## \*\*\* 1NC

### 1NC T—USFG

#### A. Interpretation—the aff has to defend a normative statement that more USFG incentives for or less USFG restrictions on energy production would be good.

#### B. Our interpretation is best—

#### 1. Predictability—ignoring the resolution opens up an infinite number of topics—this undermines our ability to have in-depth research on their arguments destroying the value of debate.

#### 2. Ground—the resolution exists to create fair division of aff and neg ground—any alternative framework allows the aff to pick a moral high ground that destroys neg offense.

#### C. Voting issue—resolving the topicality is a pre-condition for debate to occur.

Shively 2k—Ruth Lessl Shively, Assistant Prof Political Science, Texas A&M University [Partisan Politics and Political Theory, p. 181-2]

The requirements given thus far are primarily negative. The ambiguists must say "no" to-they must reject and limit-some ideas and actions. In what follows, we will also find that they must say "yes" to some things. In particular, they must say "yes" to the idea of rational persuasion. This means, first, that they must recognize the role of agreement in political contest, or the basic accord that is necessary to discord. The mistake that the ambiguists make here is a common one. The mistake is in thinking that agreement marks the end of contest-that consensus kills debate. But this is true only if the agreement is perfect-if there is nothing at all left to question or contest. In most cases, however, our agreements are highly imperfect. We agree on some matters but not on others, on generalities but not on specifics, on principles but not on their applications, and so on. And this kind of limited agreement is the starting condition of contest and debate. As John Courtney Murray writes: We hold certain truths; therefore we can argue about them. It seems to have been one of the corruptions of intelligence by positivism to assume that argument ends when agreement is reached. In a basic sense, the reverse is true. There can be no argument except on the premise, and within a context, of agreement. (Murray 1960, 10) In other words, **we cannot argue about something** if we are not communicating: **if we cannot agree on the topic and terms of argument** **or if we have utterly different ideas about what counts as evidence or good argument**. At the very least, we must agree about what it is that is being debated before we can debate it. For instance, one cannot have an argument about euthanasia with someone who thinks euthanasia is a musical group. One cannot successfully stage a sit-in if one's target audience simply thinks everyone is resting or if those doing the sitting have no complaints. Nor can one demonstrate resistance to a policy if no one knows that it is a policy. In other words, contest is **meaningless** if there is a lack of agreement or communication about what is being contested. Resisters, demonstrators, and **debaters** **must** have some shared ideas about the subject and/or the terms of their disagreements. The participants and the target of a sit-in must share an understanding of the complaint at hand. And a demonstrator's audience must know what is being resisted. In short, the contesting of an idea presumes some agreement about what that idea is and how one might go about intelligibly contesting it. In other words, contestation rests on some basic agreement or harmony.

#### And fairness comes first—absent fairness, debate as an activity would cease to exist.

Speice and Lyle 3 — Patrick Speice, Debater at Wake Forest University, and Jim Lyle, Director of Debate at Clarion University, 2003 (“Traditional Policy Debate: Now More Than Ever,” *Debater’s Research Guide*, Available Online at http://groups.wfu.edu/debate/ MiscSites/DRGArticles/SpeiceLyle2003htm.htm, Accessed 09-11-2005)

As with any game or sport, creating a level playing field that affords each competitor a fair chance of victory is integral to the continued existence of debate as an activity. If the game is slanted toward one particular competitor, the other participants are likely to pack up their tubs and go home, as they don’t have a realistic shot of winning such a “rigged game.” Debate simply wouldn’t be fun if the outcome was pre-determined and certain teams knew that they would always win or lose. The incentive to work hard to develop new and innovative arguments would be non-existent because wins and losses would not relate to how much research a particular team did. TPD, as defined above, offers the best hope for a level playing field that makes the game of debate fun and educational for all participants.

#### Fairness is a decision rule—it rigs the game and makes neutral evaluation by a judge impossible—their ability to pick the high ground is an inequality that ought to be eliminated.

Loland 2 [Sigmund, Professor of Sport Philosophy and Ethics at the Norwegian University of Sport and Physical Education, *Fair Play and Sport*, 95]

Rule violations are of several kinds. The long jumper who steps over the board has her jump measured longer than it really is. By illegally hitting a competitor on the arm, a basketball player ‘steals’ the ball and scores two points. I have argued that **without adhering to a** shared**, just ethos,** evaluations of performance **among competitors** become invalid**.** Advantages resulting from rule violations that are no part of such an ethos must be considered non-relevant **inequalities that ought to be** eliminated **or compensated for**. The argument is similar to that in the discussion of equality. This time, however, we are dealing not with external conditions, equipment, or support systems, but with **competitors’** **actions** **themselves**.

#### And constraints are more conducive to creative thinking—following the rules is key to argument innovation.

Gibbert et al. 7 — Michael Gibbert, Assistant Professor of Management at Bocconi University (Italy), et al., with Martin Hoeglis, Professor of Leadership and Human Resource Management at WHU—Otto Beisheim School of Management (Germany), and Lifsa Valikangas, Professor of Innovation Management at the Helsinki School of Economics (Finland) and Director of the Woodside Institute, 2007 (“In Praise of Resource Constraints,” *MIT Sloan Management Review*, Spring, Available Online at https://umdrive.memphis.edu/gdeitz/public/The%20Moneyball%20Hypothesis/Gibbert%20et%20al.%20-%20SMR%20(2007)%20Praise%20Resource%20Constraints.pdf, Accessed 04-08-2012, p. 15-16)

Resource constraints can also fuel innovative team performance directly. In the spirit of the proverb "necessity is the mother of invention," [end page 15] teams may produce better results because of resource constraints. Cognitive psychology provides experimental support for the "less is more" hypothesis. For example, scholars in creative cognition find in laboratory tests that subjects are most innovative when given fewer rather than more resources for solving a problem.

The reason seems to be that the human mind is most productive when restricted. Limited—or better focused—by specific rules and constraints, we are more likely to recognize an unexpected idea. Suppose, for example, that we need to put dinner on the table for unexpected guests arriving later that day. The main constraints here are the ingredients available and how much time is left. One way to solve this problem is to think of a familiar recipe and then head off to the supermarket for the extra ingredients. Alternatively, we may start by looking in the refrigerator and cupboard to see what is already there, then allowing ourselves to devise innovative ways of combining subsets of these ingredients. Many cooks attest that the latter option, while riskier, often leads to more creative and better appreciated dinners. In fact, it is the option invariably preferred by professional chefs.

The heightened innovativeness of such "constraints-driven" solutions comes from team members' tendencies, under the circumstances, to look for alternatives beyond "how things are normally done," write C. Page Moreau and Darren W. Dahl in a 2005 Journal of Consumer Research article. Would-be innovators facing constraints are more likely to find creative analogies and combinations that would otherwise be hidden under a glut of resources.

### Colonialism K

#### Rhizomatic metaphors perpetuate colonialism is the name of democratic politics. The theoretical tourism of the 1AC is an insult to people who must live mobility and displacement as more than a metaphor.

Caren **KAPLAN** Women and Gender Studies @ UC Davis **’96** *Questions of Travel* p. 85-89

Becoming Minor: Rhizomes and Nomads To bring language slowly and progressively to the desert. - Gilles Deleuze and Felix Guattari " While poststructuralism potentially deconstructs the power relations inherent in Euro-American humanism, the **metaphors of explanation** utilized by many poststructuralist critics reinforce and depend upon specifically modernist versions of **colonial discourse.** While Deleuze and Guattari do not construct the sort of metaphysical binaries that we have seen in Baudrillard's later work, their metaphorical mapping of space can be read within the context of Euro-American discourses of modernism, emphasizing the benefits of distance and the valorization of displacement. Indeed, I would argue that their privileging of "**nomadic**" modes relies upon an opposition berween a central site of subjectivity and **zones of marginality**. Thus their advocacy of a process of "becoming minor" depends upon the **erasure of the site of their own subject positions**. What links these European poststructuralist theorists of displacement, then, is the specificity of their modernist critical traditions along with an inability to account for the transnational power relations that construct postrnodern subjectivities. This said, Deleuze and Guattari's theories of territory mark significant departures in poststructuralist paradigms. The relative popularity of many of Deleuze and Guattari's concepts and terms in Euro-American literary criticism and philosophical studies prompts a rigorous reading of their collaborative texts. Associated with radical reworkings of philosophy, critiques of psychoanalytic practices, support for the Italian alltonoltlia political movements and the French avant-garde, Deleuze and Guattari have produced (separately and together) many of the most provocative and overtly political texts of contemporary French poststructuralism. Utopian articulations of the future share textual space with incisive critiques of the structure and operation of Euro-American modernity. It is precisely Deleuze and Guattari's emphasis on breaking out of or rupturing dominant social practices that both inspires and irks critics, leading to praise for their utopian vision as well as critiques of their tendency to romanticize the subjects of criticism." Deleuze and Guattari's texts vitally engage the context of EuroAmerican modernist experimentations in language and textual innovation even as they can be seen to be in tension with that very tradition. Indeed, their politically committed theorization of power relations challenges the dominant structures and practices of modernity. In their effort to imagine differently the social spaces and sites of subjectivity, Deleuze and Guattari theorize alternative kinds of identities and modes of dwelling that counter the fixed comrnodifications of capitalist relations. Unanchored to any specific historical formation, the radical displacement that is continually evoked in these texts is most often referred to as "deterritorialization." First theorized in Anti-Oediplls to describe the dislodging and dispersal of desire in modern capitalist formations, the notion of deterritorialization appears throughout the collective texts, including A Thousand Platealls and Kafka: Toward a Minor Literatllre. Linked to deterritorialization (and its corollary, reterritorialization), the production of "nomad" or "nomadic" theory signifies the importance of modes of displacement in Deleuze and Guattari's work. Deleuze and Guattari appropriate a number of metaphors to produce sites of displacement in their theory. The botanical metaphor of the rootlike "rhizome," for example, enacts the subjectivities of deterrirorialization: burrowing through substance, fragmenting into simultaneous sprouts, moving with a certain stealth, powerful in its dispersion. Rejecting the classic, Western humanist metaphors of family trees and genealogies, the rhizome destabilizes the conventions of origins and endings: "A rhizome has no beginning or end; it is always in the middle, berween things, interbeing, inlermf!il{o. The tree is filiation, but the rhizome is alliance, uniquely alliance."" As a metaphor for politics, then, the rhizome constitutes an anarchic relationship to space and subjectivity, resistant to and undermining the nation-state apparatus. From the rhizome to the nomad is not a far leap in the poetics of Euro-American poststructuralist theory. Like the rhizome, the nomadic subject symbolizes **displacement and dispersion.** In Deleuze and Guattari's work, the site of the desert, traditional home of the nomad, is not unlike Baudrillard's sublime, sidireal space: empry, liberatory, and a margin for linguistic, cultural, and political experimentation. For example, in their study of Kafka's poetics of alterity, Deleuze and Guattari make repeated reference to the desert as border or margin, linked to "underdevelopment," ''palois:' and a "third world."" Similarly, the nomad is likened to the "immigrant" and the "gypsy."'! In all of these allusions, modernity and posrrnodernity collapse into undifferentiated cultures; Euro-American (or even solely European) culture structures the point of view, **erasing temporal and spatial differentiations**. European gypsies and Third World immigrants share the same theoretical spaces not through structural relations of historically specific diasporas but through a kind of generalized poetics of displacement. In making recourse to the **metaphors of marginality and displacement**, Deleuze and Guattari attempt to displace the sedimented bulk of European humanist traditions. Their antihistoricism seeks to deconstruct classical lineages even as it may tend to homogenize or blur the kinds of differences upon which contemporary identity politics insist. Yet the utility of their methodology (which appears to be much more useful to Europeans and some North Americans-that is, to those who occupy the sites of domination in modernity) is always **generalized**. The Third World functions simply as a **metaphorical margin** for European oppositional strategies, an **imaginary space,** rather than a location of theoretical production itself. This kind of "othering" in theory repeats the anthropological gesture of erasing the subject position of the theorist and **perpetuates** a kind of **colonial discourse in the name of progressive politics**. In their emphasis upon linguistic "escape" and "lines of flight," Deleuze and Guattari roam into realms of nostalgia, searching for a way to detour Western civilization. Their theory of "becoming minor" evokes this Euro-American modernist move of utopian Right from the worst excesses of capitalism. "Becoming minor" is a strategy that only makes sense to the central, major, or powerful, yet it is **presented as an imperative for "us all**." Constructing binaries between major and minor, between developed and undeveloped, or center and periphery, in Deleuze and Guattari's collaborative texts modernity provides borders and **zones of alterity** to **tempt** the **subversive** **bourgeois/ intellectual.** Becoming minor, a utopian process of letting go of privileged identities and practices, requires emulating the ways and modes of modernity's "others." Yet, like all **imperialist discourses**, these spaces and identities are **produced through their imagining**; that is, the production of sites of escape or decolonization for the colonizer signals a kind of **theoretical tourism.** For these spaces of alterity are not the symbols of productive estrangement or disengagement for any other subjects. These imagined spaces are invested with subversive or destabilizing power by the "visitors," as it were. This theoretical activity doubles the metaphorical colonization of moderniry's margins and marginals - here colonial space must symbolize the imperialist past as a zone of utter alterity as well as the site of the liberation of the Euro-American subject. "Becoming minor" refers to the **center-periphery geopolitics of modernity** rather than the complex, transnational circuits of capital and power in postrnodernity. Thus when Deleuze and Guattari pose a "nomadology" against "history" they evince nostalgia for a space and a subject outside Western modernity, apart from all chronology and totalization. Their celebration of deterritorialization links the Euro-American modernist valuation of exile, expatriation, defarniliarization, and displacement and the colonial discourses of culrural differences to a philosophy that appears to critique the foundations of that very tradition. Deleuze and Guattari can be read as "high modernists," then, privileging language experimentation over all other strategies. Their model of deterritorialization, like most Euro-American modernist versions of exilic displacement, stresses the freedom of disconnection and the pleasures of interstitial subjectivity. Yet deterritorialization itself **cannot escape** colonial discourse. The movement of deterritorialization colonizes, appropriates, even raids other spaces: "Write, form a rhizome, increase your territory by deterritorialization, extend the line of flight to the point where it becomes an abstract machine covering the entire plane of consistency."" Deterritorialization is always reterritorialization, an increase of territory, an imperialization. The nomad serves as the site of this romanticized imaginary entry into the "becoming minor" of deterritorialization. In going "from one point to another" in the process of distributing "people (or animals) in an open space," nomads have "absolute movement," as distinct from migrants, who move in more determined and located ways. Paradoxically, the nomad can be seen to be the one who "does not move" in that the nomad's movements cannot be tracked or linked to a starting or end point. Like the metaphor of rhizome, nomadism signifies the inverse of dwelling or being and celebrates the intemezzo zone. As a symbol of utter and complete deterritorialization, the nomad does not engage in the reterritorialization that Deleuze and Guattari describe as a necessary component of language (the rerum of sense after the experimentation of "becoming minor"). The nomad in Deleuze and Guattari's texts embodies the practice of shifting location, vectors of deterritorialization, a "local absolute": "an absolute that is manifested locally, and engendered in a series of local operations of varying orientations: desert, steppe, ice, sea.""

#### Nomadism and the rhizome can’t be dissociated from their colonialist source – the 1AC endorsement can’t be separated from the colonial sources and images used by Deleuze and Guattari.

Christopher **MILLLER** Frederick Clifford Ford Professor of African American Studies and French **‘3** “"We Shouldn't Judge Deleuze and Guattari": A Response to Eugene Holland” *Research in African Literatures* 34 (3) p. 131-135

Holland is unwilling to avow-he is in fact in headlong flight away from-the central contradiction of nomadology and of the Deleuze movement as a whole. On the one hand Deleuzians claim to have left humanism and anthropocentrism entirely behind. As Holland put it in an earlier article: in A Thousand Plateaus, "the last traces of humanism and anthropocentrism have disappeared"(H D 59; emphasis added). On the other hand, readers can see the indelible imprint of anthropocentrism and humanism on Deleuze and Guattari's own work. As I will argue below, Deleuzians sometimecs ontradict their own claim of complete detachment from the real and the actual. The claim to have left the real, humanism, and anthropocentrism behind is precisely what I called into question in my essay; it is a claim that (still) does not bear much examination. Holland now wants to hide what he actually promoted in his earlier work on A Thousand Plateaus: what he called the "remarkable contributions" of that book to a variety of fields including "comparative anthropology" (H2 64). That statement is **meaningless** as **anything less** than an **endorsement** of the value of the **representational**, referential (or supposedly pseudo -representational, pseudo -referential) **statements** made in A Thousand Plateaus about nomads, Africans, Asians, women, sorcerers, and yes, Guinea and New Guinea. Absent some (implausible) redefinition of comparative anthropology as "non-referential," which Holland has not proposed, that unguarded statement gives the show away. As I said in my essay, Deleuze and Guattari in fact could have abandoned the real and the representational, but they **chose not to.** They insisted on "contact with the real"-in what I call their referential tease. So they went to the library in order to populate their works with nomads, "Negres," Indians, Chinese, leopard-men, women, and wolves-"primitives" in their estimation, things they love! That **choice has consequences** which Holland does not want to face. But to ignore those consequences, which were the subject of my essay, would be wrong. Mokhtar Ghambou's new work, which I will discuss below, makes this clear in a broader frame. It is in the name of philosophy that Holland frames his defense of A Thousand Plateaus: Deleuzo-Guattarian philosophy is "the very process of creative concept-construction" (H 164); therefore **"we shouldn't judge Deleuze and Guattari on the 'accuracy' of their concept of nomads**" (H 164).7 Philosophy, in this view, is creative and non- or self-referential; Holland quotes Deleuze's What is Philosophy?": [T] he [philosophical] concept [...] has no reference; it is self-referential8H`o lland himself states: "The purpose of philosophy is not to represent the world [...]" (H163). Philosophy is the very means by which the virtual is created and the real, the actual, and the referential are left behind. Science, on the other hand, is referential. Holland writes: "Deleuze and Guattari are categorical: 'Nowhere do we claim for our concepts the title of science [ . .]"' (H 163). But the problem is more complicated than a simple opposition between philosophy and science. If this binary opposition were the full extent of Deleuze and Guattari's philosophy-even from their own standpoint, even from the standpoint of Deleuze's philosophy as a whole, philosophy would simply be transcendental having **no connection to the real world.** But that is clearly not what Deleuze and Guattari (and Holland) claim. No, they **want it both ways**: for example, "To propose a 'pure idea' of nomads mixed with 'actual' information" (M 198). The Deleuzian framework stipulates a condition of semi-detachment between the virtual and the real. This can be seen in Deleuze and Guattari's works, in Holland's essay, and in works by other Deleuzians. Holland, for example, states that concepts (which are virtual, philosophical) are "derived from" the real and the historical, but through a process other than representation (H 164). There are, Holland writes, "numerous points of 'contact with the real"' (H 164).9 Paul Patton, in his book Deleuze and the Political, initially asserts that Deleuze and Guattari's "work"-without qualification, their entire oeuvre "is couched entirely in non-subjectivist terms and refers only to abstract lines, movements and processes of various kinds" (3); yet several pages later he partially reattaches their work to reality: "The idea that philosophy creates concepts that are inseparable from a form of life and mode of activity points to a constant dimension of Deleuze's conception of thought and philosophy. It implies that the test of these concepts is ultimately pragmatic: in the end, their value is determined by the uses to which they can be put, outside as well as within philosophy."'So , in the Deleuzian universe, the "derivation" of the philosophical and the virtual from the real and the historical, and the continuation of contact between the two, will come and go. **Now you see it, now you don't**.11 But, in Holland's view (although not in Patton's), **we are not allowed to call the mechanics** and the **actual epistemology** of that "derivation" into question-nor to look too closely or at too great a length at those "points of contact." We are apparently not supposed to ask if any traces of science remain in their philosophy. The points of contact are insisted on, yet any consequences of that contact are **disavowed**.12 As Peter Hallward explains, for Deleuze, a "creative virtuality is 'extracted' from an actual state of affairs."13S o the issue is simple: My essay was concerned with **the implications of that act of extraction**, with the refractions of meaning that took place at the "points of contact" between A Thousand Plateaus and its sources. At those points, strange things happen: ethnographic authority is exerted even as it is denied; the real comes and goes; the shadow of colonialism fades in and out; New Guinea is transposed to Africa.... Legitimate subjects of inquiry and debate, I think. After all, as Patton writes, "concepts [even, presumably, Deleuzian ones] have a history, which may include their history as components of other concepts and their relations to particular problems" (Deleuze and the Political 13). Thus nomadology, as Patton readily acknowledges but Holland does not, has a **history in colonialism**. Through it all, Holland expects us to subscribe to a nearly **complete epistemological disconnect** between philosophy and science-with Deleuzian philosophy **neatly absolved** of any involvement in representation or history. This is **not credible.** Holland is free to believe in his "relation between concepts and reality that would not be representational, scientific" (H 163), but he is **not empowered to dictate the terms of that relation for everyone else**. His essay reflects an attempt to police the borders of Deleuzian thought and repress renegade interpretations that call the State of Purely Virtual Philosophy into question. He knows perfectly well that I did not deny the value of the virtual in my essay but rather questioned its instantiation in A Thousand Plateaus and in the works of its disciples. Even if it were possible in theory, that disconnect between philosophy and science is certainly not legible in A Thousand Plateaus-quite the opposite. It is significant that no taint from colonialist sources troubles Holland's reading of A Thousand Plateaus; Deleuze and Guattari are above all that, because they do not represent. And how do we know that they do not represent? Because they say so, and because Holland repeats their claim; and that brings us to the key issue of authority, which is really what this debate about representation revolves around. My argument about representation is the following: that only the enforcement of an orthodoxy prevents one from reading the cultural statements in A Thousand Plateaus as nonrepresentational. It is only by fiat-an arbitrary act of authority-that the actual, historical, and ethical implications of A Thousand Plateaus can be dismissed from consideration. It is thus only as an act of authoritative assertion (and not reasoned argument) that one can maintain statements like those that Holland makes: "He [Miller] claims it is representational; they [Deleuze and Guattari] insist it is not"; "Deleuze and Guattari do not make 'anthropological statements of their own"' (H 163, 164); or again, "the last traces of humanism and anthropocentrism have disappeared" (H2 59). Who is empowered to decide what is representational and what is not? When A Thousand Plateaus refers us to "studies on leopard-man societies, etc., in Black Africa," in a footnote that relies exclusively on a colonizer's account of the phenomenon (539 nll/297n), are we really supposed to take the leopard-men as purely virtual, philosophical concepts that sprang from the heads of Deleuze and Guattari without representation? To banish all thoughts about Belgian colonialism in the Congo (see M 193-96)? Only an act of willful blindness permits such a reading. Based on what criteria (other than obedience to the word of the masters) would one read the leopard-men and the thousands of other people discussed in A Thousand Plateaus as purely virtual? Holland is silent on this. When Deleuze and Guattari assert that their philosophy is not representational, Holland dutifully intones: "not representational!" (H 170 nO1). Because Deleuze and Guattari are "categorical" (H 163) in their insistence that their concepts are not scientific, Holland expects us to take that disclaimer at face value and abandon all critical inquiry into the possible traces of "science" in their "concepts." His method consists of applying the precepts of Deleuze and Guattari's thought to all readings of their works; that is for him the only true form of "understanding." I call that orthodoxy, not understanding. Only an "authority literally and explicitly beyond discussion, beyond appeal"14 (a Deleuzian authority ) -and beyond the kind of critique I offered in "Beyond Identity"-can make all this happen. This certainly runs counter to the famously antiauthoritarian, unorthodox, "open" reputation of Deleuze and Guattari's work.15

#### Their focus on rhizomatic mobility brings colonial political baggage. Privileging mobility as liberatory empowers elite, white, settler groups.

Julie **WUTHNOW** Gender Studies @ Canterbury (New Zealand) **‘2** “Delezue in the postcolonial: On nomads and indigenous politics” *Feminist Theory* 3(2) p. 185-188

The nomadic subject, as it appears in contemporary theory, draws on the work of Gilles Deleuze and Félix Guattari, and begins to take shape in an essay entitled ‘Nomad Thought’ (published in French in 1973), but most influentially in their work entitled A Thousand Plateaus: Capitalism and Schizophrenia (1987). Nomad thought is perhaps most easily understood at the outset in terms of what it is not: Deleuze and Guattari position themselves as disrupters of models of thought and subjectivity that serve as supports to the unified, coherent and orderly state. To quote from A Thousand Plateaus: The State as the model for the book and for thought has a long history: logos, the philosopher-king, the transcendence of the Idea, the interiority of the concept, the republic of minds, the court of reason, the functionaries of thought, man as legislator and subject. The State’s pretension to be a world order, and to root man. (Deleuze and Guattari, 1987: 24) The key terms here are ‘order’ and ‘root’; Deleuze and Guattari associate these with hierarchy and domination and with the interiority of the deep subject who exists in dualistically structured separation from the concepts and objects it surveys. They go on to explain: ‘Binary logic is the spiritual reality of the root-tree . . . this system of thought has never reached an understanding of multiplicity’ (1987: 5). The use of language such as ‘binary logic’ and ‘multiplicity’ brings us onto familiar terrain. Addressing the thorny issue of how to theorize and implement alternatives that make space for multiplicity and overturn hierarchical systems could be considered one of the most central issues of contemporary thought, and it is to this concern that nomad thought addresses itself: ‘Nomad thought’ does not lodge itself in the edifice of an ordered interiority; it moves freely in an element of exteriority. It does not repose on identity; it rides difference. . . . The concepts it creates do not merely reflect the eternal form of a legislating subject, but are defined by a communicable force in relation to which their subject, to the extent that they can be said to have one, is only secondary. Rather than reflecting the world, they are immersed in a changing state of things. (Massumi, 1992: 5) These passages indicate the positioning of nomad thought firmly within the realm of poststructuralist thinking, and Rooted Reasonable Man is overtaken by the vague apparition of a nomad who can only loosely be referred to as a subject and who exists as force, movement, difference, change. Nor can this nomad be said to be embodied in any conventional sense. Deleuze and Guattari propose instead the notion of the ‘body without organs’, linked directly to nomadism (1987: 159), which they juxtapose with the ‘organism’ that operates as ‘the judgment of God’ (1987: 159). Much like the nomad itself, the body without organs is linked to passage (1987: 158) and experimentation (1987: 150–1) and ‘is not a scene, a place, or even a support upon which something comes to pass’ (1987: 153). The body without organs ‘is made in such a way that it can be occupied, populated only by intensities’ (1987: 153). Thus, the nomadic subject, to the extent that it approaches the ideal of the body without organs, is unmarked, unlocatable and disembodied by virtue of its grounding only in movement and intensities, a theme that will become highly significant later in this discussion. Yet, for Deleuze, the emphasis always rests on themes of multiplicity, difference and the deconstruction of binaries. There is much that is attractive about this model and potentially of value in projects such as the decolonization of indigenous peoples and the dismantling of patriarchal systems. Feminist writers as diverse as Susan Griffin (1980), Luce Irigaray (1985) and Judith Butler (1990) have identified binary thinking as central to the maintenance of hierarchical systems ofdomination. Likewise, a number of postcolonial writers have elaborated the linkage between modernist or Enlightenment thinking based on binaries and discourses that have justified colonization in the name of progress (Barker, 2000; Braidotti et al., 1994; Escobar, 1995; Ivison et al., 2000). One could say that it is the Rooted Reasonable Man of the West who has been responsible not only for the oppression of women, but also for the colonization of the Dark Primitive Other. But is the nomad’s ostensible deconstruction of binaries an adequate response to the task of undoing the violence based on these categorizations? A number of critics suggest otherwise. In Questions of Travel, Caren Kaplan calls for ‘versions of poststructuralism that destabilize colonial discourses as overtly as they deconstruct logocentrism’ (1996: 24). She also argues that postmodern/poststructuralist configurations may not be as far removed from their modernist forebears as one might assume, and refers to ‘[t]he interdependency of modernist and postmodernist techniques of representation’ (1996: 10). In order to disrupt these unwitting reproductions of the modern and their concomitant associations with imperialist projects, one of the strategies Kaplan advocates is a **historicization** of terms such as ‘**nomad’** and ‘traveller’ in order to discern their **operation within colonialist discourses**. Radhika Mohanram’s discussion of racialized embodiment begins to give a sense of why this task is important and what is at stake if it is neglected. According to Mohanram, disembodiment and mobility have a long history as significant features of constructions of the subjectivity of **white settlers in colonial contexts**, something that becomes particularly evident when they are juxtaposed with indigenous peoples constructed as embodied, immobile and objectified: While the indigene’s body comes into being and is shaped by native bioregions, the settler as exotica spreads like a weed but becomes disembodied not only because he is not in his native bioregion, but also because the Europeanization of the Neo-Europes makes the European the Universal Subject. . . . The Caucasian is disembodied, mobile, absent of the marks that physically immobilize the native. (Mohanram, 1999: 15) By **failing to** **historicize** the concept of mobility and its links to concrete practices of colonization, models of subjectivity that embrace nomad thought as a defining feature necessarily bring very **problematic political baggage along for the ride.** As mobile and disembodied, the nomadic subject is not locatable; as unlocatable, the nomadic subject **cannot be held accountable for its social location**, whether it be one of privilege or marginalization. The notion of the ‘politics of location’ is one that has circulated for some time among feminist thinkers and is worth investigating in relation to Rosi Braidotti’s well-known feminist figuration of the nomadic subject (1994a), a figuration that draws explicitly on Deleuze and Guattari’s notion of nomad thought.3 Adrienne Rich first brought the term to attention in 1984 in an article entitled ‘Notes toward a Politics of Location’ (1986). In this work, Rich discusses questions of centrality and marginalization, oppression and privilege along various axes of identity, but she places particular emphasis on her location as a white woman within white-dominated feminism. Rich calls on white women to become accountable for their position of privilege in white-dominated society, while at the same time struggling against their marginalization as women. In her words, ‘we . . . marginalize others because our lived experience is thoughtlessly white’ (Rich, 1986: 219). By keeping her critical lens focused not only on the relative social positionings of women and men, but also on how women are differently positioned among themselves, Rich keeps the question of location central to her analysis and never forgets the potential for feminism to exclude or oppress in the name of a generic ‘women’s movement’.

#### Universalizing nomad subjectivity devalues non-Western ways of knowing and Being.

Julie **WUTHNOW** Gender Studies @ Canterbury (New Zealand) **‘2** “Delezue in the postcolonial: On nomads and indigenous politics” *Feminist Theory* 3(2) p. 188-190

Being accountable to a robust notion of location is a move that Braidotti also claims to make within her model of nomadic subjectivity, and she evokes Rich quite explicitly as she gestures in the direction of location (1994a: 237). Yet, in practice, Braidotti’s work is noticeably **inconsistent** on this subject. At a number of points in Nomadic Subjects (1994a), she emphasizes the importance of feminists claiming a location, for instance in her comment that ‘The key to feminist nomadic politics is situatedness, accountability, and localized or partial perspectives’ (1994a: 196). Yet, in another passage, she draws on Virginia Woolf’s work, writing ‘What [women] have in common . . . is that they have no country to call their own. Equally home-less’ (1994a: 253). In what sense can this be true? How can this statement be interpreted as being accountable for one’s location? The contrast with Rich is striking, who, in drawing on the same passage from Woolf, argues that ‘As a woman I have a country; as a woman I cannot divest myself of that country merely by condemning its government or by saying three times “As a woman my country is the whole world” ’ (Rich, 1986: 212). Through her inconsistent attention to questions of accountability and location, Braidotti perpetuates a model of subjectivity that carries with it important features of the unmarked western ‘universal subject’, thereby reproducing important aspects of the colonizing discourses referred to by Kaplan and others. It is interesting to note that Braidotti has been critiqued on this point by writers such as Mohanram (1999), Irene Gedalof (1996) and Dick Pels (1999), yet the critiques do not appear to have altered her stance. Gedalof argues that: to put all the emphasis on the going, on the transgressing of boundaries, is to sidestep the question of place in the construction of a sense of self. . . . To be marked by one’s race or ethnicity, as are women of colour and ‘post-colonial’ women in a world which takes whiteness and western-ness as the invisible, unmarked norms, is to be ‘placed’ in ways that Braidotti’s nomad never is. (1996: 192) In response to a similar critique by Dick Pels, Braidotti reiterates her position, yet with decidedly equivocal results: ‘a location is an embedded and embodied memory. It is a set of counter-memories which are activated by the resisting thinker against the grain of the dominant representations of subjectivity’ (Braidotti, 1999: 89). That a location would be an embedded and embodied memory does not seem problematic, yet it is worth asking why Braidotti positions these memories as necessarily counter-memories that ‘go against the grain’ of dominant representations. This formulation seems to preclude the possibility that the nomadic subject might be positioned as a privileged subject who may be completely comfortable with hegemonic representations. Such a presumption of innocence is worrying and falls far short of locating this nomadic subject according to the terms laid out by Rich. Braidotti makes a similar move a few pages later in relation to a discussion of accountability, where she refers to ‘a yearning or desire for change’ (1999: 92) embedded in the practice of accountability, which again seems to take for granted that the nomadic subject wishes for progressive political change. That any subject would necessarily be desirous of change with respect to aspects of identity that grant them privilege – for instance, whiteness – seems extremely dubious. While privileged subjects may indeed attempt to change or subvert aspects of identity that grant them privilege (for instance, Adrienne Rich’s attempts as a white woman to subvert white privilege), the path to such change is far from transparent or simple, and to presume that all such (feminist?) subjects will necessarily attempt and succeed in disavowing privilege is both theoretically and practically untenable. Accountability to location requires vigilance rather than presumption, and Braidotti is again highly selective in the ways in which she holds the nomadic subject accountable to ‘location’.4 Thus, the claim by Gedalof and others that her version of the nomadic subject is universalized and occupies the ‘unmarked norm’ in important respects holds considerable merit. Given Braidotti’s somewhat ‘orthodox’ application of Deleuzian thinking, this outcome is not surprising: according to Kaplan, a universalized and unmarked nomadic subject is logically consistent with the ways in which the model has been constructed. In her words: [Deleuze and Guattari’s] privileging of ‘nomadic’ modes relies upon an opposition between a central site of subjectivity and zones of marginality. Thus their advocacy of a process of ‘becoming minor’ depends upon the erasure of the site of their own subject positions. (Kaplan, 1996: 86) This erasure also has important implications for locating the production of knowledge. More specifically, it marginalizes ‘local knowledges’, that is, knowledges that are relegated to the periphery of hegemonic epistemologies by virtue of their ‘otherness’ to a universalized West. Epistemologies might be rendered peripheral or ‘local’ by virtue of being generated by the ‘wrong’ race, class or gender; more significantly for this article, they are also marginalized by virtue of emanating from the colonized other of the West. This is a theme that has been explored in some depth in Gayatri Spivak’s well-known essay ‘Can the Subaltern Speak?’ (1988), and Elspeth Probyn (1990) draws heavily on this work in her discussion of ‘the local’. Probyn formulates a definition of ‘location’ that begins to draw out the significance of the politics of knowledge and its linkage to colonized discursive spaces. It is . . . through a process of location, of fixing statements in relation to other established statements, that knowledge comes to be ordered. It is through thisprocess that the knowledges produced in locale are denigrated as local, subaltern, and other. (1990: 185) The nomad cannot simply define herself as outside of this political ordering of knowledge and, through inattention to the implications of her own positioning as another rendition of the universalized western subject, the nomad p**erpetuates the hegemony of western ways of knowing and being:** ‘[the] nomad . . . is posed as unthreatening, merely passing through; however, his person has questionable effects . . . the nomad camouflage[s] the theoretical problematic of the ontological implications of Western subjecthood’ (1990: 184). Thus, knowledges that could be characterized as ‘local’ are marginalized, adding further weight to the argument that Braidotti’s notion of the **nomadic subject disempowers effective indigenous politics.**

#### Rhizomatic resonance is the new black. The aff’s rhetoric of creativity, shattering limits, and the mobility of the rhizome is just a worn-out intellectual performance.

Dick **PELS** Sociology @ Brunel **’99** “Privileged Nomads” *Theory Culture and Society* 16 p. 71-73

Nomadic Narcissism

The previous accounts are not simply suggestive of the cognitive force but also begin to clarify the knowledge-political risks which are inscribed in the long-standing connection between the condition of outsidership and the vocation of social criticism. Indeed, the association has proven to be as misleading as it has been suggestive. While detachment from local beliefs and set conventions has legitimately been viewed as an epistemic precondition for accessing new, different types of knowledge and styles of thought, intellectuals have typically also flirted with strangeness and marginality. They have been led to transmute bohemian self-fascination and self-complaint into political apology and **self-aggrandizement**, and have often staked their historical bids for power and privilege upon their self-appointed spokespersonship for larger classes which they projectively construed as marginal and estranged. The Marxian view of the proletariat only represents the most familiar of such self-denying and simultaneously self-magnifying projections. The appointed and summoned subject of the historical transformation (but **who effectively issues the summons**?), is defined in such a manner as to **obliquely refract** the most salient social and psychological characteristics of the ‘critical’, estranged, **nomadic situation** of the revolutionary intellectual himself (Pels, 1998). The risk involved in the epistemic conjugation of intellectuality and marginality is therefore effectively the same as the constitutional paradox which traverse all representational practices, the universal danger that resides in the very logic of speaking for others: which is to disregard the inevitable hiatus between representer and represented, and to underestimate the existential ‘strangeness’ which persists between spokespersons and those who (or that which) is spoken for (the working class, the fatherland, the seals, the ozone layer, Planet Earth, the innocent unborn, etc.). It hence **subsumes crucial positional differences** under a postulate of *identity* which camouflages the particular interests of the representers, precisely by projecting them as more general or even universal ones (Pels, 1993). Closer scrutiny of such attempted camouflage reveals, in Bauman’s lucid terms: …the uncanny resemblance the stage actors of ideological scenarios bore to the intellectual scriptwriters. Whoever happened to be named as the sitter in a given potrait-painting session, the product was invariably a thinly disguised likeness of the painter. In organic ideologies, the intellectuals painted their self-potraits, though only rarely did they admit this to be the case. (Bauman, 1992: 1). This is what Robert Michaels (1987: 147) already referred to as the *effect de mirage* of spokespersonship, and what Bourdieu has more recently analysed as the ‘mystery of ministry’, the **mistaken identity** which intellectual spokespersons postulate on the basis of the **structural homology** between their own **contradictory position** as the ‘**dominated dominants’** in the fields of cultural and political power, and that of the dominated *tout court* in the broader social field, or the field of social classes. This homologous position feeds a (symbolically effective) misrecognition of the fact that spokespersons always also speak for themselves in the act of speaking for others (Bourdieu, 1991: 182-3, 214-6, 243-8). The postmodernist **narrative of nomadism**, despite its deep-lying suspicion about generalizing the particular and its incantation of difference, still liberally permits such a camouflage to unfold into a new version of intellectualism, or a new ‘**narcissism of the intellectuals**.’ Construing the migrant, exile or nomad as **alter ego** of the modern intellectual, or beyond this, as a **privileged metaphor** for modern subjectivity, often leads towards an intellectualist domestication and appropriation of the experiences of ‘real-life’ migrants or exiles, while it simultaneously euphemizes the comparatively settled, sedentary, and privileged situation of academics, who are invited to indulge in fictions of social ‘weightlessness’ and dreams of perpetual transcendence in **boundary-breaking journeys** of the critical mind. **Metaphorizing the nomad** easily induces affectations of estrangement which support an exaggerated and **self-complimentary rhetoric of creativity and innovation**. In this respect, the self-stylization of intellectual nomadism is only the latest ‘character mask’ of academics settled and salaried enough to be able to flirt with uncertainty, mobility and radical individuality, while in reality their movements are comfortably bracketed in terms of job independence, somewhat more adventurous holidays, larger chunks of free time, **speeding across the electronic highway** and institutionally paid transcontinental flights. The jet set intellectual may well imagine himself a true nomad in body and spirit, ‘like a rolling stone’, avid for new experiences and new ideas; but often his practical mobility does not extend very far beyond the airport lounges which he transits en route towards another international meeting of his peers. Border-crossing, if it does not refer to such banal situations, usually boils down to little else but a well-intended resolve to **disregard the limits of one’s home discipline** (in efforts towards transdisciplinarity which have meanwhile become a common staple of modern academic life) or, maximally, shuttling between and combining different styles of writing. This new narcissism (of bourgeois posing as bohemians, of the ‘classy’ posing as *déclassé* of the comfortably settled imagining themselves to be reckless risk-takers) is easily complicitous with new forms of political correctness, as soon as the metaphorics of nomadism also facilitate identification between such counterfeit strangers and ‘real-life’ migrants, refugees, guest workers or illegal aliens, feeding **vanguard illusions** which are structurally comparable with those which are promoted by the allegedly defunct grand narratives of modernity. Especially if identities are claimed which accumulate several indices of alienation, such as Jewish, gender-oppressed, politically dissident or ethnically migrant background, symbolic profits are rife; living in the crossfire of such multiple oppressions is often said to make for enhanced epistemic reflexivity and legitimacy of spokepersonship. But even such multiplied or kaleidoscopic nomads do remain *intellectuals* who purport to speak in the name of others; and as such, easily tend to ignore and euphemize their own specific ‘strangeness’, the specific sociological difference which they make as professionals of the mind and the word. (Another romantic strategy is to magnify a rather quiet index of alienation, such as indifference towards specific academic mores, or vague political cynicism, into an indicator of generic bohemianism or outsidership.) Once again, we encounter the *pars pro toto* logic which we have identified as constituting the ‘original sin’ of representation: the logic of identification which conjures away the strangeness of the representer over against the represented, precisely by metaphorically representing him as a generic stranger.

#### Metaphors of freedom as mobility support anti-democratic development politics.

Elizabeth **PRITCHARD** Religion @ Bowdoin **‘2K** “The Way Out West: Development and the Rhetoric of Mobility in Postmodern Feminist Theory” *Hypathia* 15 (3) p. 45-47

Gillian Rose asserts that "Feminist writing makes use of spatial images extraordinarily often" (Rose 1993, 140). Susan Hanson and Geraldine Pratt argue that feminist theories of identity and femininity narrate spatial stories that tell of the oppressive containment or the liberating mobility of women (Hanson and Pratt 1995, 16-22). Caren Kaplan writes, "Such a concern with location and space, with rooms of one's own, with expanding 'home' from the domestic to the public sphere, has been one of the hallmarks of Western feminist practice" (Kaplan 1994, 137). This correlation of liberation and mobility appears to be a matter of common sense; after all, could a narrative of women's advancement tell a spatial story of women's containment? Hardly. But this correlation of liberation and mobility raises at least three important questions. First,if the affirmation of mobility is partly enjoined as a feminist strategy of deconstructing the conceptual binaries that constrict women's identities, what about the binary that associates **liberation and development with mobility** and links oppression and underdevelopment with containment or stasis? Second, why would feminists enjoin mobility, per se, as the measure of progress? If it would be passing strange that a story of women's development tell of our containment, why is it not just as jarring to have dislocation be the story of women's development? And third, ought feminists to rely upon a flattened narrative of mobility given women's very different experiences of mobility in the context of late capitalism? In what follows, I address these questions as part of my thesis that some feminist postmodern theorists reinscribe a problematic logic of development **without** **necessarily** **using** **the word** "development."This logic of development is concealed in some postmodern feminist theorists' use of metaphors of mobility. I maintain that the use of these metaphors reveals an affinity to an Enlightenment strand of Western narratives of development. Moreover, I demonstrate how this rhetoric of mobility has provided ideological justification of Western development of the so-called Third World and how it fashions a **utopian politics** that is **anti-democratic** and thus inimical to a feminist emancipatory politics. Before I describe this Enlightenment narrative or logic of development, I must say a word about the phrase "narrative (or logic or discourse) of development." By this phrase I mean the ideological assumptions, associations, images, and metaphors that inform and justify meanings and practices of development. Narratives of development bear traces of philosophical, social, political, and economic genealogies. But deciphering such traces is no small feat. In attempting to define "development," Gustavo Esteva gives voice to the difficulty of this task: "There is nothing in modern mentality comparable to it [development] as a force guiding thought and behavior. At the same time, very few words are as feeble, as fragile and as incapable of giving substance and meaning to thought and behavior as this one" (Esteva 1992, 8). Similarly, Wolfgang Sachs asserts that "By now development has become an amoeba-like concept, shapeless but ineradicable. Its contours are so blurred that it denotes nothing-while it spreads everywhere because it connotes the best of intentions" (Sachs 1992, 4). It seems that many theorists would agree that development "is a normative term without an agreed definition" (Harrison 1988, 154). Its normativity consists in the fact that it is inseparable from a sense of improvement, advance, or progress. Indeed, Esteva concludes that development ". . . implies a favourable change, a step from the simple to the complex, from the inferior to the superior, from the worse to the better" (Esteva 1992, 10). "Development" is, then, a capacious category. And, hence, any narrative which describes a change for the better may be taken as a narrative of development- even if the word "development" does not explicitly appear. In the Enlightenment narrative of development that I shall describe, the root metaphor of development is mobility; more specifically, this narrative tells of an escape or exit from a locatedness that is deemed to be restrictive.' Locatedness suggests confinement, enclosure, or the stasis of "tradition." Consequently, "**development**," in this schema, **does not entail arriving at some particular "place."** Indeed, a representation of what development should look like **cannot be supplied**; such an endeavor smacks of the **closure and stasis**, the **territorial logic,** associated with locative-that is, **backward-parochial traditionalist thinking**. To be enlightened, modem, and developed is to eschew all boundaries-boundaries bespeak backwardness.2 When postmodern feminists deploy metaphors of mobility and displacement and repudiate the closure or fixity of patriarchy and/or modernity, they unwittingly betray the legacy of this Enlightenment logic of development. Postmodern feminist critiques of the Enlightenment have largely focused on disclosing the gender, race, and class biases of the supposedly "universal subject" of the Enlightenment. In so doing, these feminists have revealed the exclusive location of the vaunted "view from nowhere." This insight into the locatedness of the Enlightenment subject is, however, a perennial hobby of Enlightenment, that is, smoking out the parochialism of pretenders to the boundarylessness of the universal. Indeed, Enlightenment thinkers and postmodem feminists share a common language: the description of what they oppose or have left behind as static and closed and their siding with that which represents mobility and openness. For both, progress or development consists in a more extensive reach, a more dynamic and mobile subjectivity. My aim in pointing out a rhetorical linkage between Enlightenment and postmodern feminist theory is not simply to argue that postmodernity is really modernity or to urge feminists to disavow all talk of movement. I wish neither to valorize Enlightenment nor to ignore the very real constraints imposed by various traditions. I am not simply inverting the binaries of mobility and stasis or Enlightenment and postmodernity. Rather I wish to focus attention upon the constellation of mobility, development, modernity and postmoderity, so that feminists may become "accountable for [our] investments in cultural metaphors and values" (Kaplan 1994, 139). Becoming accountable for such investments includes an examination of the concealed development logic that inheres in talk of mobility, a development logic that is recapitulated in the insistence upon the rupture of the so-called "post" modem. To examine such a logic requires that one linger a while over "Enlightenment" and avoid shorthand and dismissive readings of something one desperately wishes to get over, to get past, to get outside of, to develop beyond. In doing so, my aim is to contribute to an understanding of "how dominant power realizes itself through the very discourse of mobility" (Asad 1993, 10). To that end, I demonstrate how the discourse of mobility has provided rhetorical justification of Western development of the so-called Third World.

#### The logic of freedom as mobility undermines democratic politics. Openness becomes an end in itself. We need concrete moments of closure to institutionalize democratic participation.

Elizabeth **PRITCHARD** Religion @ Bowdoin **‘2K** “The Way Out West: Development and the Rhetoric of Mobility in Postmodern Feminist Theory” *Hypathia* 15 (3) p. 60-61

The third way in which a feminist reinscription of the development logic of mobility jeopardizes women's well-being is that a fixation on development or liberty as escaping or exiting the "closure" entailed in various locations reinscribes a utopianism that jeopardizes the possibility of a politics directed toward constructing an **alternative and liveable world.** And here again, some postmodern theorists betray the legacy of the Enlightenment. The dislocated mobile subjects of the Enlightenment are "at home" in a utopianism that **defers the burden of the definitions**, representations, and affiliations **necessary** for **democratic political action**. Such burdensome tasks are seen to threaten closure- and hence are repudiated. Reinhart Koselleck argues that a legacy of the Enlightenment is the persistence and pathology of utopianism (Koselleck 1988). The tradition of Enlightenment critique arises in the context of political absolutism that is instituted in the wake of religious wars. Setting themselves against the constraining tendencies of absolutism, the Enlightenment thinkers, whose field of action is a "single global world," engage in a "ceaseless movement" of depersonalized critique within the horizon of an "open-ended future."This produces a utopian self-conception whereby "modern man is destined to be at home everywhere and nowhere" (Koselleck 1988, 5). The error in this legacy of modernity, according to Koselleck, is that **an unpolitical position of utopianism is mistaken as a political position**. The Enlightenment thinkers were unwilling to take responsibility for history by formulating **concrete policies and goals** and designing and joining social and political institutions; instead they resorted to polar positions as persons who negate present realities and dream of a future they are powerless to realize. In their espousal of utopianism, some postmodern feminist narratives again betray their fidelity to a concealed Enlightenment narrative of development. A strand of postmodern feminist rhetoric not only reduces advancement to a "way out" of a confining reality-in this instance patriarchy and not the monarchical absolutism decried by the Enlightenment philosophers-it also forbids the representation of the elsewhere evoked by this reference to a "way out." In other words, fixation on a "way out" forbids the sketch of a "way in" to somewhere else. Describing the efforts of French postmodern feminists, Drucilla Cornell writes:" Utopian writing reaches out to the impossible in the flight from the enclosed reality of the [masculine] symbolic .... Utopian thinking demands the continual exploration and re-exploration [sounds like Western expansionism]o f the possible and yet also the unrepresentable (C" ornell 1991, 163, 169; italics added). The monotonous ode to mobility or dislocation as the measure of development precludes the representation of an alternative development. Luce Irigaray advises women: "... don't congeal your dreams or desires in unique and definitive representations. You have so many continents to explore [also sounds like Western expansionism] that if you set up borders for yourselvesy ou won't be able to 'enjoy'a ll of your own 'nature"'( Irigaray1 985, 204). Lucy Sargisson, who draws upon both deconstruction and French feminism, argues that "most (contemporary) feminist utopian works lack a sense of stagnancy, being instead fluid and dynamic constructions." Over and over again she stresses the appropriate open-endedness of feminist utopianism and celebrates the transgressive nature of feminist texts which subvert "closure." These characteristics are set in opposition to the closure of patriarchy which seeks coherence, unity, sameness, and perfection (read: closure). In order to counter this masculine economy, Sargisson enjoins feminists to repudiate all attempts to draw a "blueprint" for the future and instead to revel in a "feel of dislocation" (Sargisson 1996, 20, 52, 59, 54). I would counter that the utopianism of some postmodern feminists, specifically French feminists, reinscribes an Enlightenment logic, and that, consequently, their readings of the closure enacted by "masculine territoriality" are ahistorical, and their dreams of a borderless" elsewhere" are a case of deja vu.17 The apoliticism of this feminist utopianism has not gone unnoticed by feminist scholars of third-world women's development. "Feminists have not always succeeded in elaborating a coherent discourse which reinterprets the life of women; the vision of the world which feminism is begun [sic], that is to say, utopia, has not always translated into concrete demands" (Vargas Valente 1988, 79). Utopianism is the development binary of mobility/dislocation and stasis/location taken to its logical conclusion: the preponderant value of the former precludes the articulation and depiction of concrete political demands since any and all representational efforts are seen as ideological efforts at closure- which conjures the repudiated pole of stasis. I would add that utopianism not only reinforces the diffuse character of Western "development," it contributes to the anti-democratic character of Western development.

#### Alternative – refuse the politics of rhizomatic non-identity. We should start from where we are, rather than where we imagine ourselves to be.

Fred **DALLMAYR** Poli Sci @ Notre Dame **’97** “The Politics of Nonidentity” p. 51

In Culture and Imperialism, critique of political derailments is strongly buttressed-perhaps even overshadowed-by general theoretical considerations. As in his earlier study, constructivism surfaces again as an attractive model for viewing the world.In the contemporary worlds ituation, Said notes, the job facing the "cultural intellectual" is "not to accept the politics of identity as given, but to show how all representations are constructed,for what purpose, by whom, and with what components." Constructivism here means (again) that all identities or distinct differences are basically arbitrary, furtive, substitutable, and hence deconstructible; they certainly do not have any kind of "ontologically given and eternally determined stability, or uniqueness, or irreducible character." As in much of postmodern literature, this (de)constructive view is closely linked with a dismissal of Hegel. As Said observes (invoking the testimony of Homi Bhabha), the fact that all culture is "hybrid and encumbered, or entangled and overlapping with what used to be regarded as extraneous elements-this strikes me as the essential idea for the revolutionary realities today"; hence, "we can no longer afford conceptions of history that stress linear development or Hegelian transcendence." At this point, the theme of an exodus or exile from identity is struck-together with the corollary of a diasporic existence beneath or beyond spatial and temporal constraints. "Far from being the fate of nearly forgotten unfortunates who were dispossessed and expatriated," Said affirms, exile today becomes "something closer to a norm, an experience of crossing boundaries and charting new territories in defiance of the classic canonic enclosures."In shouldering this experience, the cultural critic assumes the role of a cosmopolitan wanderer freely moving across times and places. The concluding section of the book, "Movements and Migrations,"invokes approvingly Paul Virilio's notion of "counterhabitation and-even more ardently-Deleuze's conception of nomadism and nomadic thought. Referring to Deleuze and Guattari's Mille Plateaux, Said finds in nomadism the highly suggestive idea of the "eccentric" operation of an "itinerant war machine," a metaphor illustrative of "intellectual mobility in an age of institutionalization."Seen from this angle, he adds, liberation as an intellectual mission has now shifted from the settled, established, and domesticated dynamics of culture to its unhoused, decentered, and exilic energies, energies whose incarnation today is the migrant, and whose consciousness is that of the intellectual and artist in exile, the political figure between domains, between forms, between homes, and between languages.21 With this turn to nomadism, we are back in the netherworld of vacant signifiers, of a no(n)-identity conceived as the denial of distinct features. An initial question prompted by this turn is philosophical: How can denial provide a positive place of habitation? How can negation "be" something with describable contours? More important and pressing probably are social and political considerations. How would nomadic intellectuals-by definition disengaged from concrete contexts and loyalties-be able and willing to engage themselves again with real-life problems or events? Having sundered all concrete attachments, how would they manage to commit themselves to anything (except the principle of nomadism)? As Gadamer has taught us, local prejudices or prejudgements are not only limitations but also productive premises of mutual interrogation; by contrast,a vagrant spectatorial stance is liable to lack the "traction" required for genuine encounter. On a still more concrete level, one wonders about the political implications of Said's endorsement of nomadism. What concrete consequences are entailed, for example, in the present Near East situation? Are Palestinians now asked to abandon their quest for a homeland and to remain content with refugee camps-or with a complete dispersal into diasporic existence? Would a similar advice be offered to the Kurds or American Indians? As it seems to me-and Said would probably agree-it is always an awkwardly embarrassing matter to preach poverty to the poor or homelessness to the homeless. The message is particularly embarrassing in the present global situation, a setting dominated (as Said insists) by an imperial identity bent on homogenizing and standardizing the world. Cutting loose from local moorings, in this setting, means precisely to aid and abet this process of homogenization that is, the production of a global nondistinction or sameness. But if all people are the same and substitutable then what difference does it make if the world is governed from a hegemonic center (say America)-especially if that center is, in Richard Barnet's words, the "bearer" of universal law?22 This conclusion clearly is at odds with the basic thrust of Said's study which aims at a critical insurgency against cultural imperialism. It is to Said's credit-testifying to his integrity as a scholar and engage writer-that his endorsement of nomadism is at least occasionally muted, especially when it comes to the problem of real-life homelessness. Almost in the same breath that he invokes Deleuze, he deplores compassionately the plight of homeless people all over the world. "For surely," he states, "it is one of the unhappiest characteristics of the age to have produced more refugees, migrants, displaced persons, and exiles than ever before in history, most of them as an accompaniment to and, ironically enough, as afterthoughts of great postcolonial and imperial conflicts." At this point, Said resolutely takes the side of the raison du coeur against a complacently vagrant intellectualism. "It would be the **rankest Panglossian dishonesty**," he concedes, "to say that the **bravura performances of the intellectual exile** and the **miseries of the displaced person** or refugee are the same" or of the same order; for clearly there is a vast difference between "the optimistic mobility, the intellectual liveliness, and the logic of daring" marking the "various theoreticians on whose work I have drawn" and on the other hand "the massive dislocations, waste, misery, and horrors endured in our century's migrations and mutilated lives." Curiously (but perhaps not surprisingly), it is in the context of these observations that Said refers to the work of Adorno, especially to the latter's Minima Moralia, subtitled Reflections from a Damaged Life. As he notes, Adorno there pondered the loss of any traditional grounding as a result of world wars and holocaust. What Said leaves somewhat opaque-but what would need to be recovered-is the complex dialectical (in fact, negatively dialectical) character of Adorno's notion of the homelessness of home or his plea to find one's home in homelessness. This aspect does seem to be present in Ali Shariati, the Iranian Islamic writer whom Said invokes as a distant soul mate of Adorno-particularly in Shariati's description of human being as a "dialectical phenomenon."23

## \*\*\* 2NC

### CTP

#### Energy policy advocacy is a tool not a trap. Even if we have no chance to cause the energy changes we wish, we should build momentum and support for these ideas.

Elizabeth **SHOVE** Sociology @ Lancaster **AND** Gordon **WALKER** Geography @ Lancaster **‘7** “CAUTION! Transitions ahead: politics, practice, and sustainable transition management” *Environment and Planning C* 39 (4)

For academic readers, our commentary argues for loosening the intellectual grip of ‘innovation studies’, for backing off from the nested, hierarchical multi-level model as the only model in town, and for exploring other social scientific, but also systemic theories of change. The more we think about the politics and practicalities of reflexive transition management, the more complex the process appears: for a policy audience, our words of caution could be read as an invitation to abandon the whole endeavour. If agency, predictability and legitimacy are as limited as we’ve suggested, this might be the only sensible conclusion.However, we are with Rip (2006) in recognising the value, productivity and everyday necessity of an ‘illusion of agency’, and of the working expectation that a difference can be made even in the face of so much evidence to the contrary. The outcomes of actions are unknowable, the system unsteerable and the effects of deliberate intervention inherently unpredictable and, ironically, it is this that sustains concepts of agency and management. As Rip argues ‘illusions are productive because they motivate action and repair work, and thus something (whatever) is achieved’ (Rip 2006: 94). Situated inside the systems they seek to influence, governance actors – and actors of other kinds as well - are part of the dynamics of change: even if they cannot steer from the outside they are necessary to processes within. This is, of course, also true of academic life. Here we are, busy critiquing and analysing transition management in the expectation that somebody somewhere is listening and maybe even taking notice. If we removed that illusion would we bother writing anything at all? Maybe we need such fictions to keep us going, and maybe – fiction or no - somewhere along the line something really does happen, but not in ways that we can anticipate or know.

#### Incentives for environmental reform solve climate change – crisis or revolution fails.

Peter **NEWELL** IR @ Sussex **AND** Matthew **PATTERSON** Political Studies @ Ottawa **’10** *Climate Capitalism* p. 8-10

But if one premise for this book is that climate change entails an enormous transformation of how capitalism operates, then our other premise is that despite resistance, in fact an embryonic form of climate capitalism is already emerging. The chapters that follow elaborate how the ways that governments, corporations and non-governmental actors have responded to climate change are best understood as an effort to decarbonise the global economy. Of course this development is patchy - some governments are more active than others, some businesses much more entrepreneurial and far-sig~ted than others - but the foundations of such an economy are nevertheless in the process of being built. These foundations can be characterised as different types of carbon markets, which put a price on carbon, and thus create incentives to reduce emissions. These sorts of response to climate change are also highly problematic of course. Many readers will already have prejudices against, or at least worries about, treating the atmosphere like a commodity to be bought and sold, or about buying carbon offsets to enable the rich to continue their high-consuming lifestyles with a clear conscience. We share these worries. But there is something about climate change that makes it unique amongst environmental problems. The origins of climate change are deeply rooted in the development of the global capitalist economy. The ways the world has responded to climate change have been conditioned by the sort of free-market capitalism which has prevailed since the early 1980s. To respond to climate change successfully entails decarbonising that economy, to re-structure or dismantle huge economic sectors on which the whole of global development has been based. This is in sharp contrast to efforts to deal with ozone depletion, which involved the elimination of a relatively small batch of chemicals with specific uses by a handful of leading companies. Likewise, we can deal with most forms of water pollution by banning certain applications offertilisers, dealing with human and animal wastes, and controls on what chemical industries can discharge into rivers and lakes. To ban these practices, while often inconvenient for the companies involved, is hardly a challenge to the whole edifice of global capitalism. In contrast, to propose to ban all further coal and oil use, as some have done, is both unrealistic and deeply problematic. The use of these fuels is currently so widespread that simply to ban them would cause economic growth to collapse. And a lack of growth is something that the capitalist system in which we live simply cannot tolerate - it would collapse as a system. So the challenge of climate change means, in effect, either abandoning capitalism, or seeking to find a way for it to grow while gradually replacing coal, oil and gas. Assuming the former is unlikely in the short term, the questions to be asked are, what can growth be based on? What are the energy sources to power a decarbonised economy? Which powerful actors might be brought on board to overcome resistance from the oil and coal companies? And for those worried (including us) about the image of unbridled free-market capitalism as managing the climate for us, then we are forced to address the questions: What type of climate capitalism do we want? Can it be made to serve desirable social, as well as environmental, ends? And what might it take to bring it about? 9In this context, a response that focuses on creating markets, where money can be made for trading carbon allowances within limits set by governments, is rather appealing. Against the backdrop of the problems of recalcitrant industries and reluctant consumers, it creates the possibility of economic winners from decarbonisation. What's more, those winners - financiers - are rather powerful, and can support you as you build the policies which might produce decarbonisation overall. Trading on its own clearly won't be enough, but it does provide a powerful constituency that benefits from climate-change policy, which is crucial politically. Turning this into a successful project for decarbonisation requires constructing altogether different models of growth that do not depend on abundant and cheap fossil fuels, one that may actually reward reductions in energy use and its more efficient use. This means decoupling emissions growth from economic growth. The key question is whether capitalists can find ways of doing new business in a way that helps to achieve decarbonisation. They need to be able to do this in a way which brings on board those that will be doing less business in a low-carbon economy, or at least to provide enough growth overall for policymakers to be able to override their resistance.

### 2NC—Fairness O/W Edu

#### Turn—Rules are key to fun.

Prensky 1—Marc Prensky, Internationally acclaimed speaker, writer, consultant, and designer in the critical areas of education and learning, Founder, CEO and Creative Director of games2train.com, former vice president at the global financial firm Bankers Trust, BA from Oberlin College, an MBA from Harvard Business School with distinction and master's degrees from Middlebury and Yale [“Fun, Play and Games: What Makes Games Engaging,” Digital Game-Based Learning, www.marcprensky.com/writing/Prensky%20-%20Digital%20Game-Based%20Learning-Ch5.pdf]

So fun — in the sense of enjoyment and pleasure — puts us in a relaxed, receptive frame of mind for learning. Play, in addition to providing pleasure, increases our involvement, which also helps us learn. Both “fun” and “play” however, have the disadvantage of being somewhat abstract, unstructured, and hard-to-define concepts. But there exists a more formal and structured way to harness (and unleash) all the power of fun and play in the learning process — the powerful institution of games. Before we look specifically at how we can combine games with learning, let us examine games themselves in some detail. Like fun and play, game is a word of many meanings and implications. How can we define a game? Is there any useful distinction between fun, play and games? What makes games engaging? How do we design them? Games are a subset of both play and fun. In programming jargon they are a “child”, inheriting all the characteristics of the “parents.” They therefore carry both the good and the bad of both terms. Games, as we will see, also have some special qualities, which make them particularly appropriate and well suited for learning. So what is a game? Like play, game, has a wide variety of meanings, some positive, some negative. On the negative side there is mocking and jesting, illegal and shady activity such as a con game, as well as the “fun and games” that we saw earlier. As noted, these can be sources of resistance to Digital Game-Based Learning — “we are not playing games here.” But much of that is semantic. What we are interested in here are the meanings that revolve around the definition of games involving rules, contest, rivalry and struggle. What Makes a Game a Game? Six Structural Factors The Encyclopedia Britannica provides the following diagram of the relation between play and games: 35 PLAY spontaneous play organized play (GAMES) noncompetitive games competitive games (CONTESTS) intellectual contests physical contests (SPORTS) Our goal here is to understand why games engage us, drawing us in often in spite of ourselves. This powerful force stems first from the fact that they are a form of fun and play, and second from what I call the six key structural elements of games: 1. Rules 2. Goals and Objectives 3. Outcomes & Feedback 4. Conflict/Competition/Challenge/Opposition 5. Interaction, and 6. Representation or Story. There are thousands, perhaps millions of different games, but all contain most, if not all, these powerful factors. Those that don’t contain all the factors are still classified as games by many, but can also belong to other subclasses described below. In addition to these structural factors, there are also important design elements that add to engagement and distinguish a really good game from a poor or mediocre one. Let us discuss these six factors in detail and show how and why they lead to such strong engagement. Rules are what differentiate games from other kinds of play. Probably the most basic definition of a game is that it is organized play, that is to say rule-based. If you don’t have rules you have free play, not a game. Why are rules so important to games? Rules impose limits – they force us to take specific paths to reach goals and ensure that all players take the same paths. They put us inside the game world, by letting us know what is in and out of bounds. What spoils a game is not so much the cheater, who accepts the rules but doesn’t play by them (we can deal with him or her) but the nihilist, who denies them altogether. Rules make things both fair and exciting. When the Australians “bent” the rules of the America’s Cup and built a huge boat in 1988, and the Americans found a way to compete with a catamaran, it was still a race — but no longer the same game.

#### And, Fun is key to education and knowledge retention.

Prensky 1—Marc Prensky, Internationally acclaimed speaker, writer, consultant, and designer in the critical areas of education and learning, Founder, CEO and Creative Director of games2train.com, former vice president at the global financial firm Bankers Trust, BA from Oberlin College, an MBA from Harvard Business School with distinction and master's degrees from Middlebury and Yale [“Fun, Play and Games: What Makes Games Engaging,” Digital Game-Based Learning, www.marcprensky.com/writing/Prensky%20-%20Digital%20Game-Based%20Learning-Ch5.pdf]

So what is the relationship between fun and learning? Does having fun help or hurt? Let us look at what some researchers have to say on the subject: “Enjoyment and fun as part of the learning process are important when learning new tools since the learner is relaxed and motivated and therefore more willing to learn.”6 "The role that fun plays with regard to intrinsic motivation in education is twofold. First, intrinsic motivation promotes the desire for recurrence of the experience… Secondly, fun can motivate learners to engage themselves in activities with which they have little or no previous experience." 7 "In simple terms a brain enjoying itself is functioning more efficiently." 8 "When we enjoy learning, we learn better" 9 Fun has also been shown by Datillo & Kleiber, 1993; Hastie, 1994; Middleton, Littlefield & Lehrer, 1992, to increase motivation for learners. 10 It appears then that the principal roles of fun in the learning process are to create relaxation and motivation. Relaxation enables a learner to take things in more easily, and motivation enables them to put forth effort without resentment.

#### b. Prevents rigorous testing—we need to research and isolate weaknesses of the aff.

Zappen 4—James Zappen, Professor of Language and Literature at Rensselaer Polytechnic Institute [“The Rebirth of Dialogue: Bakhtin, Socrates, and the Rhetorical Tradition,” p. 35-36]

Finally, Bakhtin describes the Socratic dialogue as a carnivalesque debate between opposing points of view, with a ritualistic crownings and decrownings of opponents. I call this Socratic form of debate a contesting of ideas to capture the double meaning of the Socratic debate as both a mutual testing of oneself and others and a contesting or challenging of others' ideas and their lives. Brickhouse and Smith explain that Socrates' testing of ideas and people is a mutual testing not only of others but also of himself: Socrates claims that he has been commanded by the god to examine himself as well as others; he claims that the unexamined life is not worth living; and, since he rarely submits to questioning himself, "it must be that in the process of examining others Socrates regards himself as examining his own life, too." Such a mutual testing of ideas provides the only claim to knowledge that Socrates can have: since neither he nor anyone else knows the real definitions of things, he cannot claim to have any knowledge of his own; since, however, he subjects his beliefs to repeated testing, he can claim to have that limited human knowledge supported by the "inductive evidence" of "previous elenctic examinations." This mutual testing of ideas and people is evident in the Laches and also appears in the Gorgias in Socrates' testing of his own belief that courage is inseparable from the other virtues and in his willingness to submit his belief and indeed his life to the ultimate test of divine judgment, in what Bakhtin calls a dialogue on the threshold. The contesting or challenging of others' ideas and their lives and their ritualistic crowning/decrowning is evident in the Gorgias in Soocrates' successive refutations and humiliations of Gorgias, Polus, and Callicles.

#### 3. We solve the terminal impact to education—fairness in a debate context through topicality fosters tolerance of alternative viewpoints which solves dogmatism and bigotry in society.

Muir 93—Star Muir, Professor of Communication at George Mason [“A Defense of the Ethics of Contemporary Debate,” *Philosophy and Rhetoric* 26.4, p. 291-292]

Firm moral commitment to a value system, however, along with a sense of moral identity, is founded in reflexive assessments of multiple perspectives. Switch-side debate is not simply a matter of speaking persuasively or organizing ideas clearly (although it does involve these), but of understanding and mobilizing arguments to make an effective case. Proponents of debating both sides observe that the debaters should prepare the best possible case they can, given the facts and information available to them.52 This process, at its core, involves critical assessment and evaluation of arguments; it is a process of critical thinking not available with many traditional teaching methods.53 We must progressively learn to recognize how often the concepts of others are discredited by the concepts we use to justify ourselves to ourselves. We must come to see how often our claims are compelling only when expressed in our own egocentric view. We can do this if we learn the art of using concepts without living in them. This is possible only when the intellectual act of stepping outside of our own systems of belief has become second nature, a routine and ordinary responsibility of everyday living. Neither academic schooling nor socialization has yet addressed this moral responsibility,54 but switch-side debating fosters this type of role playing and generates reasoned moral positions based in part on values of tolerance and fairness. Yes, there may be a dangerous sense of competitive pride that comes with successfully advocating a position against one's own views, and there are ex-debaters who excuse their deceptive practices by saying "I'm just doing my job." Ultimately, however, sound convictions are distinguishable from emphatic convictions by a consideration of all sides of a moral stance. Moral education is not a guaranteed formula for rectitude, but the central tendencies of switch-side debate are in line with convictions built on empathic appreciation for alternative points of view and a reasoned assessment of arguments both pro and con. Tolerance, as an alternative to dogmatism, is preferable, not because it invites a relativistic view of the world, but because in a framework of equal access to ideas and equal opportunities for expression, the truth that emerges is more defensible and more justifiable. Morality, an emerging focal point of controversy in late twentieth-century American culture, is fostered rather than hampered by empowering students to form their own moral identity.

### AT: We = USFG

#### The U.S. government is 3 branches

**Black’s Law Dictionary 90** (6th Edition, p. 695)

In the United States, government consists of the executive, legislative, and judicial branches in addition to administrative agencies. In a broader sense, includes the federal government and all its agencies and bureaus, state and county governments, and city and township governments.

**Federal government is central government**

**WEBSTER'S 76** NEW INTERNATIONAL DICTIONARY UNABRIDGED**,** p. 833.

Federal government. Of or relating to the central government of a nation, having the character of a federation as distinguished from the governments of the constituent unites (as states or provinces).

### AT: Neg Still Has Ground

#### The aff rigs the game—topicality prevents the aff from just defending a moral high ground—even if we could engage this aff, it’s not what they do, it’s what they justify.

Speice and Lyle 3 — Patrick Speice, Debater at Wake Forest University, and Jim Lyle, Director of Debate at Clarion University, 2003 (“Traditional Policy Debate: Now More Than Ever,” *Debater’s Research Guide*, Available Online at http://groups.wfu.edu/debate/ MiscSites/DRGArticles/SpeiceLyle2003htm.htm, Accessed 09-11-2005)

The plan is a necessary convention in debate because it is a specific statement of topical advocacy that the affirmative is bound to defend, and all negative ground comes from attacks on the plan and it’s justifications. If the affirmative team argues for the judge to vote for them based on statements not related to the plan, it is likely that these portions of the 1AC will not be topical. Allowing teams to advocate non-topical statements as a reason to vote for them makes it **impossible for the neg**ative **to debate**. The affirmative could simply defend a statement such a “racism is bad” or “2 + 2 = 4.” Such non-falsifiable statements make going negative immensely unattractive, as the affirmative would win virtually every debate. Teams that run such affirmatives, or that justify such affirmatives by divorcing the judge’s decision from a topical plan-focus, skew the debate in such a way that it becomes a “rigged game” in favor of the affirmative.

### AT: Predictability Bad

#### Modest predictability of procedural limits is worth potential substantive tradeoff. Topicality creates space for relevant debate.

Massaro 89—Toni Massaro Law @ Florida [Empathy, Legal Storytelling, and the Rule of Law: New Words, Old Wounds? 87 Mich. L. Rev. L/N]

Yet despite their acknowledgment that some ordering and rules are necessary, empathy proponents tend to approach the rule-of-law model as a villain. Moreover, they are hardly alone in their deep skepticism about the rule-of-law model. Most modern legal theorists question the value of procedural regularity when it denies substantive justice.52 Some even question the whole notion of justifying a legal decision by appealing to a rule of law, versus justifying the decision by reference to the facts of the case and the judges' own reason and expe-rience.53 I do not intend to enter this important jurisprudential de-bate, except to the limited extent that the "empathy" writings have suggested that the rule-of-law chills judges' empathic reactions. In this regard, I have several observations. My first thought is that the rule-of-law model is only a model. If the term means absolute separation of legal decision and "politics," then it surely is both unrealistic and undesirable.54 But our actual statutory and decisional "rules" rarely mandate a particular (unempathetic) response. Most of our rules are fairly open-ended**. "Relevance,"** "the best interests of the child," "undue hardship," "negligence," or "freedom of speech" - to name only a few legal concepts - hardly admit of precise definition or consistent, predictable application. Rather, they represent a weaker, but still constraining sense of the rule-of-law model. Most rules are **guidelines** that **establish** spheres of **relevant** **conversation**, **not** **mathematical** **formulas**. Moreover, legal training in a common law system emphasizes the indeterminate nature of rules and the significance of even subtle variations in facts. Our legal tradition stresses an inductive method of discovering legal principles. We are taught to distinguish different "stories," to arrive at "law" through experience with many stories, and to revise that law as future experience requires. Much of the effort of most first-year law professors is, I believe, devoted to debunking popular lay myths about "law" as clean-cut answers, and to illuminate law as a dynamic body of policy determinations constrained by certain guiding principles.55 As a practical matter, therefore, our rules often are ambiguous and fluid standards that offer **substantial room for varying interpretations**. The interpreter, usually a judge, may consult several sources to aid in decisionmaking. One important source necessarily will be the judge's own experiences -including the experiences that seem to determine a person's empathic capacity. In fact, much ink has been spilled to illuminate that our stated "rules" often do not dictate or explain our legal results. Some writers even have argued that a rule of law may be, at times, nothing more than a post hoc rationalization or attempted legitimization of results that may be better explained by extralegal (including, but not necessarily limited to, emotional) responses to the facts, the litigants, or the litigants' lawyers,56 all of which may go un-stated. The opportunity for contextual and empathic decisionmaking therefore already is very much a part of our adjudicatory law, despite our commitment to the rule-of-law ideal. Even when law is clear and relatively inflexible, however, it is not necessarily "unempathetic." The assumed antagonism of legality and empathy is belied by our experience in rape cases, to take one important example. In the past, judges construed the general, open-ended standard of "relevance" to include evidence about the alleged victim's prior sexual conduct, regardless of whether the conduct involved the defendant.57 The solution to this "empathy gap" was legislative action to make the law more specific - more formalized. Rape shield statutes were enacted that controlled judicial discretion and specifically defined relevance to exclude the prior sexual history of the woman, except in limited, justifiable situations.58 In this case, one can make a persuasive argument not only that the rule-of-law model does explain these later rulings, but also that obedience to that model resulted in a triumph for the human voice of the rape survivor. Without the rule, some judges likely would have continued to respond to other inclinations, and admit this testimony about rape survivors. The example thus shows that radical rule skepticism is inconsistent with at least some evidence of actual judicial behavior. It also suggests that the principle of legality is potentially most critical for people who are least understood by the decisionmakers - in this example, women - and hence most vulnerable to unempathetic ad hoc rulings. A final observation is that the principle of legality reflects a deeply ingrained, perhaps inescapable, cultural instinct. **We value some procedural regularity** - "law for law's sake" - because it lends stasis and structure to our often chaotic lives. Even within our most intimate relationships, we both establish "rules," and expect the other party to follow them.59 Breach of these unspoken agreements can destroy the relationship and hurt us deeply, regardless of the wisdom or "substantive fairness" of a particular rule. Our agreements create **expectations**, and their consistent application fulfills the expectations. The **modest** **predictability** that this sort of "formalism" provides actually **may encourage human relationships**.60

## \*\*\* 1NR

### Framework

#### We cannot assume a priori that their authors have a unique insight on reality

**Hammersley 93**—Prof. Education and Social Research at Centre for Childhood, Development and Learning at Open U [Martyn, British Journal of Sociology, “Research and 'anti-racism': the case of Peter Foster and his critics,” 44.3, 11-93, JSTOR]

The second view I want to consider is sometimes associated with versions of the first, but must be kept separate because it involves a quite distinctive and incompatible element. I will refer to this as standpoint theory. Here people's experience and knowledge is treated as valid or invalid by dint of their membership in some social category.'7 Here again Foster's arguments may be dismissed because they reflect his background and experience as a white, middle class, male teacher. However, this time the implication is that reality is obscured from those with this background because of the effects of ideology. By contrast, it is suggested, the oppressed (black, female and/or working class people) have privileged insight into the nature of society. This argument produces a victory for one side, not the stalemate that seems to result from relativism the validity of Foster's views can therefore be dismissed. But in other respects this position is no more satisfactory than relativism. We must ask on what grounds we can decide that one group has superior insight into reality. This cannot be simply because they declare that they have this insight; otherwise **everyone could make the same claim with the same legitimacy** (we would be back to relativism). This means that some other form of ultimate justification is involved, but what could this be? In the Marxist version of this argument the working class (or, in practice, the Communist Party) are the group with privileged insight into the nature of social reality, but it is Marx and Marxist theorists who confer this privilege on them by means of a dubious philosophy of history.l8 Something similar occurs in the case of feminist standpoint theory, where the feminist theorist ascribes privileged insight to women, or to feminists engaged in the struggle for women’s emancipation. l9 However, while we must recognize that people in different social locations may have divergent perspectives, giving them distinctive insights, it is not clear why we should believe the implausible claim that some people have privileged access to knowledge while others are blinded by ideology.

### 1NR—Impact

#### The 1AC perpetuates colonialism in the name of progressive politics. That’s Caplan. Colonialism outweighs and turns the case – recolonization destroys other ways of life for the sake of development.

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Those who condemn recolonization from a principally moral position as something inherently reprehensible, are, I would contend, in a minority, at least for now, although with the new environmental and other radical movements their numbers are on the increase. They argue that whether recolonization would bring about material pros- perity is essentially irrelevant to their position. **Recolonization is wrong in itself**. Why? Because colonization (and recolonization) is destructive of much else that is of value to the subjected peoples. It is destructive of the indigenous ways of life of the colonized peoples and it fosters a homogenized culture everywhere. It destroys the social fabric of the colonized peoples, and this contributes to the society's incapacity to cope with situations of crises, often leading to violence. It imposes foreign institutions on the people, and because these are not indigenously rooted, they are not sustainable in the long run. Indeed, the kind of development that recolonization engenders in the present epoch is destructive of the environment and the spiritual values of the society. The world is the poorer because the homogenization of development is destructive of not only the biogenetic plurality of the world's resources but also the cultural plurality of the world's civilization.