar shift among Hispanics; prior to Obama's election, whites' assessments of the direction of the country averaged 3 percentage points higher than Hispanics' assessments. Since the election, Hispanics' assessments are, on average, 18 percentage points higher than whites'. The GSS offers several additional questions that tap specific dimensions of optimism Exhibit 3 shows two measures of personal financial optimism. Panel A shows the trend of blacks and whites who respond that they are satisfied with their financial situation ("We are interested in how people are getting along financially these days. So far as you and your family are concerned, would you say that you are pretty well satisfied with your present financial situation, more or less satisfied, or not satisfied at all?"). Panel B shows the percentage of blacks and whites who say their financial situation has improved over the last few years ("During the last few years, has your financial situation been getting better, worse, or has it stayed the same?") In both cases we see a similar decline in whites' financial optimism beginning in 2006. Both trends show whites' 2010 optimism at the lowest levels seen since these data were first collected in 1972, with a slight rebound in 2012. While assessments of personal financial satisfaction shown in Panel A remain significantly higher for whites than blacks, the gap between whites and blacks is smaller in 2012 than at any other point in the trend. In Panel B. the data show that blacks' optimism in terms of financial change exceeded whites' optimism for the first time in 2010, with 30 percent of blacks saying their financial situation has gotten better compared to 24 percent of whites. Whites' assessments of changes in their financial situation has improved slightly since 2010 (from 24 percent in 2010 to 28 percent in 2012), while blacks' assessments remained steady (30 percent in 2010 to 29 percent in 2012). OPTIMISM AND CONFIDENCE IN AMERICAN INSTITUTIONS The GSS also asks people about their confidence **in a range of institutions** in the United States, from financial institutions to the Supreme Court. People with higher levels of confidence in institutions also report more optimism. For example, among those individuals who report having a great deal of confidence in the executive branch on the 2012 GSS, 70 percent agree that "the way things are in America, people like me and my family have a good chance of improving our standard of living" In contrast, only 39 percent of those who report hardly any confidence in the executive branch feel the same way. Race is also a strong predictor of confidence in institutions, even controlling for other demographic, socioeconomic, and political factors. Looking first at confidence in companies and financial institutions, the GSS data show recent changes in whites' confidence, as seen in Exhibit 4. Whites' confidence in major companies and financial institutions began to fall in 2004 and 2006, respectively, and, as of 2010. were at their lowest levels in the history of the series. Additionally, whites' confidence in major companies in 2010 was lower than blacks' confidence for the first time. The recently released 2012 GSS data show that whites' confidence in major companies increased from 12 percent in 2010 to 18 percent in 2012, while blacks' confidence decreased from 17 percent to 14 percent. Whites' confidence in financial institutions increased from 9 percent in 2010 to 11 percent in 2012, while blacks' confidence trended slightly down from 15 percent to 14 percent - albeit remaining higher than whites' confidence. While whites have become increasingly pessimistic about government in recent years, **blacks have become increasingly optimistic.** Exhibit 5 shows GSS data on whites' and blacks' confidence in the three branches of the federal government. In all three series, the movement of the trend between 2008 and 2010 suggests an especially great impact of Obama's election on blacks' confidence in the government, although this optimism declined between 2010 and 2012. Panel A shows that blacks' level of confidence in the executive branch was 15 percentage points higher than whites' confidence in 2010 and remains 8 percentage points higher in 2012 (20 percent of blacks report confidence in the executive branch compared to 12 percent of whites). Panel B shows that blacks' confidence in the Congress increased significantly upon Obama's election, while whites' confidence continued a downward trend that began in 2004. Again, the black/white gap in 2010 (17 percentage points) was the largest in the series. Whites' confidence in Congress remained at a low 6 percentage points in 2012. while blacks' confidence fell significantly to 6 percent from its 2010 high of 23 percent. Finally, in Panel C, we see whites' confidence in the Supreme Court declining from 2002. while blacks' confidence increased significantly from 2006 through 2010. The 2012 data show blacks' confidence falling back to its 2004 level of 20 percent, while whites' confidence remained steady from 2010 to 2012 with 28 percent of whites confident in the Supreme Court.

**Even if it were accurate, the analogy displaces the actual violence of being locked-up. That dislocation is violent to the people that actually experienced it. This means we win within their framework.**

**Sanyal ‘2**

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One of the most disquieting uses of this logic in literary criticism is found in Shoshana Felman’s book, co-authored with Dori Laub, Testimony: Crises of Witnessing in Literature, Psychoanalysis, and History. In a seductive reflection on the ruptures and silences that hover over autobiographical, literary, and critical representations of the Holocaust, Felman, like Agamben, weaves a series of structural analogies between the concentration camp and civilian life, between ‘‘them’’ and ‘‘us,’’ ‘‘then’’ and ‘‘now,’’ and between literal and metaphorical forms of complicity, victimization, and survival. She does so by viewing history through the lens of trauma, that is to say, by viewing history as repetition (in this case the infinitely renewed wound of the Holocaust) and as contamination (in which the self and other are circulating positions).The trauma of the concentration camps is thus presented as a historical wound whose trace is to be found in the gaps and silences of testimonies by survivors, primary witnesses, and secondary witnesses, in this case, Primo Levi, Albert Camus, and Paul de Man. Yet this silence, significantly, is sounded and made to reverberate identically in distinct, if not incommensurable, contexts. Such conflations of historically bound occurrences with an ongoing and universalizable condition (or of ‘‘fact’’ with ‘‘concept’’) can be discerned in Felman’s discussion of the betrayal of testimony. Camus’s protagonist, Jean-Baptiste Clamence, keeps on walking when he hears a splash, followed by cries for help. While this betrayal resonates with the Allies’ (or Sartre’s) betrayal, for Felman, the historical betrayal is also an inevitable epistemological and ethical condition. Since the Holocaust collapses the very possibility of witnessing, any attempt to understand and transmit the event will necessarily fall short of—and betray—the experience. Even those ‘‘inside the event’’ (to use Dori Laub’s expression) were robbed of any independent frame of reference outside of the radical dehumanization of the camps.24 In Felman’s account, then, ‘‘betrayal’’ functions both as a historical fact (the failure to see or understand evidence of the camps) and as an immutable and inherent condition (the impossibility of seeing or understanding the camps): In bearing witness to the witness’s inability to witness—to the narrating subject’s inability to cross the bridge towards the Other’s death or life—The Fall inscribes the Holocaust as the impossible historical narrative of an event without a witness, an event eliminating its own witness. Narrative has thus become the very writing of the impossibility of writing history.25 At stake in this view of the impossible or betrayed testimony is an implicit, but important, claim for a post-Shoah literary ethics, one founded on the impossibility of representing historical trauma. In Felman’s reading, the Holocaust forces us to rearticulate the relationship between language, narrative, and history and to recognize the literary as a realm for recovering a history that has been erased. Felman suggests that the testimonial power of literature and its ethical function lie in its uncanny ability to access—through falterings and ambiguities—a reality that defies our habitual historical and psychic frames of reference. With Agamben, she views language and history as caught in a new configuration, in which the ellipses, silences, and aporia in narrative (or speech) capture that which has occurred historically as a vanishing point. With Caruth, she perceives literary language as a point of access to ‘‘unclaimed experience,’’ since both literature and trauma are inscriptions (in the text, in the psyche) of indirect forms of knowledge that at once solicit and defy our witness.26 The Fall and its enigmatic allegory of a failure or betrayal of witnessing, attests to this new ethical imperative by laying bare how ‘‘the cryptic forms of modern narrative and modern art always—whether consciously or not— partake of that historical impossibility of writing a historical narration of the Holocaust, by bearing testimony, through their very cryptic form, to the radical historical crisis in witnessing that the Holocaust has opened up’’ (Testimony, 201). In Felman’s account, it is the obliqueness, or indeterminacy—if not evacuation—of a text’s referential context that is taken as signs of its historicity. History, paradoxically, becomes the knowledge bodied forth by the ‘‘cryptic forms’’ of a representation that continually attests to the crisis of representation inaugurated by the Holocaust. The troubling consequences of this bid for an ethics of interpretive instability are starkly revealed in Felman’s discussion of Paul de Man’s anti-Semitic writings for the Belgian journal Le soir. Felman proposes The Fall’s allegory of the betrayal of witnessing (Clamence’s inability to turn back and save the woman) as de Man’s unspoken autobiographical story, his belated confession of the trauma caused by the Holocaust’s legacy. Felman argues that deMan’s silence over his wartime writings (like Clamence’s own silence in the aftermath of the drowning), cannot be judged by us for three main reasons: first, we cannot put ourselves in his place; second, his silence is exemplary because silence is the only way of bearing witness to an event as unspeakable as the Holocaust; and, finally, this silence implicates us all in the traumatic legacy of the Holocaust: ‘‘In reality, we are all implicated—and in more than one way—in de Man’s forgetting, and in his silence’’ (Testimony, 123). Significantly, Primo Levi’s gray zone is instrumental to the formulation of these claims. Felman suggests that de Man’s predicament as a journalist in occupied Belgium was somehow comparable to that of the Sonderkommando. If, as Levi warns us, we cannot put ourselves in the place of the Sonderkommandos in the concentration camps, and therefore cannot pass judgement on their actions, then—Felman suggests— a similar perspective must be cast on de Man’s position as a journalist in occupied Belgium: ‘‘The crucial ethical dimensions of a historical experience like de Man’s need to be probed by being measured up against the incommensurability of that experience’’ (Testimony, 123). Here, Felman argues for the singularity of de Man’s experience, paradoxically, by making it analogous to the equally singular experience of the Sonderkommando. In other words, the analogy between these two incommensurate figures—a Belgian gentile who dabbled in Nazi collaborationist prose and a Jewish prisoner working in the crematorium—is drawn precisely in the name of a concept: the incommensurability of their experience. Yet Felman, in a gesture similar to Agamben’s treatment of the soccer match, makes that incommensurability commensurate by assimilating conditions peculiar to the camps’ moral life to life outside the camps. Indeed, when Felman invokes ‘‘our’’ implication in an ethical terrain that forbids reductive representations of people as ‘‘us’’ and ‘‘them,’’ one comparable to the gray zone, she is effectively transforming a product of the concentration camp’s moral and physical apparatus (the gray zone) into a metaphor for her readers’ moral landscape. The extension of the concentration camp, from fact to concept, leads to the erasure of the very real differences between victims, executioners, and witnesses. The gray zone again provides a metaphor for the continued unreadability of the Holocaust, investing this unreadability with an ethical weight. Felman, like Agamben, thus literally dislocates the gray zone, transforming it into a new ethical ground in which ‘‘we’’ are uniformly embedded. Invoking Levi in her warning against the temptation to judge de Man from an external vantage point and thus succumb to the mystification of ‘‘a self-righteous bipartition of ‘the good guys’ and ‘the bad guys’ ’’ (Testimony, 122), Felman suggests that the only responsible engagement with history’s traumatic legacy is a Camusian ‘‘fall’’ into lucid culpability, a perpetual reckoning with one’s painful complicity with and victimization by an event that lies beyond the reach of words: As far as we as readers are concerned, the ethical question with respect to the information that has come forth therefore resides . . . in an attempt at understanding how precisely de Man’s writings do in fact relate to the moral implications of contemporary history . . . how de Man articulates our silence; how today we are all implicated in de Man’s ordeal and in his incapacity to tell us more about it; how, having faced what he faced, de Man chose an inevitable syntax and an inevitable (silent) language. The question that should be addressed in light of de Man’s history is . . . how both de Man’s silence and his speech articulate, and thus help us understand, the ways in which we are still wounded by the Holocaust, and the ways in which we harbor the unfinished business of this recent history within us. (123–24). This blurring of subject positions (in which de Man, the Sonderkommando, Primo Levi and ourselves circulate on the metaphorical playing  fields of the gray zone) occurs by privileging silence as the only adequate mode of apprehending a historical reality that confounds representation. If, as Felman claims, ‘‘de Man could borrow Primo Levi’s words,’’ it is only because both de Man and Levi ‘‘fall silent’’ before the trauma of the Holocaust. Silence, then, is essentialized into a trope that functions identically across contexts and genres. De Man’s silence over his wartime writings is somehow analogous to the silences found in the writings of survivors such as Primo Levi and Elie Wiesel. His later writings, like the muffled historical references of Camus’s novels, are faltering testimonies to the impossibility of bearing witness to an unspeakable history. Just as the soccer game played in Auschwitz staged a convergence between victims, perpetrators, and witnesses, Felman’s reading suggests a parallel convergence between collaborator, survivor, witness, and proxy-witness. The abstract specter of universal implication (‘‘we are all implicated,’’ ‘‘our silence’’) shades into shared victimhood. The inexpressible trauma of the Holocaust binds us all and equally into a general legacy of wounded complicity. The obviously untenable assimilation of de Man’s silence and trauma to that of Primo Levi (survivor), Albert Camus (writer and secondary witness), and Clamence (fictional character) has already been critiqued at length by Dominick LaCapra and I shall not belabor the point here.27 My main objective has been to point out how some of the assumptions underlying a theorization of history as trauma—that is to say, history as a dislocation both of the event and of an experiencing subject— may replicate the violence of the traumatic event itself. I have addressed this theoretical violence as the ‘‘logic of the soccer match’’ because its metaphorical recycling of culpability and victimization replicates the circulation of innocence and guilt that we see in the soccer match between the SS and SK at the gates of the Auschwitz crematorium.

**Offensively, it makes the Aff a less potent presentation. The analogy *detracts*, *demeans*, and *renders the 1AC less powerful*.**

**Krygier ‘5**

Martin Krygier – Professor, Gordon Samuels Professor of Law and Social Theory, Co-Director - Network for Interdisciplinary Studies of Law, The University of New South Wales – Civil Passions: Selected Writings – p. 136-37

5. Analogy Wars As Owen Harries once pointed out, ‘comparisons may be odious and analogies tricky, but they are also indispensable’. Discussing the war in Iraq, he drew analogies with the Suez Crisis, notwithstanding that 'The analogy is not exact, of course. Analogies never are.' Though analogies can't be exact, they can be intellectually and morally useful if they illuminate a subject by drawing parallels one might not have thought of without them. By contrast, they are useless or harmful if the parallels make no sense, or the differences are so great or important as to nullify them, or if their only point is to elevate or demean one's subject by bathing it in reflected glory or gore. Critics of contentious policies or histories will often be drawn to analogies with events the evil of which needs no demonstration, to **transfer our assessment** of the example chosen to what they are actually criticising. Defenders of such policies or histories will resist such analogies. All this can go on in an intellectually respectable way, since analogies are made not found, and there will often be room for argument. But analogies can be usable rhetorically, as can rebuttal of them, for reasons neither intellectual nor moral. This has often been the case in the debased ways we invoke or condemn the invocation of the Holocaust and genocide in local arguments.

**nihilism isn’t a structuring condition.**

**Kennedy ‘14**

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Beneath the malaise is a deep current of racial pessimism that has a long history in American and African American thought. Pessimists believe that racial harmony predicated on fairness is not part of the American future. They posit that the United States will not overcome its tragic racial past. They maintain that blacks are not and cannot become members of the American family (even with a black family occupying the White House). They believe that the United States is a white nation that will always be governed on behalf of white folk. For pessimists, the Obama presidency is no sign of racial transcendence; to the contrary, it is a demonstration of the intractability of American pigmentocracy. For them, the Obama ascendancy shows that in order to rise to the top of American politics, a black politician must be willing to forgo substantively challenging the racial status quo (though he is allowed to cavil about it rhetorically). For them, the Obama administration simply mirrors the racial diversification of an existing order in which a relatively small sector of upper-crust blacks prosper while the condition of the black masses stagnates or deteriorates—the consequence of a misbegotten theory of racial trickle-down. For them, the Obama era is littered with bitter incongruity: While a black man is commander-in-chief, Michael Brown and thousands like him are stalked, harassed, brutalized, and occasionally killed in Ferguson-like locales across America. The pedigree of black racial pessimism is impressive. In its ranks one finds such figures as Henry McNeal Turner, Marcus Garvey, Elijah Muhammad, Malcolm X, Stokely Carmichael, Randall Robinson, and the extraordinary W.E.B. Du Bois. One encounters Frederick Douglass declaring in 1847, “I cannot have any love for this country … or for its Constitution. I desire to see its overthrow as speedily as possible, and its Constitution shriveled in a thousand fragments.” In that tradition, one also finds Derrick Bell, professor of law at Harvard, teaching in the 1990s that the United States is irredeemably imprisoned by its past, that “racism is an integral, permanent, and indestructible component of this society,” and that “black people will never gain full equality in this country.” The tradition of black racial pessimism has its white counterpart. According to Thomas Jefferson, “The two races, equally free, cannot live in the same government.” Alexis de Tocqueville doubted that “the white and black races will ever live in any country upon an equal footing,” but believed “the difficulty to be still greater in the United States than elsewhere.” According to Abraham Lincoln, differences between blacks and whites “will forever forbid the two races living together on terms of social and political equality.” But the pessimists, black and white, have not been the only influence on American thought about the prospects for racial progress. Arrayed against them **are optimists** who contend that blacks are (or can become) members of the American family and insist that racial harmony bottomed on fairness is attainable. This, in fact, has been **the predominant tradition among blacks**. Its adherents include Booker T. Washington, Thurgood Marshall, Roy Wilkins, Mary McLeod Bethune, Jesse Jackson, and John Lewis (joined by whites such as the founders of the National Association for the Advancement of Colored People and Presidents Lyndon Johnson and Bill Clinton). The most memorable spokesman for the optimistic tradition was Martin Luther King Jr. On April 3, 1968, the night before he was assassinated, he told his followers to take heart because he knew that, eventually, they would overcome the obstacles they faced. He knew this because he had “been to the mountaintop” and glimpsed the Promised Land, though he might not make it there himself. King was vague, however, about the Promised Land’s boundaries and topography. He had famously spoken of a nation where individuals will be judged not by the color of their skin but by the content of their character. Yet that formulation is popular partly because it is open to contending interpretations. Is it a condemnation of all racial distinctions? Or is it a condemnation only of invidious racial distinctions? Is it meant to posit a rule of non-discrimination that should go into effect immediately even at the cost of barring efforts to rectify past racial wrongdoing? Or is it meant to posit a rule of nondiscrimination that should go into effect only after the consequences of past wrongdoings have been ameliorated? These questions underlie the debate that has been raging for decades over competing conceptions of the racial Promised Land. In one conception, the Promised Land is a society henceforth substantially free of intentional racial discrimination in major domains of the public sphere. In this society, no effort is made to rectify the oppressive consequences of past racial misconduct because, it is argued, trying to do so is futile, unfair to those innocent of past wrongdoing, and conducive to the perpetuation of race-mindedness. This view has been propounded vigorously in the legal writings of Justices Clarence Thomas and Antonin Scalia, mainly in critiques of affirmative action. Chief Justice John Roberts, also a champion of this view, expressed it epigrammatically when, abjuring a race-conscious plan for school integration, he quipped that the best way to stop racial discrimination is to stop racially discriminating—no matter whether the aim is to assist or oppress a vulnerable group. Under this conception, we enter the racial Promised Land when racial discrimination is a negligible feature of social life, even if the vestiges of racial subordination in the past are evident and consequential. Let’s call this model of racial justice the conservative conception of the racial Promised Land. The progressive conception of the racial Promised Land is more ambitious. It envisions two essential landmarks. The first is the requirement of the conservatives that invidious racial discrimination be reduced to a negligible influence. The second condition is that the vestiges of past discrimination—the racial gaps that so dramatically scar the social landscape—be erased. Pursuant to the progressive perspective, we will reach the racial Promised Land when blackness is no longer a uniform that, holding other variables steady, signals that its wearer bears a notably higher risk than whites of premature death, impoverishment, unemployment, incarceration, victimization by criminality, homelessness, police harassment, and similar afflictions. Today, one can go into a hospital, visit the ward for newborns, and make accurate estimates about the babies’ varying life trajectories on the basis of their racial identities. When accurate estimates of this sort are no longer possible, progressives contend, we will have reached the racial Promised Land. Some observers insist that what I have dubbed the conservative model of the racial Promised Land is at hand or at least nearby. They maintain that, for the most part, we have overcome. They proclaim “Mission Accomplished” or at least mission near-accomplished. This is mistaken. Intentional invidious racial discrimination constitutes a force in American life that is far from negligible. It is a substantial headwind that blacks and other racial minorities face in many key areas, including housing, finance, employment, criminal justice, electoral politics, and markets for romance and marriage. There is a library of empirical literature establishing this fact beyond sensible controversy—studies based on similarly situated but racially disparate testers who meet different fates when they seek to buy automobiles, rent housing, get jobs, or obtain loans. And then there are the lessons of everyday life that suggest forcefully that in crucial interactions with police officers, prosecutors, judges, and other authorities armed with discretion, outcomes differ, all too often, depending on the race of the person being assessed. It is difficult to imagine that the dismal train of events surrounding the deaths of Trayvon Martin or Michael Brown would have been identical had they been white. Even more distant is the progressive conception of the racial Promised Land. In practically every key index of well-being, a chasm separates the circumstances in which whites and blacks typically find themselves. The income gap separating blacks and whites widened from about $19,000 in the late 1960s to about $27,000 in 2011. The wealth gap increased from $75,000 in 1984 to $85,000 in 2011. Blacks are nearly three times more likely to live in deep poverty than whites. Black men are six times as likely as white men to be incarcerated. And on. And on. And on. We have failed to reach the racial Promised Land in either its conservative or its progressive definition. With respect to both of these destinations, our society remains far afield. **Still,** I put myself in the **optimisti**c **camp.** **Why?** I am hopeful first and foremost because of the **predominant trajectory of African Americans**—a history that John Hope Franklin framed with the apt title From Slavery to Freedom. In 1860, four million African Americans were enslaved while another half-million were free but devoid of fundamental rights in many of the jurisdictions where they lived. In 1860, the very term “African American” was something of an oxymoron because the Supreme Court had ruled in Dred Scott v. Sandford that no black, free or enslaved, could be a citizen of the United States. But within a decade, the Thirteenth Amendment (1865) abolished slavery, the Fourteenth Amendment (1868) established birthright citizenship and required all states to accord all persons due process and equal protection of the laws, and the Fifteenth Amendment (1870) prohibited states from withholding the right to vote on account of race, color, or previous condition of servitude. People who had been sold on the auction block as youngsters helped to govern their locales as public officials when they were adults. In 1861, Jefferson Davis of Mississippi resigned from the United States Senate to join the Confederate States of America, which he led as president. In 1870, Hiram Revels, the first black member of Congress, occupied the seat that Davis abandoned. The First Reconstruction was overwhelmed by a devastating white supremacist reaction. But the most fundamental reforms it established proved resilient, providing the basis for a Second Reconstruction from the 1950s to the 1970s. During that period, too, the distance traveled by blacks was astonishing. **In 1950,** **segregation was deemed** to be **consistent with** federal constitutional **equal protection.** **No federal law prevented** proprietors of **hotels, restaurants, and other** privately owned public **accommodations from engaging in racial discrimination.** **No federal law prohibited private employers from discriminating on a racial basis** against applicants for jobs or current employees. No federal law effectively counteracted racial disenfranchisement. No federal law outlawed racial discrimination in private housing transactions. **In contrast**, **by 1970** federal constitutional law thoroughly repudiated the lie of separate but equal. The 1964 Civil Rights Act forbade racial discrimination in privately owned places of public accommodation and many areas of private employment. The 1965 Voting Rights Act provided the basis for strong prophylactic action against racial exclusion at the ballot box. The 1968 Fair Housing Act addressed racial exclusion in a market that had been zealously insulated against federal regulation. None of these interventions were wholly successful. All were compromised. All occasioned backlash. But the racial situation in 1970 and afterwards was dramatically better than what it had been in 1950 and before. **Today,** at a moment when progress has stalled, we need to recall how dramatically and unexpectedly conditions sometimes change. Until recently who’d-a thunk it possible for the president to be an African American? In the 1980s, I used to ask law students how long affirmative action programs ought to last. Champions of such programs, seeking to ensure their longevity, would say that affirmative action would be needed until the country elected a black president. That reply would elicit appreciative laughter as listeners supposed that that formula would preserve affirmative action for at least a century. But then along came Barack Obama and with him the remark that soon became a cliché: “I never thought that I’d live to see a black president.” Obama’s election is much more than a monument to one politician’s talent and good fortune. Changes in **public attitudes, law,** and custom **have clearly elevated the fortunes of African Americans** as individuals and black America as a collectivity. **Hard facts** may give plausibility to the pessimistic tradition, but they **make the optimist**ic tradition **compelling.** Despite the many wrongs that remain to be righted, blacks in America confront fewer racist impediments now than ever before in the history of the United States. The courage, intelligence, persistence, idealism, and sacrifice of Fannie Lou Hamer and Rosa Parks, Julian Bond and Bob Moses, Medgar Evers and Bayard Rustin, Viola Liuzzo and Vernon Dahmer—and countless other tribunes for racial justice—have not been expended for naught. The facts of day-to-day life allow blacks to sing more confidently than ever before James Weldon Johnson’s magnificent hymn “Lift Every Voice and Sing,” often referred to as the Black National Anthem: Sing a song full of the faith that the dark past has taught us Sing a song full of the hope that the present has brought us Facing the rising sun of our new day begun Let us march on till victory is won. My optimism involves more than a sociological prediction. I am also swayed by my intuition regarding which of these hypotheses—the pessimistic or the optimistic—will do the most good. **Hope is** a **vital** nutrient for effort; without it, **there is no prospect** for achievement. The belief that we can overcome makes more realistic the possibility that we shall overcome. Optimism gives buoyancy to thinking that might otherwise **degenerate** in**to nihilism,** encourages solidarity in those who might otherwise be satisfied by purely selfish indulgence, invites **strategic planning** that can usefully harness what might otherwise be impotent indignation, **and inspires efforts that might otherwise be avoided due to fatalism.**

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### TVA

#### There are many TVAs – here’s a list

* Negative State Action Affs that defend LESS FEDERAL INVOLVEMENT and FEWER PROTECTIONS FOR VIOLENT STATE-LEVEL PRACTICES – like lifting Parker immunity;

* Affs that intervene against licensing boards in the context of over-prescriptive “safety” regs OR aggressively-enforced regs that disparately-impact business owned by people that lack socio-economic privilege
* Federal intervention that checks against unjust treatment of cosmetology program, for lower sales

Weissmann ‘21

Shoshana Weissmann, Senior Manager, Digital Media, Communications; Fellow, 3-11-2021 – modified for language that may offend - https://www.rstreet.org/2021/03/11/we-need-antitrust-reform-for-the-little-guy/

Overhauling antitrust is in vogue. Just last month the House Judiciary Committee launched a new series of hearings to flesh out potential changes to America’s current approach to antitrust enforcement. On Thursday, the Senate Judiciary Committee’s Subcommittee on Competition Policy, Antitrust, and Consumer Rights is having a hearing on antitrust reform. And, in a sign of the times, left-of-center advocates want to ensure antitrust enforcers adopt an “anti-racist” agenda that places marginalized communities at the front of the discussion.

So often when we ~~hear~~ (consider) about antitrust, we think about the government seeking to break up large corporate monopolies. Before Google and Facebook, it was Microsoft. Before that, Ma Bell. But there is plenty of anti-competitive behavior that takes place outside of the realm of big business, and there is a way to reform such behavior that also places an emphasis on protecting disadvantaged communities: Congress can overturn the “state action doctrine” as applied to occupational licensing boards. This doctrine has long allowed semi-governmental occupational licensing boards to act in a blatantly anti-competitive manner—one that has a stark and disproportionate impact on ~~minorities~~ (those lacking socio-economic and-or racial privilege), the poor, and small-business entrepreneurs.

The overwhelming burden these occupational licensing requirements place on these groups is staggering, keeping people from earning an honest living, providing for their families, and contributing to society in the profession of their choice. These requirements include expensive schooling to certify practical skills that can be learned in other ways, or policies that limit participation in fields in the name of “safety,” when those safety issues are overblown.

In the 1950s, 1 out of every 20 people in the United States needed a license to do his or her job. Today, it’s 1 out of every 4. From the Obama administration to President Donald Trump to President Joe Biden, virtually everyone recognizes that something is horribly amiss. Even the Federal Trade Commission (FTC) released a detailed report in 2018 highlighting the dangers of overly burdensome occupational licensing and its disproportionate negative effects.

Bad board behavior is rampant. In recent years, Arizona’s cosmetology board cracked down on a student helping his community by cutting hair for people experiencing homelessness. Had Republican Gov. Doug Ducey not ~~stepped in~~ (intervened) to help, the student’s career could have been ruined. African hair braider Isis Brantley was once arrested for braiding hair without a cosmetology license—a license that wouldn’t have even taught her to braid hair. In Louisiana, elderly widow Sandy Meadows was prevented by the board from earning a living arranging flowers because Louisiana requires a license to do so and she couldn’t pass an exam with a lower pass rate than the state’s bar exam. When she died, she was living in poverty.

The dirty open secret of occupational licensing boards is that they are often composed almost exclusively of people in the industry who have a direct stake in keeping others out. Cosmetology boards are often stocked with salon owners, for example. This kind of collusive, anticompetitive behavior aimed at entrenching incumbents to the detriment of workers, consumers, and society more broadly is exactly why we have antitrust laws in the first place.

The problem isn’t that enforcers don’t want to act—it’s that they can’t because of the “Parker” or “state immunity” doctrine. For nearly 80 years, there have been severe limits on how federal agencies and private plaintiffs could enforce America’s antitrust laws against a state-sanctioned entity, like an occupational licensing board. Under this doctrine, states are overwhelmingly protected from any kind of antitrust scrutiny, minus a few narrow exceptions.

Thankfully, courts have somewhat pulled back on this doctrine in recent years. In 2015, in a case involving non-dentists who were offering inexpensive teeth-whitening services, the Supreme Court refused to extend this immunity to North Carolina’s state dental licensing board because it was not actively supervised by the government and was composed of self-interested market participants. This decision was a step in the right direction, although its holding was narrow and the Parker doctrine was left largely intact.

Excluding competitors and keeping new entrants out of the market without reason is anticompetitive and should be punished, even when given a state’s stamp of approval. With its laser focus on antitrust, Congress is well-suited to take up the mantle on this issue.

Congress should empower antitrust enforcers like the FTC and DOJ to bring suits against these collusive bodies for their blatantly anticompetitive conduct. It can do this by overturning the state action doctrine’s application to licensing boards and allowing courts to look behind the veil of these “governmental” boards to gauge meaningfully whether they are engaging in intentionally anticompetitive conduct.

#### Side switching does not require them to change their beliefs, only to gain perspective to best demolish the opposition

Haskell 90 – Thomas Haskell, Professor of History at Rice University, “Objectivity is Not Neutrality: Rhetoric vs. Practice in Peter Novick’s That Noble Dream”, History and Theory, 29.2, p. 129-157 [language modified]

Detachment functions in this manner not by draining us of passion, but by helping to channel our intellectual passions in such a way as to insure collision with rival perspectives. In that collision, if anywhere, our thinking transcends both the idiosyncratic and the conventional. Detachment both socializes and deparochializes the work of intellect; it is the quality that fits an individual to participate fruitfully in what is essentially a communal enterprise. Objectivity is so much a product of social arrangements that individuals and particular opinions scarcely deserve to be called objective, yet the social arrangements that foster objectivity have no basis for existence apart from individual striving for detachment. Only insofar as the members of the community are disposed to set aside the perspective that comes most spontaneously to them, and strive to see things in a detached light, is there any likelihood that they will engage with one another mentally and provoke one another through mutual criticism to the most complete, least idiosyncratic, view that humans are capable of. When the ascetic effort at detachment fails, as it often does, we "talk past one another," producing nothing but discordant soliloquies, each fancying itself the voice of reason. The kind of thinking I would call objective leads only a fugitive existence outside of communities that enjoy a high degree of independence from the state and other external powers, and which are dedicated internally not only to detachment, but also to intense mutual criticism and to the protection of dissenting positions against the perpetual threat of majority tyranny. Some hypothetical examples may clarify what I mean by objective thinking and show how remote it is from neutrality. Consider an extreme case: the person who, although capable of detachment, suspends his or her own perceptions of the world not in the expectation of gaining a broader perspective, but only in order to learn how opponents think so as to demolish their arguments more effectively - who is, in\* short, a polemicist, deeply and fixedly committed as a lifelong project to a particular political or cultural or moral program. Anyone choosing such a life obviously risks being thought boorish or provincial, but insofar as such a person successfully enters into the thinking of his or her rivals and produces arguments potentially compelling not only to those who already share the same views, but to outsiders as well, I see no reason to withhold the laurel of objectivity. 10 There is nothing objective about hurling imprecations at apostates or catechizing the faithful, but as long as the polemicist truly engages the thinking of the enemy he or she is being as objective as anyone. In contrast, the person too enamored of ~~his or her~~ [their] own interpretation of things seriously and sympathetically to entertain alternatives, even for the sake of learning how best to defeat them, fails my test of objectivity, no matter how serene and even tempered. The most common failure of objectivity is preaching to the converted, proceeding in a manner that complacently presupposes the pieties of one's own coterie and makes no effort to appreciate or appeal to the perspectives of outsiders. In contrast, the most commonly observed fulfillment of the ideal of objectivity in the historical profession is simply the powerful argument-the text that reveals by its every twist and turn its respectful appreciation of the alternatives it rejects. Such a text attains power precisely because its author has managed to suspend momentarily his or her own perceptions so as to anticipate and take account of objections and alternative constructions -not those of some straw man, but those that truly issue from the rival's position, understood as sensitively and stated as eloquently as the rival him- or herself could desire. Nothing is rhetorically more powerful than this, and nothing, not even capitulation to the rival, could acknowledge any more vividly the force and respectability of the rival's perspective. To mount a telling attack on a position, one must first inhabit it. Those so habituated to their customary intellectual abode that they cannot even explore others can never be persuasive to anyone but fellow habitues. That is why powerful arguments are often more faithful to the complexity and fragility of historical interpretation - more faithful even to the irreducible plurality of human perspectives, when that is, in fact, the case -than texts that abjure position-taking altogether and ostentatiously wallow in displays of "reflexivity" and "undecidability." The powerful argument is the highest fruit of the kind of thinking I would call objective, and in it neutrality plays no part. Authentic objectivity has simply nothing to do with the television newscaster's mechanical gesture of allocating the same number of seconds to both sides of a question, or editorially splitting the difference between them, irrespective of their perceived merits.