# 1NC

## 1

A. Your decision should answer the resolutional question: Is the enactment of topical action better than the status quo or a competitive option?

1. “Resolved” before a colon reflects a legislative forum

Army Officer School ‘04

 (5-12, “# 12, Punctuation – The Colon and Semicolon”, http://usawocc.army.mil/IMI/wg12.htm)

The colon introduces the following: a.  A list, but only after "as follows," "the following," or a noun for which the list is an appositive: Each scout will carry the following: (colon) meals for three days, a survival knife, and his sleeping bag. The company had four new officers: (colon) Bill Smith, Frank Tucker, Peter Fillmore, and Oliver Lewis. b.  A long quotation (one or more paragraphs): In The Killer Angels Michael Shaara wrote: (colon) You may find it a different story from the one you learned in school. There have been many versions of that battle [Gettysburg] and that war [the Civil War]. (The quote continues for two more paragraphs.) c.  A formal quotation or question: The President declared: (colon) "The only thing we have to fear is fear itself." The question is: (colon) what can we do about it? d.  A second independent clause which explains the first: Potter's motive is clear: (colon) he wants the assignment. e.  After the introduction of a business letter: Dear Sirs: (colon) Dear Madam: (colon) f.  The details following an announcement For sale: (colon) large lakeside cabin with dock g.  A *formal* resolution, after the word "resolved:"

Resolved: (colon) That this council petition the mayor.

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

Ericson ‘03

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

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

C. You should vote negative:

Decisionmaking---- linking the ballot to a *should* question in combination with USFG simulation teaches the skills to organize pragmatic consequences *and* philosophical values into a course of action

Hanghoj 8

http://static.sdu.dk/mediafiles/Files/Information\_til/Studerende\_ved\_SDU/Din\_uddannelse/phd\_hum/afhandlinger/2009/ThorkilHanghoej.pdf

 Thorkild Hanghøj, Copenhagen, 2008

 Since this PhD project began in 2004, the present author has been affiliated with DREAM (Danish

Research Centre on Education and Advanced Media Materials), which is located at the Institute of

Literature, Media and Cultural Studies at the University of Southern Denmark. Research visits have

taken place at the Centre for Learning, Knowledge, and Interactive Technologies (L-KIT), the

Institute of Education at the University of Bristol and the institute formerly known as Learning Lab

Denmark at the School of Education, University of Aarhus, where I currently work as an assistant

professor.

 Joas’ re-interpretation of Dewey’s pragmatism as a “theory of situated creativity” raises a critique of humans as purely rational agents that navigate instrumentally through meansends- schemes (Joas, 1996: 133f). This critique is particularly important when trying to understand how games are enacted and validated within the realm of educational institutions that by definition are inscribed in the great modernistic narrative of “progress” where nation states, teachers and parents expect students to acquire specific skills and competencies (Popkewitz, 1998; cf. chapter 3). However, as Dewey argues, the actual doings of educational gaming cannot be reduced to rational means-ends schemes. Instead, the situated interaction between teachers, students, and learning resources are played out as contingent re-distributions of means, ends and ends in view, which often make classroom contexts seem “messy” from an outsider’s perspective (Barab & Squire, 2004). 4.2.3. Dramatic rehearsal The two preceding sections discussed how Dewey views play as an imaginative activity of educational value, and how his assumptions on creativity and playful actions represent a critique of rational means-end schemes. For now, I will turn to Dewey’s concept of dramatic rehearsal, which assumes that social actors deliberate by projecting and choosing between various scenarios for future action. Dewey uses the concept dramatic rehearsal several times in his work but presents the most extensive elaboration in Human Nature and Conduct: Deliberation is a dramatic rehearsal (in imagination) of various competing possible lines of action… [It] is an experiment in finding out what the various lines of possible action are really like (...) Thought runs ahead and foresees outcomes, and thereby avoids having to await the instruction of actual failure and disaster. An act overtly tried out is irrevocable, its consequences cannot be blotted out. An act tried out in imagination is not final or fatal. It is retrievable (Dewey, 1922: 132-3). This excerpt illustrates how Dewey views the process of decision making (deliberation) through the lens of an imaginative drama metaphor. Thus, decisions are made through the imaginative projection of outcomes, where the “possible competing lines of action” are resolved through a thought experiment. Moreover, Dewey’s compelling use of the drama metaphor also implies that decisions cannot be reduced to utilitarian, rational or mechanical exercises, but that they have emotional, creative and personal qualities as well. Interestingly, there are relatively few discussions within the vast research literature on Dewey of his concept of dramatic rehearsal. A notable exception is the phenomenologist Alfred Schütz, who praises Dewey’s concept as a “fortunate image” for understanding everyday rationality (Schütz, 1943: 140). Other attempts are primarily related to overall discussions on moral or ethical deliberation (Caspary, 1991, 2000, 2006; Fesmire, 1995, 2003; Rönssön, 2003; McVea, 2006). As Fesmire points out, dramatic rehearsal is intended to describe an important phase of deliberation that does not characterise the whole process of making moral decisions, which includes “duties and contractual obligations, short and long-term consequences, traits of character to be affected, and rights” (Fesmire, 2003: 70). Instead, dramatic rehearsal should be seen as the process of “crystallizing possibilities and transforming them into directive hypotheses” (Fesmire, 2003: 70). Thus, deliberation can in no way guarantee that the response of a “thought experiment” will be successful. But what it can do is make the process of choosing more intelligent than would be the case with “blind” trial-and-error (Biesta, 2006: 8). The notion of dramatic rehearsal provides a valuable perspective for understanding educational gaming as a simultaneously real and imagined inquiry into domain-specific scenarios. Dewey defines dramatic rehearsal as the capacity to stage and evaluate “acts”, which implies an “irrevocable” difference between acts that are “tried out in imagination” and acts that are “overtly tried out” with real-life consequences (Dewey, 1922: 132-3). This description shares obvious similarities with games as they require participants to inquire into and resolve scenario-specific problems (cf. chapter 2). On the other hand, there is also a striking difference between moral deliberation and educational game activities in terms of the actual consequences that follow particular actions. Thus, when it comes to educational games, acts are both imagined and tried out, but without all the real-life consequences of the practices, knowledge forms and outcomes that are being simulated in the game world. Simply put, there is a difference in realism between the dramatic rehearsals of everyday life and in games, which only “play at” or simulate the stakes and risks that characterise the “serious” nature of moral deliberation, i.e. a real-life politician trying to win a parliamentary election experiences more personal and emotional risk than students trying to win the election scenario of The Power Game. At the same time, the lack of real-life consequences in educational games makes it possible to design a relatively safe learning environment, where teachers can stage particular game scenarios to be enacted and validated for educational purposes. In this sense, educational games are able to provide a safe but meaningful way of letting teachers and students make mistakes (e.g. by giving a poor political presentation) and dramatically rehearse particular “competing possible lines of action” that are relevant to particular educational goals (Dewey, 1922: 132). Seen from this pragmatist perspective, the educational value of games is not so much a question of learning facts or giving the “right” answers, but more a question of exploring the contingent outcomes and domain-specific processes of problem-based scenarios.

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

Steinberg, lecturer of communication studies – University of Miami, and Freeley, Boston based attorney who focuses on criminal, personal injury and civil rights law, ‘8

(David L. and Austin J., Argumentation and Debate: Critical Thinking for Reasoned Decision Making p. 45)

Debate is a means of settling differences, so there must be a difference of opinion or a conflict of interest before there can be a debate. If everyone is in agreement on a tact or value or policy, there is no need for debate: the matter can be settled by unanimous consent. Thus, for example, it would be pointless to attempt to debate "Resolved: That two plus two equals four," because there is simply no controversy about this statement. (Controversy is an essential prerequisite of debate. Where there is no clash of ideas, proposals, interests, or expressed positions on issues, there is no debate. In addition, debate cannot produce effective decisions without clear identification of a question or questions to be answered. For example, general argument may occur about the broad topic of illegal immigration. How many illegal immigrants are in the United States? What is the impact of illegal immigration and immigrants on our economy? What is their impact on our communities? Do they commit crimes? Do they take jobs from American workers? Do they pay taxes? Do they require social services? Is it a problem that some do not speak English? Is it the responsibility of employers to discourage illegal immigration by not hiring undocumented workers? Should they have the opportunity- to gain citizenship? Docs illegal immigration pose a security threat to our country? Do illegal immigrants do work that American workers are unwilling to do? Are their rights as workers and as human beings at risk due to their status? Are they abused by employers, law enforcement, housing, and businesses? I low are their families impacted by their status? What is the moral and philosophical obligation of a nation state to maintain its borders? Should we build a wall on the Mexican border, establish a national identification can!, or enforce existing laws against employers? Should we invite immigrants to become U.S. citizens? Surely you can think of many more concerns to be addressed by a conversation about the topic area of illegal immigration. Participation in this "debate" is likely to be emotional and intense. However, it is not likely to be productive or useful without focus on a particular question and identification of a line demarcating sides in the controversy. To be discussed and resolved effectively, controversies must be stated clearly. Vague understanding results in unfocused deliberation and poor decisions, frustration, and emotional distress, as evidenced by the failure of the United States Congress to make progress on the immigration debate during the summer of 2007.

Someone disturbed by the problem of the growing underclass of poorly educated, socially disenfranchised youths might observe, "Public schools are doing a terrible job! They are overcrowded, and many teachers are poorly qualified in their subject areas. Even the best teachers can do little more than struggle to maintain order in their classrooms." That same concerned citizen, facing a complex range of issues, might arrive at an unhelpful decision, such as "We ought to do something about this" or. worse. "It's too complicated a problem to deal with." Groups of concerned citizens worried about the state of public education could join together to express their frustrations, anger, disillusionment, and emotions regarding the schools, but without a focus for their discussions, they could easily agree about the sorry state of education without finding points of clarity or potential solutions. A gripe session would follow. But if a precise question is posed—such as "What can be done to improve public education?"—then a more profitable area of discussion is opened up simply by placing a focus on the search for a concrete solution step. One or more judgments can be phrased in the form of debate propositions, motions for parliamentary debate, or bills for legislative assemblies. The statements "Resolved: That the federal government should implement a program of charter schools in at-risk communities" and "Resolved: That the state of Florida should adopt a school voucher program" more clearly identify specific ways of dealing with educational problems in a manageable form, suitable for debate. They provide specific policies to be investigated and aid discussants in identifying points of difference.

To have a productive debate, which facilitates effective decision making by directing and placing limits on the decision to be made, the basis for argument should be clearly defined. If we merely talk about "homelessness" or "abortion" or "crime'\* or "global warming" we are likely to have an interesting discussion but not to establish profitable basis for argument. For example, the statement "Resolved: That the pen is mightier than the sword" is debatable, yet fails to provide much basis for clear argumentation. If we take this statement to mean that the written word is more effective than physical force for some purposes, we can identify a problem area: the comparative effectiveness of writing or physical force for a specific purpose.

Although we now have a general subject, we have not yet stated a problem. It is still too broad, too loosely worded to promote well-organized argument. What sort of writing are we concerned with—poems, novels, government documents, website development, advertising, or what? What does "effectiveness" mean in this context? What kind of physical force is being compared—fists, dueling swords, bazookas, nuclear weapons, or what? A more specific question might be. "Would a mutual defense treaty or a visit by our fleet be more effective in assuring Liurania of our support in a certain crisis?" The basis for argument could be phrased in a debate proposition such as "Resolved: That the United States should enter into a mutual defense treatv with Laurania." Negative advocates might oppose this proposition by arguing that fleet maneuvers would be a better solution. This is not to say that debates should completely avoid creative interpretation of the controversy by advocates, or that good debates cannot occur over competing interpretations of the controversy; in fact, these sorts of debates may be very engaging. The point is that debate is best facilitated by the guidance provided by focus on a particular point of difference, which will be outlined in the following discussion.

Decisionmaking is the most portable skill—key to all facets of life and advocacy

Steinberg, lecturer of communication studies – University of Miami, and Freeley, Boston based attorney who focuses on criminal, personal injury and civil rights law, ‘8

(David L. and Austin J., Argumentation and Debate: Critical Thinking for Reasoned Decision Making p. 9-10)

After several days of intense debate, first the United States House of Representatives and then the U.S. Senate voted to authorize President George W. Bush to attack Iraq if Saddam Hussein refused to give up weapons of mass destruction as required by United Nations's resolutions. Debate about a possible military\* action against Iraq continued in various governmental bodies and in the public for six months, until President Bush ordered an attack on Baghdad, beginning Operation Iraqi Freedom, the military campaign against the Iraqi regime of Saddam Hussein. He did so despite the unwillingness of the U.N. Security Council to support the military action, and in the face of significant international opposition.

Meanwhile, and perhaps equally difficult for the parties involved, a young couple deliberated over whether they should purchase a large home to accommodate their growing family or should sacrifice living space to reside in an area with better public schools; elsewhere a college sophomore reconsidered his major and a senior her choice of law school, graduate school, or a job. Each of these\* situations called for decisions to be made. Each decision maker worked hard to make well-reasoned decisions.

Decision making is a thoughtful process of choosing among a variety of options for acting or thinking. It requires that the decider make a choice. Life demands decision making. We make countless individual decisions every day. To make some of those decisions, we work hard to employ care and consideration; others seem to just happen. Couples, families, groups of friends, and coworkers come together to make choices, and decision-making homes from committees to juries to the U.S. Congress and the United Nations make decisions that impact us all. Every profession requires effective and ethical decision making, as do our school, community, and social organizations.

We all make many decisions even- day. To refinance or sell one's home, to buy a high-performance SUV or an economical hybrid car. what major to select, what to have for dinner, what candidate CO vote for. paper or plastic, all present lis with choices. Should the president deal with an international crisis through military invasion or diplomacy? How should the U.S. Congress act to address illegal immigration?

Is the defendant guilty as accused? Tlie Daily Show or the ball game? And upon what information should I rely to make my decision? Certainly some of these decisions are more consequential than others. Which amendment to vote for, what television program to watch, what course to take, which phone plan to purchase, and which diet to pursue all present unique challenges. At our best, we seek out research and data to inform our decisions. Yet even the choice of which information to attend to requires decision making. In 2006, TIMI: magazine named YOU its "Person of the Year." Congratulations! Its selection was based on the participation not of ''great men" in the creation of history, but rather on the contributions of a community of anonymous participants in the evolution of information. Through blogs. online networking. You Tube. Facebook, MySpace, Wikipedia, and many other "wikis," knowledge and "truth" are created from the bottom up, bypassing the authoritarian control of newspeople. academics, and publishers. We have access to infinite quantities of information, but how do we sort through it and select the best information for our needs?

The ability of every decision maker to make good, reasoned, and ethical decisions relies heavily upon their ability to think critically. Critical thinking enables one to break argumentation down to its component parts in order to evaluate its relative validity and strength. Critical thinkers are better users of information, as well as better advocates.

Colleges and universities expect their students to develop their critical thinking skills and may require students to take designated courses to that end. The importance and value of such study is widely recognized.

Much of the most significant communication of our lives is conducted in the form of debates. These may take place in intrapersonal communications, in which we weigh the pros and cons of an important decision in our own minds, or they may take place in interpersonal communications, in which we listen to arguments intended to influence our decision or participate in exchanges to influence the decisions of others.

Our success or failure in life is largely determined by our ability to make wise decisions for ourselves and to influence the decisions of others in ways that are beneficial to us. Much of our significant, purposeful activity is concerned with making decisions. Whether to join a campus organization, go to graduate school, accept a job oiler, buy a car or house, move to another city, invest in a certain stock, or vote for Garcia—these are just a few of the thousands of decisions we may have to make. Often, intelligent self-interest or a sense of responsibility will require us to win the support of others. We may want a scholarship or a particular job for ourselves, a customer for out product, or a vote for our favored political candidate.

Dialogue. Debate’s critical axis is a form of dialogic communication within a confined game space.

Unbridled affirmation outside the game space makes research impossible and destroys dialogue in debate

Hanghoj 8

http://static.sdu.dk/mediafiles/Files/Information\_til/Studerende\_ved\_SDU/Din\_uddannelse/phd\_hum/afhandlinger/2009/ThorkilHanghoej.pdf

 Thorkild Hanghøj, Copenhagen, 2008

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Research Centre on Education and Advanced Media Materials), which is located at the Institute of

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taken place at the Centre for Learning, Knowledge, and Interactive Technologies (L-KIT), the

Institute of Education at the University of Bristol and the institute formerly known as Learning Lab

Denmark at the School of Education, University of Aarhus, where I currently work as an assistant

professor.

Debate games are often based on pre-designed scenarios that include descriptions of issues to be debated, educational goals, game goals, roles, rules, time frames etc. In this way, debate games differ from textbooks and everyday classroom instruction as debate scenarios allow teachers and students to actively imagine, interact and communicate within a domain-specific game space. However, instead of mystifying debate games as a “magic circle” (Huizinga, 1950), I will try to overcome the epistemological dichotomy between “gaming” and “teaching” that tends to dominate discussions of educational games. In short, educational gaming is a form of teaching. As mentioned, education and games represent two different semiotic domains that both embody the three faces of knowledge: assertions, modes of representation and social forms of organisation (Gee, 2003; Barth, 2002; cf. chapter 2). In order to understand the interplay between these different domains and their interrelated knowledge forms, I will draw attention to a central assumption in Bakhtin’s dialogical philosophy. According to Bakhtin, all forms of communication and culture are subject to centripetal and centrifugal forces (Bakhtin, 1981). A centripetal force is the drive to impose one version of the truth, while a centrifugal force involves a range of possible truths and interpretations. This means that any form of expression involves a duality of centripetal and centrifugal forces: “Every concrete utterance of a speaking subject serves as a point where centrifugal as well as centripetal forces are brought to bear” (Bakhtin, 1981: 272). If we take teaching as an example, it is always affected by centripetal and centrifugal forces in the on-going negotiation of “truths” between teachers and students. In the words of Bakhtin: “Truth is not born nor is it to be found inside the head of an individual person, it is born between people collectively searching for truth, in the process of their dialogic interaction” (Bakhtin, 1984a: 110). Similarly, the dialogical space of debate games also embodies centrifugal and centripetal forces. Thus, the election scenario of The Power Game involves centripetal elements that are mainly determined by the rules and outcomes of the game, i.e. the election is based on a limited time frame and a fixed voting procedure. Similarly, the open-ended goals, roles and resources represent centrifugal elements and create virtually endless possibilities for researching, preparing, presenting, debating and evaluating a variety of key political issues. Consequently, the actual process of enacting a game scenario involves a complex negotiation between these centrifugal/centripetal forces that are inextricably linked with the teachers and students’ game activities. In this way, the enactment of The Power Game is a form of teaching that combines different pedagogical practices (i.e. group work, web quests, student presentations) and learning resources (i.e. websites, handouts, spoken language) within the interpretive frame of the election scenario. Obviously, tensions may arise if there is too much divergence between educational goals and game goals. This means that game facilitation requires a balance between focusing too narrowly on the rules or “facts” of a game (centripetal orientation) and a focusing too broadly on the contingent possibilities and interpretations of the game scenario (centrifugal orientation). For Bakhtin, the duality of centripetal/centrifugal forces often manifests itself as a dynamic between “monological” and “dialogical” forms of discourse. Bakhtin illustrates this point with the monological discourse of the Socrates/Plato dialogues in which the teacher never learns anything new from the students, despite Socrates’ ideological claims to the contrary (Bakhtin, 1984a). Thus, discourse becomes monologised when “someone who knows and possesses the truth instructs someone who is ignorant of it and in error”, where “a thought is either affirmed or repudiated” by the authority of the teacher (Bakhtin, 1984a: 81). In contrast to this, dialogical pedagogy fosters inclusive learning environments that are able to expand upon students’ existing knowledge and collaborative construction of “truths” (Dysthe, 1996). At this point, I should clarify that Bakhtin’s term “dialogic” is both a descriptive term (all utterances are per definition dialogic as they address other utterances as parts of a chain of communication) and a normative term as dialogue is an ideal to be worked for against the forces of “monologism” (Lillis, 2003: 197-8). In this project, I am mainly interested in describing the dialogical space of debate games. At the same time, I agree with Wegerif that “one of the goals of education, perhaps the most important goal, should be dialogue as an end in itself” (Wegerif, 2006: 61).

Dialogue is the biggest impact—the process of discussion precedes any truth claim by magnifying the benefits of any discussion

Morson 4

<http://www.flt.uae.ac.ma/elhirech/baktine/0521831059.pdf#page=331>

Northwestern Professor, Prof. Morson's work ranges over a variety of areas: literary theory (especially narrative); the history of ideas, both Russian and European; a variety of literary genres (especially satire, utopia, and the novel); and his favorite writers -- Chekhov, Gogol, and, above all, Dostoevsky and Tolstoy. He is especially interested in the relation of literature to philosophy.

A belief in truly dialogic ideological becoming would lead to schools that were quite different. In such schools, the mind would be populated with a complexity of voices and perspectives it had not known, and the student would learn to think with those voices, to test ideas and experiences against them, and to shape convictions that are innerly persuasive in response. This very process would be central. Students would sense that whatever word they believed to be innerly persuasive was only tentatively so: the process of dialogue continues.We must keep the conversation going, and formal education only initiates the process. The innerly persuasive discourse would not be final, but would be, like experience itself, ever incomplete and growing. As Bakhtin observes of the innerly persuasive word: Its creativity and productiveness consist precisely in the fact that such a word awakens new and independent words, that it organizes masses of our words from within, and does not remain in an isolated and static condition. It is not so much interpreted by us as it is further, that is, freely, developed, applied to new material, new conditions; it enters into interanimating relationships with new contexts. . . . The semantic structure of an innerly persuasive discourse is not finite, it is open; in each of the new contexts that dialogize it, this discourse is able to reveal ever newer ways to mean. (DI, 345–6) We not only learn, we also learn to learn, and we learn to learn best when we engage in a dialogue with others and ourselves. We appropriate the world of difference, and ourselves develop new potentials. Those potentials allow us to appropriate yet more voices. Becoming becomes endless becoming. We talk, we listen, and we achieve an open-ended wisdom. Difference becomes an opportunity (see Freedman and Ball, this volume). Our world manifests the spirit that Bakhtin attributed to Dostoevsky: “nothing conclusive has yet taken place in the world, the ultimate word of the world and about the world has not yet been spoken, the world is open and free, everything is in the future and will always be in the future.”3 Such a world becomes our world within, its dialogue lives within us, and we develop the potentials of our ever-learning selves. Letmedraw some inconclusive conclusions, which may provoke dialogue. Section I of this volume, “Ideologies in Dialogue: Theoretical Considerations” and Bakhtin’s thought in general suggest that we learn best when we are actually learning to learn. We engage in dialogue with ourselves and others, and the most important thing is the value of the open-ended process itself. Section II, “Voiced, Double Voiced, and Multivoiced Discourses in Our Schools” suggests that a belief in truly dialogic ideological becoming would lead to schools that were quite different. In such schools, the mind would be populated with a complexity of voices and perspectives it had not known, and the student would learn to think with those voices, to test ideas and experiences against them, and to shape convictions that are innerly persuasive in response. Teachers would not be trying to get students to hold the right opinions but to sense the world from perspectives they would not have encountered or dismissed out of hand. Students would develop the habit of getting inside the perspectives of other groups and other people. Literature in particular is especially good at fostering such dialogic habits. Section III, “Heteroglossia in a Changing World” may invite us to learn that dialogue involves really listening to others, hearing them not as our perspective would categorize what they say, but as they themselves would categorize what they say, and only then to bring our own perspective to bear. We talk, we listen, and we achieve an open-ended wisdom. The chapters in this volume seem to suggest that we view learning as a perpetual process. That was perhaps Bakhtin’s favorite idea: that to appreciate life, or dialogue, we must see value not only in achieving this or that result, but also in recognizing that honest and open striving in a world of uncertainty and difference is itself the most important thing. What we must do is keep the conversation going.

Dialogue is critical to affirming any value—shutting down deliberation reinscribes oppressive power structures

Morson 4

http://www.flt.uae.ac.ma/elhirech/baktine/0521831059.pdf#page=331

Northwestern Professor, Prof. Morson's work ranges over a variety of areas: literary theory (especially narrative); the history of ideas, both Russian and European; a variety of literary genres (especially satire, utopia, and the novel); and his favorite writers -- Chekhov, Gogol, and, above all, Dostoevsky and Tolstoy. He is especially interested in the relation of literature to philosophy.

 Bakhtin viewed the whole process of “ideological” (in the sense of ideas and values, however unsystematic) development as an endless dialogue. As teachers, we find it difficult to avoid a voice of authority, however much we may think of ours as the rebel’s voice, because our rebelliousness against society at large speaks in the authoritative voice of our subculture.We speak the language and thoughts of academic educators, even when we imagine we are speaking in no jargon at all, and that jargon, inaudible to us, sounds with all the overtones of authority to our students. We are so prone to think of ourselves as fighting oppression that it takes some work to realize that we ourselves may be felt as oppressive and overbearing, and that our own voice may provoke the same reactions that we feel when we hear an authoritative voice with which we disagree. So it is often helpful to think back on the great authoritative oppressors and reconstruct their self-image: helpful, but often painful. I remember, many years ago, when, as a recent student rebel and activist, I taught a course on “The Theme of the Rebel” and discovered, to my considerable chagrin, that many of the great rebels of history were the very same people as the great oppressors. There is a famous exchange between Erasmus and Luther, who hoped to bring the great Dutch humanist over to the Reformation, but Erasmus kept asking Luther how he could be so certain of so many doctrinal points. We must accept a few things to be Christians at all, Erasmus wrote, but surely beyond that there must be room for us highly fallible beings to disagree. Luther would have none of such tentativeness. He knew, he was sure. The Protestant rebels were, for a while, far more intolerant than their orthodox opponents. Often enough, the oppressors are the ones who present themselves and really think of themselves as liberators. Certainty that one knows the root cause of evil: isn’t that itself often the root cause? We know from Tsar Ivan the Terrible’s letters denouncing Prince Kurbsky, a general who escaped to Poland, that Ivan saw himself as someone who had been oppressed by noblemen as a child and pictured himself as the great rebel against traditional authority when he killed masses of people or destroyed whole towns. There is something in the nature of maximal rebellion against authority that produces ever greater intolerance, unless one is very careful. For the skills of fighting or refuting an oppressive power are not those of openness, self-skepticism, or real dialogue. In preparing for my course, I remember my dismay at reading Hitler’s Mein Kampf and discovering that his self-consciousness was precisely that of the rebel speaking in the name of oppressed Germans, and that much of his amazing appeal – otherwise so inexplicable – was to the German sense that they were rebelling victims. In our time, the Serbian Communist and nationalist leader Slobodan Milosevic exploited much the same appeal. Bakhtin surely knew that Communist totalitarianism, the Gulag, and the unprecedented censorship were constructed by rebels who had come to power. His favorite writer, Dostoevsky, used to emphasize that the worst oppression comes from those who, with the rebellious psychology of “the insulted and humiliated,” have seized power – unless they have somehow cultivated the value of dialogue, as Lenin surely had not, but which Eva, in the essay by Knoeller about teaching The Autobiography of Malcolm X, surely had. Rebels often make the worst tyrants because their word, the voice they hear in their consciousness, has borrowed something crucial from the authoritative word it opposed, and perhaps exaggerated it: the aura of righteous authority. If one’s ideological becoming is understood as a struggle in which one has at last achieved the truth, one is likely to want to impose that truth with maximal authority; and rebels of the next generation may proceed in much the same way, in an ongoing spiral of intolerance.

Decisionmaking skills and engagement with the state energy apparatus prevents energy technocracy and equips us to oppose the dominance of oil, coal, and other elitist interests they criticize

Hager, professor of political science – Bryn Mawr College, ‘92

(Carol J., “Democratizing Technology: Citizen & State in West German Energy Politics, 1974-1990” *Polity*, Vol. 25, No. 1, p. 45-70)

During this phase, the citizen initiative attempted to overcome its defensive posture and **implement an alternative politics.** The strategy of legal and technical challenge might delay or even prevent plant construction, but it would not by itself accomplish the broader goal on the legitimation dimension, i.e., democratization. Indeed, it worked against broad participation. The activists had to find a viable means of achieving change. Citizens had proved they could contribute to a **substantive policy discussion.** Now, some activists turned to the parliamentary arena as a possible forum for an energy dialogue. Until now, parliament had been conspicuously absent as a relevant policy maker, but if parliament could be reshaped and activated, citizens would have a forum in which to address the broad questions of policy-making goals and forms. They would also have an **institutional lever** with which to pry apart the bureaucracy and utility. None of the established political parties could offer an alternative program. Thus, local activists met to discuss forming their own voting list.

These discussions provoked internal dissent. Many citizen initiative members objected to the idea of forming a political party. If the problem lay in the role of parliament itself, another political party would not solve it. On the contrary, parliamentary participation was likely to destroy what political innovations the extraparliamentary movement had made. Others argued that a political party would give the movement an institutional platform from which to introduce some of the grassroots democratic political forms the groups had developed. Founding a party as the parliamentary arm of the citizen movement would allow these groups to play an active, critical role in institutionalized politics, participating in the policy debates while retaining their outside perspective. Despite the disagreements, the Alternative List for Democracy and Environmental Protection Berlin (AL) was formed in 1978 and first won seats in the Land parliament with 7.2 percent of the vote in 1981.43 The founders of the AL were encouraged by the success of newly formed local green parties in Lower Saxony and Hamburg,44 whose evolution had been very similar to that of the West Berlin citizen move-ment. Throughout the FRG, unpopular administrative decisions affect-ing local environments, generally in the form of state-sponsored indus-trial projects, prompted the development of the citizen initiative and ecology movements. The groups in turn focused constant attention on state planning "errors," calling into question not only the decisions themselves, but also the conventional forms of political decision making that produced them.45 Disgruntled citizens increasingly aimed their critique at the established political parties, in particular the federal SPD/ FDP coalition, which seemed unable to cope with the economic, social, and political problems of the 1970s. Fanned by publications such as the Club of Rome's report, "The Limits to Growth," the view spread among activists that the crisis phenomena were not merely a passing phase, but indicated instead "a long-term structural crisis, whose cause lies in the industrial-technocratic growth society itself."46 As they broadened their critique to include the political **system as a whole**, many grassroots groups found the extraparliamentary arena too restrictive. Like many in the West Berlin group, they reasoned that the necessary change would require a degree of political restructuring that could only be accomplished through their direct participation in parliamentary politics. Green/alternative parties and voting lists sprang up nationwide and began to win seats in local assemblies. The West Berlin Alternative List saw itself not as a party, but as the parliamentary arm of the citizen initiative movement. One member explains: "the starting point for alternative electoral participation was simply the notion of achieving a greater audience for [our] own ideas and thus to work in support of the extraparliamentary movements and initia-tives,"47 including non-environmentally oriented groups. The AL wanted to avoid developing structures and functions autonomous from the citizen initiative movement. Members adhered to a list of principles, such as rotation and the imperative mandate, designed to keep parliamentarians attached to the grassroots. Although their insistence on grassroots democracy often resulted in interminable heated discussions, the participants recognized the importance of experimenting with new forms of decision making, of not succumbing to the same hierarchical forms they were challenging. Some argued that the proper role of citizen initiative groups was not to represent the public in government, but to mobilize other citizens to **participate directly in politics themselves**; self-determination was the aim of their activity.48

Once in parliament, the AL proposed establishment of a temporary parliamentary commission to study energy policy, which for the first time would draw all concerned participants together in a discussion of both short-term choices and long-term goals of energy policy. With help from the SPD faction, which had been forced into the opposition by its defeat in the 1981 elections, two such commissions were created, one in 1982-83 and the other in 1984-85.49 These commissions gave the citizen activists the forum they sought to push for modernization and technical innovation in energy policy.

Although it had scaled down the proposed new plant, the utility had produced no plan to upgrade its older, more polluting facilities or to install desulfurization devices. With prodding from the energy commission, Land and utility experts began to formulate such a plan, as did the citizen initiative. By exposing administrative failings in a public setting, and **by producing a** modernization **plan itself**, the combined citizen initiative and AL forced bureaucratic authorities to push the utility for improvements. They also forced the authorities to consider different technological solutions to West Berlin's energy and environmental problems. In this way, the activists served as technological innovators. In 1983, the first energy commission submitted a list of recommendations to the Land parliament which reflected the influence of the citizen protest movement. It emphasized goals of demand reduction and efficiency, noted the value of expanded citizen participation and urged authorities to "investigate more closely the positive role citizen participation can play in achieving policy goals."50 The second energy commission was created in 1984 to discuss the possibilities for modernization and shutdown of old plants and use of new, environmentally friendlier and cheaper technologies for electricity and heat generation. Its recommendations strengthened those of the first commission.51 Despite the non-binding nature of the commissions' recommendations, the public discussion of energy policy motivated policy makers to take stronger positions in favor of environmental protection.

III. Conclusion

The West Berlin energy project eventually cleared all planning hurdles, and construction began in the early 1980s. The new plant now conforms to the increasingly stringent environmental protection requirements of the law. The project was delayed, scaled down from 1200 to 600 MW, moved to a neutral location and, unlike other BEWAG plants, equipped with modern desulfurization devices. That the new plant, which opened in winter 1988-89, is the technologically most advanced and environmen-tally sound of BEWAG's plants is due entirely to the long legal battle with the citizen initiative group, during which nearly every aspect of the original plans was changed. In addition, through the efforts of the Alter-native List (AL) in parliament, the Land government and BEWAG formulated a long sought modernization and environmental protection plan for all of the city's plants. The AL prompted the other parliamentary parties to take pollution control seriously. Throughout the FRG, energy politics evolved in a similar fashion. As Habermas claimed, underlying the **objections against particular projects** was a reaction against the administrative-economic system in general.

One author, for example, describes the emergence of two-dimensional protest against nuclear energy: The resistance against a concrete project became understood simul-taneously as resistance against the entire atomic program. Questions of energy planning, of economic growth, of understanding of democracy entered the picture. . . . Besides concern for human health, for security of conditions for human existence and protec-tion of nature arose critique of what was perceived as undemocratic planning, the "shock" of the delayed public announcement of pro-ject plans and the fear of political decision errors that would aggra-vate the problem.52 This passage supports a West Berliner's statement that the citizen initiative began with a project critique and arrived at *Systemkritik*.53 I have labeled these two aspects of the problem the public policy and legitima-tion dimensions. In the course of these conflicts, the legitimation dimen-sion emergd as the more important and in many ways the more prob-lematic.

Parliamentary Politics

In the 1970s, energy politics began to develop in the direction Offe de-scribed, with bureaucrats and protesters avoiding the parliamentary channels through which they should interact. The citizen groups them-selves, however, have to a degree reversed the slide into irrelevance of parliamentary politics. Grassroots groups overcame their defensive posture enough to begin to **formulate an alternative politics**, based upon concepts such as decision making through mutual understanding rather than technical criteria or bargaining. This new politics required new modes of interaction which the old corporatist or pluralist forms could not provide. Through the formation of green/alternative parties and voting lists and through new parliamentary commissions such as the two described in the case study, some members of grassroots groups attempted to both operate within the political system and fundamentally change it, to restore the link between bureaucracy and citizenry.

Parliamentary politics was partially revived in the eyes of West German grassroots groups as a legitimate realm of citizen participation, an outcome the theory would not predict. It is not clear, however, that strengthening the parliamentary system would be a desirable outcome for everyone. Many remain skeptical that institutions that operate as part of the "system" can offer the kind of substantive participation that grass-roots groups want. The constant tension between institutionalized politics and grassroots action emerged clearly in the recent internal debate between "fundamentalist" and "realist" wings of the Greens. Fundis wanted to keep a firm footing outside the realm of institutionalized politics. They refused to bargain with the more established parties or to join coalition governments. Realos favored participating in institutionalized politics while pressing their grassroots agenda. Only this way, they claimed, would they have a chance to implement at least some parts of their program.

This internal debate, which has never been resolved, can be interpreted in different ways. On one hand, the tension limits the appeal of green and alternative parties to the broader public, as the Greens' poor showing in the December 1990 all-German elections attests. The failure to come to agreement on basic issues can be viewed as a hazard of grass-roots democracy. The Greens, like the West Berlin citizen initiative, are opposed in principle to forcing one faction to give way to another. Disunity thus persists within the group. **On the other hand**, the tension can be understood not as a failure, but as a kind of success: grassroots politics has not been absorbed into the bureaucratized system; it retains its critical dimension, both in relation to the political system and within the groups themselves. The **lively debate** stimulated by grassroots groups and parties **keeps questions of democracy on the public agenda.**

Technical Debate

In West Berlin, the two-dimensionality of the energy issue forced citizen activists to become both participants in and critics of the policy process. In order to defeat the plant, **activists engaged in technical debate.** They won several decisions in favor of environmental protection, often **proving to be more informed than bureaucratic experts** themselves. The case study demonstrates that grassroots groups, far from impeding techno-logical advancement, can actually serve as technological innovators.

The activists' role as technical experts, while it helped them achieve some success on the policy dimension, had mixed results on the legitimation dimension. On one hand, it helped them to **challenge the legitimacy of technocratic policy making**. They turned back the Land government's attempts to displace political problems by formulating them in technical terms.54 By demonstrating the fallibility of the technical arguments, activists forced authorities to acknowledge that energy demand was a political variable, whose value at any one point was as much influenced by the choices of policy makers as by independent technical criteria.

Submission to the form and language of technical debate, however, weakened activists' attempts to introduce an alternative, goal-oriented form of decision making into the political system. Those wishing to par-ticipate in energy politics on a long-term basis have had to accede to the language of bureaucratic discussion, if not the legitimacy of bureaucratic authorities. They have helped break down bureaucratic authority but have not yet offered a viable long-term alternative to bureaucracy. In the tension between form and language, goals and procedure, the legitima-tion issue persists. At the very least, however, grassroots action challenges critical theory's notion that technical discussion is inimical to democratic politics.55 Citizen groups have raised the possibility of a dialogue that is both technically sophisticated and democratic.

In sum, although the legitimation problems which gave rise to grass-roots protest have not been resolved, citizen action has worked to counter the marginalization of parliamentary politics and the technocratic character of policy debate that Offe and Habermas identify. The West Berlin case suggests that the solutions to current legitimation problems may not require total repudiation of those things previously associated with technocracy.56

In Berlin, the citizen initiative and AL continue to search for new, more legitimate forms of organization consistent with their principles. No permanent Land parliamentary body exists to coordinate and con-solidate energy policy making.57 In the 1989 Land elections, the CDU/ FDP coalition was defeated, and the AL formed a governing coalition with the SPD. In late 1990, however, the AL withdrew from the coali-tion. It remains to be seen whether the AL will remain an effective vehi-cle for grassroots concerns, and whether the citizenry itself, now includ-ing the former East Berliners, will remain active enough to give the AL direction as united Berlin faces the formidable challenges of the 1990s. On the policy dimension, grassroots groups achieved some success. On the legitimation dimension, it is difficult to judge the results of grass-roots activism by normal standards of efficacy or success. Activists have certainly not radically restructured politics. They agree that democracy is desirable, but troublesome questions persist about the degree to which those processes that are now bureaucratically organized can and should be restructured, where grassroots democracy is possible and where bureaucracy is necessary in order to get things done. In other words, grassroots groups have tried to remedy the Weberian problem of the marginalization of politics, but it is not yet clear what the boundaries of the political realm should be. It is, however, the act of calling existing boundaries into question that keeps democracy vital. In raising alternative possibilities and encouraging citizens to take an active, critical role in their own governance, the **contribution of grassroots** environmental **groups has been significant.** As Melucci states for new social movements in general, these groups mount a "symbolic" challenge by proposing "a different way of perceiving and naming the world."58 Rochon concurs for the case of the West German peace movement, noting that its effect on the public discussion of secur-ity issues **has been tremendous**.59 The effects of the legitimation issue in the FRG are evident in increased citizen interest in areas formerly left to technical experts. Citizens have formed nationwide associations of environmental and other grassroots groups as well as alternative and green parties at all levels of government. The level of information within the groups is generally quite high, and their participation, especially in local politics, has raised the awareness and engagement of the general populace noticeably.60 **Policy concessions** and new legal provisions for citizen participation **have not quelled grassroots action.** The attempts of the established political parties to coopt "green" issues have also met with limited success. Even green parties themselves have not tapped the full potential of public support for these issues. The persistence of legitima-tion concerns, along with the growth of a culture of informed political activism, will ensure that the search continues for a space for a delibera-tive politics in modern technological society.61

#### Dialogue link turns intercultural exchange---only cross-code discussions foster linguistic pluralism through constructive collision

Shuaib **Meacham 4**, education prof at Colorado Boulder, “Comments on Bakhtin and Dialogic Pedagogy”, Journal of Russian and East European Psychology, vol. 42, no. 6, November–December 2004, pp. 82–85

By way of critique, my primary concern returns to the issue of race and language mentioned earlier. While acknowledging the linguistic diversity as sumed by the presence of class, Bakhtin’s examples are limited to punctuation related issues. In the study of grammar instruction, a vital area of consideration is the element of “stigma” that is attached to certain types of nonstandard word usages. His dialogic comparisons rooted in different punctuational possibilities do not touch on the far more stigmatizing grammatical issues related to verb tense and subject verb agreement. Such cases applied to Bakhtin’s pedagogy would require teachers to employ highly stigmatized grammatical constructs within the context of language instruction. Within the context of instruction, the use of such phrases was at the core of the Ebonics controversies that emerged close to ten years ago. Merely juxtaposing nonstandard constructs with the standard as a means of helping students to learn the standard patterns more effectively ignited a storm of national controversy. Bakhtin’s pedagogy would not only allow for basic comparisons, but, given the prominence of hip-hop and its power for today’s youth, would accommodate the possibility that the nonstandard form might be more linguistically powerful than the standard comparison. Bob Marley has a phrase recently quoted by the hip-hop group Dead Prez: “Them belly full but we hungry.” Bakhtin’s pedagogy would necessarily celebrate the semantic advantages of the words chosen in the phrase although they do not represent a standard form. To realistically think of preservice teachers celebrating nonstandard language constructs again speaks to the need for a “conversion” experience. Bakhtin’s pedagogy is powerful because for him the language is a living experience, it is a source of joy. In our present ethos, language is a source of fear and dread. The Ebonics controversy and hip-hop both constitute clear indications of the manner in which the dread of racialized language sends people into paroxysms of loathing. Bakhtin’s article is a refreshing taste of a liberated language consciousness and what it can accomplish in the heavily policed domain of language pedagogy. But the deeper question perhaps goes back to the source of Bakhtin’s dialogic fascination, Dostoevsky (1994) Notes from Underground. This metaphor of the “underground,” a perspective from below, speaks of a place where perception is no longer ruled and policed by surface illusion and its enforcers. Perhaps one has to go underground to be liberated linguistically, to experience a liberated perception. Perhaps the core of Bakhtin’s consciousness exists below the surface in which case the question is not only how to foster a pedagogy of dialogue but how to foster a pedagogy of conversion as well. How do we teach preservice teachers not to fear the language of the students, not to fear the infinite possibilities of language so that they will see flesh and language as something to celebrate instead of something to dread? With respect to research, Bakhtin does an excellent job of representing the researcher as a learner. Not so much through the article itself, but from Eugene Matusov’s commentary, one is able to appreciate the considerable labor involved in Bakhtin’s engagement of pedagogical issues. In order to carry out and discuss his pedagogy, Bakhtin not only learns about the field of education but learns from the students in the context of instruction. Bakhtin welcomes the learning involved in dialogue, the “colliding,” as Matusov describes, of different perspectives coming together. “Collision” in U.S. English is not traditionally a positive occurrence. Collision normally implies that something negative has occurred. Elements traditionally meant to be in their own separate paths have unwittingly come together to create this negative outcome called a “collision.” Collision, as a positive construct, speaks of a necessary violence that is required to open up previously closed conceptions to new possibilities of meaning and understanding. Elements that are usually represented as oppositional, through collision, can become perceived as relational and leading to new paths of understanding. This potentially can lead to new processes of inquiry wherein the primary aim is disruption and redefinition, an inquiry that expands language and unearths previously closed off domains of relationship. Perhaps this inquiry can lead to a new vision of language that promotes conversion by disrupting long-held conceptions and opens both researcher and reader to new conceptions that enable us to celebrate instead of fearing language diversity and dialogue with students.

## 2

#### The chorus of black gold includes the phrases:

Think of all the strength you have in you

From the blood you carry within you

Ancient men, powerful men

Builders of civilization

#### That’s part and parcel of a nostalgic longing for a mythic and capital M masculine deployment of power that participates in a larger narrative of conquest responsible for oppression

**Nhanenge 7** (Jytte, Masters @ U South Africa, paper submitted in part fulfillment of the requirements for the degree of master of arts in the subject Development Studies, “ECOFEMINSM: TOWARDS INTEGRATING THE CONCERNS OF WOMEN, POOR PEOPLE AND NATURE INTO DEVELOPMENT”)

Technology can be used to dominate societies or to enhance them. Thus both science and technology could have developed in a different direction. But due to patriarchal values infiltrated in science the type of technology developed is meant to dominate, oppress, exploit and kill. One reason is that patriarchal societies identify masculinity with conquest. Thus any technical innovation will continue to be a tool for more effective oppression and exploitation. The highest priority seems to be given to technology that destroys life. Modern societies are dominated by masculine institutions and patriarchal ideologies. Their technologies prevailed in Auschwitz, Dresden, Hiroshima, Nagasaki, Vietnam, Iran, Iraq, Afghanistan and in many other parts of the world. Patriarchal power has brought us acid rain, global warming, military states, poverty and countless cases of suffering. We have seen men whose power has caused them to lose all sense of reality, decency and imagination, and we must fear such power. The ultimate result of unchecked patriarchy will be ecological catastrophe and nuclear holocaust. Such actions are denial of wisdom. It is working against natural harmony and destroying the basis of existence. But as long as ordinary people leave questions of technology to the "experts" we will continue the forward stampede. As long as economics focus on technology and both are the focus of politics, we can leave none of them to experts. Ordinary people are often more capable of taking a wider and more humanistic view than these experts. (Kelly 1990: 112-114; Eisler 1990: 3233; Schumacher 1993: 20, 126, 128, 130).

#### Critical awareness of discursive choices can challenge patriarchal norms

**Finley 89** (Lucinda M., Visiting Professor of Law, SUNY Buffalo Law School, “SYMPOSIUM THE MORAL LAWYER: ARTICLE: BREAKING WOMEN'S SILENCE IN LAW: THE DILEMMA OF THE GENDERED NATURE OF LEGAL REASONING”, 64 Notre Dame L. Rev. 886)

In engaging the law over the meaning of women's experiences, people representing women must remain constantly critically aware of the dilemma of legal language, of its simultaneous power and limitations. While its power can help women by validating and affecting societal consciousness about women's situations, its power also has a negative aspect. Precisely because it is an authoritative discourse, it demands that we try to speak within its confines -- it threatens us with not being heard or credited if we do not. The patriarchal bias in legal language, and its limited way of framing and envisioning situations, can easily distort what women have to say. It can put women on the defensive, because of their "difference" from men. It can force women to respond to sameness/difference arguments, public/private arguments, or free speech arguments, not on women's own terms, but on the terms of the traditional arguments. This creates a stark dilemma: in light of the power of existing meanings, can we change the meanings of terms while still using those terms?

By talking about family/work conflicts, are we helping to reinforce the view of these two worlds as separate spheres? Are we continuing to privilege the existing definition of work, and are we shoring up the notion of family as two opposite sex parents, with some number of children? By using the term "equality," are we helping to keep the focus on women and their differences from men, thus reinforcing the male norm? Or is it possible to use this term in a way that makes women's experiences the reference point, n104 and shifts attention to structures and values of the workplace? n105 Even if we modify "rape" with "date" or "acquaintance," are we leaving unchallenged the baggage that comes [\*909] along with the "r" word -- that this is a crime of sex, in which women's consent is the main issue, rather than a crime of violence in which the violator's conduct is the issue? n106 If we capitulate to the language of private choice in the abortion debate, are we losing sight of the reasons why, beyond privacy and choice, control over one's reproductive destiny is so essential to women's position in a society of male domination? n107 Are we leaving ourselves wide-open to the moral high ground of the term "pro-life" when all we can juxtapose against it is "choice," rather than freedom and equality? The word "choice" can seem as trivial as the color of one's clothes or one's preferred brand of car, when it is life that some say they are fighting for.

There have been examples of promising word changes and consequent meaning changes in legal discourse. Consider the now widespread use of the term "sexual harassment," for what used to be considered a tort of invading individual dignity or sensibilities; the term "battering" for domestic violence. But even these language changes get confined by the legal frameworks into which they are placed. For example, the individualistic and comparative discrimination framework now applied to sexual harassment leaves some judges wondering about bisexual supervisors as a means to deny that discrimination is what is occurring. n108 The contract model of damages in discrimination law means that the dignity and personal identity values that tort law once recognized often go undercompensated. n109 And the use of the term "sexual assault" in place of "rape" in some rape reform statutes has not obviated the problems of "objective" male-perspectived judgments of female sexuality and consent. n110

It is not my purpose to offer a simple, neat, for all times solution to the dilemma of legal language. Indeed, to even think that is possible would be contradictory to my message -- it would be a capitulation to the legal ways of thinking that I seek to destabilize in order to expand. But I am not without solutions to the dilemma of the gendered nature of legal reasoning. The message of this Article presents one solution: critical awareness of the dilemma is itself important. Awareness encourages thinking critically about whose perspective has informed a term or doctrine, and about the norms or assumptions upon which the term may rest. This leads to self-conscious strategic thinking about the philosophical and political implications of the meanings and programs we do endorse. n111 For [\*910] example, just what are the implications of arguing either sameness or difference? If both have negative implications, then this should suggest the need to reframe the issue, to ask previously unasked questions about the relevance or stability of differences, n112 or about the role of unexamined players such as employers and workplace structures and norms. Critical thinking about norms and what they leave unexamined opens up conversations about altering the norms and thus the vision of the problem. This leads to thinking about new ways of reasoning and talking. It leads to offering new definitions of existing terms; definitions justified by explorations of context and the experiences of previously excluded voices. Or, it leads to thinking about offering wholly new terms.

## case

#### Attributing all domination to whiteness is disabling and super reductive

**Andersen 3** Professor of Sociology and Women's Studies and Vice Provost for Academic Affairs at the University of Delaware, (Margaret L. Andersen, “Whitewashing Race: A Critical Perspective on Whiteness,” in White Out: The Continuing Significance of Racism, ed Doane & Bonilla-Silva, p. 28, Google Books)

Conceptually, one of the major problems in the whiteness literature is the reification of whiteness as a concept, as an experience, and as an identity. This practice not only leads to conceptual obfuscation but also impedes the possibility for empirical analysis. In this literature, "whiteness" comes to mean just about everything associated with racial domination. As such, whiteness becomes a slippery and elusive concept. Whiteness is presented as any or all of the following: identity, self-understanding, social practices, group beliefs, ideology, and a system of domination. As one critic writes, "If historical actors are said to have behaved the way they did mainly because they were white, then there's little room left for more nuanced analysis of their motives and meanings" (Stowe 1996:77). And Alastair Bonnett points out that whiteness "emerges from this critique as an omnipresent and all-powerful historical force. Whiteness is seen to be responsible for the failure of socialism to develop in America, for racism, for the impoverishment of humanity. With the 'blame' comes a new kind of centering: Whiteness, and White people, are turned into the key agents of historical change, the shapers of contemporary America" (1996b: 153).

Despite noting that there is differentiation among whites and warning against using whiteness as a monolithic category, most of the literature still proceeds to do so, revealing a reductionist tendency. Even claiming to show its multiple forms, most writers essentialize and reify whiteness as something that directs most of Western history (Gallagher 2000). Hence while trying to "deconstruct" whiteness and see the ubiquitousness of whiteness, the literature at the same time reasserts and reinstates it (Stowe 1996:77).

 For example, Michael Eric Dyson suggests that whiteness is identity, ideology, and institution (Dyson, quoted in Chennault 1998:300). But if it is all these things, it becomes an analytically useless concept. Christine Clark and James O'Donnell write: "to reference it reifies it, to refrain from referencing it obscures the persistent, pervasive, and seemingly permanent reality of racism" (1999:2). Empirical investigation requires being able to identify and measure a concept— or at the very least to have a clear definition—but since whiteness has come to mean just about everything, it ends up meaning hardly anything.

**we must contest whiteness as mutliple whitenesses – they cannot be made singular, because that act fixes and reifies monolithic whiteness. only pluralizing the construction recognizing both their multiple points of intersection with identity and, more importantly, their constructed and historical nature.**

**Manson 4** <http://edoc.ub.uni-muenchen.de/5859/1/Manson_Richard.pdf> “White Men Write Now: Deconstructed and Reconstructed Borders of Identity in Contemporary American Literature byWhite Men” Inaugural Dissertation zur Erlangung des Doktorgrades der Philosophie an der Ludwig-Maximilians-Universität München Dissertation, LMU Munich

 However, there is no sense of the constant change and redefinition of the "big binaries". The essay speaks of the necessity to consider the historical dimensions that bring white into contact with its Others,40 but the simple present tense of the article gives its structure of whiteness a feeling of axiomatic eternity, much as one today learns that "the earth revolves around the sun", a phenomenon that has always been and always will be. Given this, whiteness would have always existed in the same fashion as a category of centralized social definition with respect to Others since its blankness seems so obvious. As a result, his construction of whiteness itself renders invisible the social constellations at the root of its institutionalization and centralizing power. The emergence of "white" as a racial signifier doubtlessly strongly affected the chromatic and chiaroscuric way in which people designated as white have been visually and textually portrayed, as Dyer demonstrates quite well. However, studies have shown that **racialized whiteness has emerged only recently** in history (see below) and continues to change. Americans of a certain age can recall a time not long ago when packages of Crayola crayons included a reddish peach color called "skin", implicitly representing "white" skin while at the same time not being white. It shows that the power of whiteness as an identity goes beyond simple, visible features of color. Also, the fact that Crayola, after many protests, no longer sells "skin" but rather a whole "Multicultural Pack" containing the hues "black", "sepia", "peach", "apricot", "white", "tan", "mahogany" and "burnt sienna" indicates something of the larger, ever-changing field of social discourse in which whiteness is constructed. As a final point, identity politics is patently not alien to white supremacists and other milder racists, as the would-be West Virginian governor's platform indicates. Nor is it alien to countless other whites, the author of this study and Ross Chambers included, who are well aware of identity politics and consider it in terms of their own examined social identity. Babb pulls whiteness in American discourse out of this dead-end of chromatic metaphor in her thoughtful *Whiteness Visible* (notwithstanding the punning title). After much deliberation in her opening chapter "Toward a Philosophy of Whiteness", she creates a working model of whiteness as an identity rather than a visual component in the structuration of Self and Other. For this she makes an important differentiation between the physical feature of light skin and "whiteness". Whiteness in this context is "a system of privileges accorded to those with white skin."41 She concludes that whiteness is "larger than having the physical attribute of white skin; it is the ideology that was created around that attribute."42 Babb also consistently emphasizes the American context of her discussion of whiteness. Her model of whiteness casts it in a socially psychic space, something imbedded in culture as the symbolic relation to the material. **"White" is not eternal, nor is it** *universally the same* **everywhere.** It is interwoven with nationalist and racial discourse in countless countries with colonial pasts, be it the UK, Brazil, or Zimbabwe, each with their own contingencies. It is Babb's view, and that of *White Men Write Now*, that **the focus on whiteness should be on the very specific attachment of whiteness to other normalizing characteristics in texts of nationhood and social discourse**. In this case, it is within the space of the United States. **The only difficulty** her thoughts on whiteness cause **is one of fixity**. She acknowledges the work of **historians of whiteness** who **would demonstrate its evolution.** At the same time *her treatment of whiteness allows it to be misunderstood as a single thing with a clearly determined lineage and not as the subject of constant situative reformulation*. Babb quotes Frankenberg's famous *White Women, Race Matters* which posits whiteness as a "location" and a "standpoint"43. However, as a whole, all of **Frankenberg's interviews** with white women bear one important element: Even as the sociologist speaks of whiteness as "a location" in singular form, her study **shows whiteness to refer to locations of whiteness.** In her later *Displacing Whiteness*, **she pluralized it as** *"whitenesses",* a concept she briefly sketches **as "ensembles of local phenomena**".44 "**Whitenesses"**, is expanded in this chapter to **refer** not only **to** "ensembles of local phenomena" **but their continual temporal shifting**. **Whitenesses are a plurality of constantly reformulated race-based systems of identity** expressed and represented in ways that depend on numerous other factors in a subject's position, i.e. poor, rich, lesbian, heterosexual, old, young, etc. **Whitenesses** are also, in a broader sense than Frankenburg's definition**, the varying forms with which whiteness refers to this plurality in the many countries in which whiteness informs national identities**. While there is little doubt that "whiteness" brings certain material and analogously representational privileges with it, what they are at any specific moment is contingent upon the situation in which forms of whiteness, whitenesses, are performed. *Past Jim Crow laws were attempts to fix those privileges with a singular form of whiteness*, Lou Davis's demand for a law protecting the "white male minority" is an attempt to fix them, and *the conceptual creation of a monolithic "whiteness" reinforces the feeling of their fixity unless one bears the plurality of whitenesses in mind. Whiteness is not a single system of practices*.

**mutliplicity is key in this context – recognizing its multiplictiy is a precondition to undermining the historical nature of american whiteness, and exposing whitenesses tie to gender and colonial privilege as well as racial hierarchy**

**Manson 4** <http://edoc.ub.uni-muenchen.de/5859/1/Manson_Richard.pdf> “White Men Write Now: Deconstructed and Reconstructed Borders of Identity in Contemporary American Literature byWhite Men” Inaugural Dissertation zur Erlangung des Doktorgrades der Philosophie an der Ludwig-Maximilians-Universität München Dissertation, LMU Munich

Chromatic whiteness theories from **scholars such as Dryer and Chambers offer a compelling construction of white** as both a presence and an absence, both a (non-)color and, in a broader sense, a (non-)identity. **However, their gaze is ahistorical**. These theories provide a useful way to consider "white" psychologically as a form of fetish through which to mask anxieties of difference and power structures that facilitate that difference. They also offer insight into representations of whiteness, its "visibility". However, **they lack a sense of the development of western thinking which led to the adoption of white as a sign of European origin** and of the interaction of that thinking with colonial and postcolonial relationships at the base of the sign's power. Following their loosely applied Freudian theory of whiteness, its power lies in the color white itself, not in the ideological manipulation of whiteness in the course of recent history. Babb takes the important step of reversing the direction of that view. While recognizing the chromatic representation of whiteness as metaphor, she examines it as a cultural result rather than an *a priori* cause. Importantly, she distinguishes between people with "white" skin (meaning less pigmented, for white skin is rarely white) and the ideology of whiteness as a tool of social regulation. Following Frankenburg, she speaks of "whiteness" as "a location" in the singular form. Her work leaves room for whiteness to be contextualized in spaces where is practiced, giving different whitenesses in different social spaces room to coexist, but she does not explore that avenue. It is that which provides an explanation how, for example, a white Argentine, who enjoys all the privileges of whiteness at home, upon entering the United States is suddenly considered "Latino" or "Hispanic". *The distinction cannot be stressed enough between "whiteness" and "whitenesses"*. **Whereas the singular form is an ideological tool for identity-based social regulation, the plural refers to a field of potential practices of whiteness in specific spaces within contingent historical contexts.** For this reason, **speaking of whiteness in the United States requires considering** the epochs which most informed **this field of whitenesses**. From the very beginning, **its emergence as a category with layered meanings has been inextricably attached to the notion of the emergence of a new American people**. More **specifically** – as the prevalence of the American Adam motif indicates – **this has meant the emergence of a new masculinity**. This "newness" finds itself **enshrined in the very notion of the Americas as the "New World"**, **closely attached to European concepts of modernit**y that developed in tandem with the discovery of that "New World". It was a modernity that had as much to do **with transforming concepts of civilization** as it did, Foucault indicates, with **transforming concepts of "man",** meaning, quite literally, men.

#### Rejection is key – it’s a key starting point

**Bonnet 99** Prof. Alastair Bonnett Professor of Social Geography, university of newcastle Race, identity, and citizenship: a reader By Rodolfo D. Torres, Louis F. Mirón, Jonathan Xavier Inda

It is being argued here that the "limits and possibilities" of a racialized subject's engagement with anti-racism are established by her or his experiences of racism. Although this proposition has a certain superficial straightforwardness (but see Miles, 1989; and Fuss, 1990), it relies on a number of **essentialist demarcations and categorizations.** More specifically, **the experiences of "white people" are presented as manifest and unchanging**. **The characteristics of whiteness are** removed from social context and **set outside history and geography**.

It is important to note that this process does not occur simply **because racism is being associated by anti-racists,** such as the Doris Marshall Institute, **with "white" racism against "people of color." This conflation clearly removes** from view **many forms of racialized ethnic and religious antagonism and disadvantage**. However, to recognize the diversity of racism and of white experience is not necessarily to deconstruct whiteness. **The problem** with the Doris Marshall Institute's interpretation is **not merely their lack of sensitivity to the plurality of whitenesses but, more fundamentally, their faith in whiteness as a** common-sense, obvious and **discrete entity at the heart of "racial" history**. **Whiteness is thus employed as both the conceptual center and the "other" of anti-racism**; the defining, normative term of anti-racist praxis and theory. As this implies, **to define whiteness, to acknowledge its contingent, slippery constructions, would radically destabilize orthodox anti-racism.** It is towards studies that appear to promise such a transformation that I now turn.

#### Multiple statistical measures prove structural inequality improving

Currie 8

<http://www.american.com/archive/2008/november-11-08/the-long-march-of-racial-progress/>

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Measuring racial progress is all about perspective. Since Appomattox, the struggle for racial equality has seen triumphs and setbacks alike. On balance, however, the story of race relations in America is one of extraordinary change and transformation. According to Princeton historian James McPherson, the rate of black illiteracy dropped from roughly 90 percent in 1865 to 70 percent in 1880 and to under 50 percent in 1900. “From the perspective of today, this may seem like minimal progress,” McPherson wrote in his 1991 book, Abraham Lincoln and the Second American Revolution (a collection of essays). “But viewed from the standpoint of 1865 the rate of literacy for blacks increased by 200 percent in fifteen years and by 400 percent in thirty-five years.” McPherson also noted that the share of school-age black children attending school jumped from 2 percent in 1860 to 34 percent in 1880. “During the same period,” he said, “the proportion of white children of school age attending school had grown only from 60 to 62 percent.” In 1908, 100 years before the election of America’s first black president, there was a bloody race riot in Springfield, Illinois, which began when an angry mob surrounded a prison where a black man falsely accused of rape was being held. As columnist George Will has observed, “The siege of the jail, the rioting, the lynching, and mutilating all occurred within walking distance of where, in 2007, Barack Obama announced his presidential candidacy.” Over the past century, the racial attitudes of white Americans have undergone a sea change. The shift toward greater racial tolerance was driven by many factors, including blacks’ participation in World War II, the integration of professional sports and the military, and the civil rights movement. “Even as Americans were voting more conservatively in the 1980s, their views on race were becoming more liberal,” Wall Street Journal senior editor Jonathan Kaufman wrote recently. “More than three quarters of whites in 1972 told pollsters that ‘blacks should not push themselves where they are not wanted.’ Two-thirds of whites that same year said they opposed laws prohibiting racial discrimination in the sale of homes. Forty percent said whites had the right to live in segregated neighborhoods.” However, “By the end of 1980s, all those numbers had fallen markedly and [they] continued to fall through the following decades.” As University of Michigan sociologist Reynolds Farley points out in a new paper, there are now 41 African Americans serving in the House of Representatives, compared to only six when the Kerner Commission issued its famous report on race and poverty in 1968. During the years following the Kerner Report, “The slowly rising incomes of black men and the more rapidly rising incomes of black women produced an important economic change for African Americans,” Farley writes. “In 1996, for the first time, the majority of blacks were in the economic middle class or above, if that means living in a household with an income at least twice the poverty line.” According to Farley, “Only three percent of African Americans could be described as economically comfortable in 1968. That has increased to 17 percent at present. This is an unambiguous sign of racial progress: one black household in six could be labeled financially comfortable.” He notes that the black-white poverty gap “is much smaller now” than it was in the late 1960s. Residential and marriage trends are also encouraging. “The trend toward less residential segregation that emerged in the 1980s and accelerated in the 1990s continues in this century,” says Farley. Meanwhile, interracial marriage rates have increased dramatically. “At the time of the Kerner Report, about one black husband in 100 was enumerated with a white spouse. By 2006, about 14 percent of young black husbands were married to white women.”

# 2NC

## at: roleplay = passivity

DEBATE roleplay specifically activates agency

Hanghoj 8

http://static.sdu.dk/mediafiles/Files/Information\_til/Studerende\_ved\_SDU/Din\_uddannelse/phd\_hum/afhandlinger/2009/ThorkilHanghoej.pdf

 Thorkild Hanghøj, Copenhagen, 2008

 Since this PhD project began in 2004, the present author has been affiliated with DREAM (Danish

Research Centre on Education and Advanced Media Materials), which is located at the Institute of

Literature, Media and Cultural Studies at the University of Southern Denmark. Research visits have

taken place at the Centre for Learning, Knowledge, and Interactive Technologies (L-KIT), the

Institute of Education at the University of Bristol and the institute formerly known as Learning Lab

Denmark at the School of Education, University of Aarhus, where I currently work as an assistant

professor.

 Thus, debate games require teachers to balance the centripetal/centrifugal forces of gaming and teaching, to be able to reconfigure their discursive authority, and to orchestrate the multiple voices of a dialogical game space in relation to particular goals. These Bakhtinian perspectives provide a valuable analytical framework for describing the discursive interplay between different practices and knowledge aspects when enacting (debate) game scenarios. In addition to this, Bakhtin’s dialogical philosophy also offers an explanation of why debate games (and other game types) may be valuable within an educational context. One of the central features of multi-player games is that players are expected to experience a simultaneously real and imagined scenario both in relation to an insider’s (participant) perspective and to an outsider’s (co-participant) perspective. According to Bakhtin, the outsider’s perspective reflects a fundamental aspect of human understanding: In order to understand, it is immensely important for the person who understands to be located outside the object of his or her creative understanding – in time, in space, in culture. For one cannot even really see one's own exterior and comprehend it as a whole, and no mirrors or photographs can help; our real exterior can be seen and understood only by other people, because they are located outside us in space, and because they are others (Bakhtin, 1986: 7). As the quote suggests, every person is influenced by others in an inescapably intertwined way, and consequently no voice can be said to be isolated. Thus, it is in the interaction with other voices that individuals are able to reach understanding and find their own voice. Bakhtin also refers to the ontological process of finding a voice as “ideological becoming”, which represents “the process of selectively assimilating the words of others” (Bakhtin, 1981: 341). Thus, by teaching and playing debate scenarios, it is possible to support students in their process of becoming not only themselves, but also in becoming articulate and responsive citizens in a democratic society.

## 2nc at: code switching

#### A dialogic approach to code switching is better—assuming a static division between codes is disempowering

Jane H. **Hill 99**, anthropology and linguistics prof at Arizona, “Styling locally, styling globally: What does it mean?”, Journal of Sociolinguistics 3/4, 1999: 542-556

The ideas in the papers in this theme issue are remarkably stimulating, raising fundamental questions about the relationship between language and identity. While sociolinguists have long realized that most human beings live in a multilingual and `heteroglossic' world, categories like `native speaker,' which continue to influence linguistic thought, presuppose monolingualism and monoglossia as a default state (cf. papers in Singh 1998). These papers suggest that negotiation for license to use some particular body of semiotic materials may continue throughout life, and that the accident of having acquired materials during the period of primary language acquisition may be only one of many arguments that can be deployed in such negotiations. If this is the case, and if the construction of repertoires is as much a matter of sociolinguistic negotiation as of intergenerational transmission and focusing within youth peer groups, a revised sociolinguistics will require detailed attention to the ways that speakers are able to draw on larger systems of power in establishing their claims to linguistic resources and their rights to remodel both structure and meaning of these. Thus I attend here first to the problem of locating instances of `styling' and `crossing' in social and communicative space. The recognition of such negotiations also challenges us to produce more complex pragmatic accounts of how speakers manage inferences about meaning and identity within a contested sociolinguistic field, where the grounds for inferences are shifting and fluid. In the final part of the discussion, I turn to this problem.

#### Our model of dialogue is endlessly creative, constantly recreating engagement between different speakers

HAYMAN 83

*DAVID HAYMAN. Professor* of Comparative Literature, University of Wisconsin-Madison

Toward a Mechanics of Mode: Beyond Bakhtin

Author(s): David Hayman

Source: NOVEL: A Forum on Fiction, Vol. 16, No. 2 (Winter, 1983), pp. 101-120

For Bakhtin, who may be excused a hyperbole or two, given his relative isolation, Dostoevsky is the greatest dialogic writer. His work marks (as does Rabelais') the summit of a European tradition, a distinctive contribution to the novelistic genre. In developing this view Bakhtin opposes monologic to dialogic approaches to the rendering of experience. He describes antagonisms between the "official" or serious forms of expression and the crude "carnivalesque" or farcical manifestations ignored and generally unappreciated by critic and scholar. Bakhtin's prime example of the monologic writer is Tolstoy, whose novels may be read as position statements on the level of theme and idea, and closed forms on the level of plot development. Though not necessarily less valuable, the monologic novel lacks the peculiar vitality of the dialogic work, ironically tensed against itself on all levels and characteristically resisting resolution as inadequate and inexpressive. According to Bakhtin, Dostoevsky innovated (in the sense of redistributing and reorganizing older forms) the dialogic novel in the nineteenth century. The carnival does indeed epitomize the open and dialogic form. Dostoevsky's novels are dialogic adaptations in a serious mode of carnivalesque genres. In the novelist's later works especially, each protagonist tends to embody conflicting moral and ideological positions; characters tend to overlap dialogically as parts of a single idea cluster, a symbolic crossroads; and the book elaborates a special multifaceted or "polyphonic" dialectic to which the author contributes as would any other participant in a symposium. Bakhtin adds: The principal category of Dostoevsky's artistic vision is not evolution, but coexistence and interaction. He saw and conceived his world chiefly in space, not in time.... To orient oneself in the world meant for him to think of all its contents as being simultaneous and to guess at their interrelationships in a single point in time.1 Such a view tends to complicate and enrich the moment with its multiple possibilities, conveying a vibrant and cosmic sense of the eternal present, or rather removing actions from time in such a way as "to juxtapose and counterpose them, and to stretch them out into a developing series." The process brings to mind a canvas, which the reader-viewer, like the participant in a carnival, perceives in time only to translate it into a spacial reality. Thus "Dostoevsky strives to make two persons out of every contradiction within a single person, in order to dramatize the contradiction and reveal it extensively." 2 It is this quality which constitutes the "polyphonic" effect of a world in the making, an incomplete and dynamic world of unresolvable interacting and interreacting elements.

## subotnik

Their specific form of advocacy SHUTS DOWN DEBATE – starting with personal experiential narratives makes it IMPOSSIBLE to NEGATE

SUBOTNIK 98

Professor of Law, Touro College, Jacob D. Fuchsberg Law Center.

7 Cornell J. L. & Pub. Pol'y 681

Having traced a major strand in the development of CRT, we turn now to the strands' effect on the relationships of CRATs with each other and with outsiders. As the foregoing material suggests, **the central** CRT **message is not simply that minorities are being treated unfairly**, or even that individuals out there are in pain - assertions for which there are data to serve as grist for the academic mill - **but that the minority scholar himself or herself hurts and hurts badly**.

An important problem that concerns the very definition of the scholarly enterprise now comes into focus. **What can an academic** trained to [\*694] question and to doubt n72 **possibly say to Patricia Williams when effectively she announces, "I hurt bad"?** n73 **"No, you don't hurt"? "You shouldn't hurt"?** "Other people hurt too"? Or, most dangerously - and perhaps most tellingly - "What do you expect when you keep shooting yourself in the foot?" If the majority were perceived as having the well- being of minority groups in mind, these responses might be acceptable, even welcomed. And they might lead to real conversation. But, **writes Williams, the failure by those "cushioned within the invisible privileges of race and power**... to incorporate a sense of precarious connection as a part of our **lives is... ultimately obliterating**." n74

"Precarious." "Obliterating." **These words will clearly invite responses only from fools and sociopaths; they will, by effectively precluding objection, disconcert and disunite others**. **"I hurt," in academic discourse, has three broad though interrelated effects**. First, **it demands priority from the reader's conscience. It is for this reason that law review editors, waiving usual standards, have privileged a long trail of undisciplined - even silly** n75 **- destructive and, above all, self-destructive arti cles.** n76 **Second, by emphasizing the emotional bond between those who hurt in a similar way, "I hurt" discourages fellow sufferers from abstracting themselves from their pain in order to gain perspective on their condition**. n77

 [\*696] **Last, as we have seen,** it precludes the possibility of open and structured conversation with others. n78 [\*697] **It is because of this conversation-stopping effect** of what they insensitively call "first-person agony stories" **that Farber and Sherry deplore their use.** "The norms of academic civility hamper readers from challenging the accuracy of the researcher's account; it would be rather difficult, for example, to criticize a law review article by questioning the author's emotional stability or veracity." n79 Perhaps, a better practice would be to put the scholar's experience on the table, along with other relevant material, but to subject that experience to the same level of scrutiny.

If **through the foregoing rhetorical strategies CRATs succeeded in limiting academic debate**, why do they not have greater influence on public policy? **Discouraging white legal scholars from entering the national conversation about race**, n80 I suggest, **has generated a kind of cynicism in white audiences** which, in turn, has had precisely the reverse effect of that ostensibly desired by CRATs. **It drives the American public to the right and ensures that anything CRT offers is reflexively rejected.**

In the absence of scholarly work by white males in the area of race, of course, it is difficult to be sure what reasons they would give for not having rallied behind CRT. Two things, however, are certain. First, **the kinds of issues** raised by Williams **are too important** in their implications  [\*698]  for American life **to be confined to communities of color.** If the lives of minorities are heavily constrained, if not fully defined, by the thoughts and actions of the majority elements in society, **it would seem to be of great importance that white thinkers and doers participate in open discourse** to bring about change. Second, given the lack of engagement of CRT by the community of legal scholars as a whole, the discourse that should be taking place at the highest scholarly levels has, by default, been displaced to faculty offices and, more generally, the streets and the airwaves.

## t version

Topical version of the aff solves—the aff oil aff could easily include a genealogy of black gold. Low level energy for disadvantaged communities could make the Obama administration more effective. Our argument aren’t that these are perfect, but we don’t exclude their critiqute—in fact, tying it to the topic makes it better

Hager, professor of political science – Bryn Mawr College, ‘92

(Carol J., “Democratizing Technology: Citizen & State in West German Energy Politics, 1974-1990” *Polity*, Vol. 25, No. 1, p. 45-70)

What is the role of the citizen in the modern technological state? As political decisions increasingly involve complex technological choices, does a citizen's ability to participate in **decision making** diminish? These questions, long a part of theoretical discourse, gained new salience with the rise of **grassroots environmental protest in advanced industrial states.** In West Germany, where a strong environmental movement arose in the 1970s, protest has centered as much on questions of democracy as it has on public policy. Grassroots groups challenged not only the construction of large technological projects, especially power plants, but also the **legitimacy of the bureaucratic institutions** which produced those projects.

Policy studies generally ignore the legitimation aspects of public policy making.2 A discussion of both dimensions, however, is crucial for understanding the significance of grassroots protest for West German political development in the technological age and for assessing the likely direction of citizen politics in united Germany.

In the field of energy politics, West German citizen initiative groups tried to politicize and ultimately to democratize policy making.3 The **technicality** **of the issue** **was not a barrier** to their participation. On the contrary, grassroots groups proved to be able participants in technical energy debate, often proposing innovative solutions to technological problems. Ultimately, however, they wanted not to become an elite of "counterexperts," but to create a political discourse between policy makers and citizens through which the **goals of energy policy could be recast** and its legitimacy restored. Only a deliberative, expressly democratic form of policy making, they argued, could enjoy the support of the populace. To this end, protest groups developed new, grassroots democratic forms of decision making within their own organizations, which they then tried to transfer to the political system at large. The legacy of grassroots energy protest in West Germany is twofold.

First, it produced major substantive changes in public policy. Informed citizen pressure was largely responsible for the introduction of new plant and pollution control technologies. Second, grassroots protest **undermined** the **legitimacy** of bureaucratic experts. Yet, an acceptable forum for a broadened political discussion of energy issues has not been found; the energy debate has taken place largely outside the established political institutions. Thus, the legitimation issue remains unresolved. It is likely to reemerge as Germany deals with the problems of the former German Democratic Republic. Nevertheless, an evolving ideology of citizen participationa vision of "technological democracy"-is an important outcome of grassroots action.

## at: personal/consistent advocacy good

Our model of education doesn’t trade off with personal convictions, but it does make debaters stronger advocates

Hodson, professor of education – Ontario Institute for Studies @ University of Toronto, ‘9

(Derek, “Towards an Action-oriented Science Curriculum,” Journal for Activist Science & Technology Education, Vol. 1, No. 1)

\*\*note: SSI = socioscientific issues

Politicization of science education can be achieved by giving students the opportunity to confront **real world issues that have a scientific, technological or environmental dimension.** By grounding content in socially and personally relevant contexts, an issues-based approach can provide the motivation that is absent from current abstract, de-contextualized approaches and can form a base from which students can construct understanding that is personally relevant, meaningful and important. It can provide increased opportunities for active learning, inquiry-based learning, collaborative learning and direct experience of the situatedness and multidimensionality of scientific and technological practice. In the Western contemporary world,

technology is all pervasive; its social and environmental impact is clear; its disconcerting social implications and disturbing moral-ethical dilemmas are made apparent almost every day in popular newspapers, TV news bulletins and Internet postings. In many ways, it is much easier to recognize how technology is determined by the sociocultural context in which it is located than to see how science is driven by such factors. It is much easier to see the environmental impact of technology than to see the ways in which science impacts on society and environment. For these kinds of reasons, it makes good sense to use problems and issues in technology and engineering as the major vehicles for contextualizing the science curriculum. This is categorically not an argument against teaching science; rather, it is an argument for teaching the science that informs an understanding of everyday technological problems and may assist students in **reaching tentative** **solutions** about where they stand on key SSI.

# 1NR

## social death

#### Change is possible – the alternative is right-wing fill-in

Patterson 98

The Ordeal Of Integration:

Progress And Resentment In America's "Racial" Crisis

Orlando Patterson is a Jamaican-born American historical and cultural sociologist known for his work regarding issues of race in the United States, as well as the sociology of development

In the attempt to understand and come to terms with the problems of Afro-Americans and of their interethnic relations, the country has been ill served by its intellectuals, policy advocates, and leaders in recent years. At present, dogmatic ethnic advocates and extremists appear to dominate discourse on the subject, drowning out both moderate and other dissenting voices. A strange convergence has emerged between these extremists. On the left, the nation is misled by an endless stream of tracts and studies that deny any meaningful change in America's "Two Nations," decry "The Myth of Black Progress," mourn "The Dream Deferred," dismiss AfroAmerican middle-class status as "Volunteer Slavery," pronounce AfroAmerican men an "Endangered Species," and apocalyptically announce "The Coming Race War." On the right is complete agreement with this dismal portrait in which we are fast "Losing Ground," except that the road to "racial" hell, according to conservatives, has been paved by the very pQlicies intended to help solve the problem, abetted by "The Dream and the Nightmare" of cultural changes in the sixties and by the overbreeding and educational integration of inferior Afro-Americans and very policies intended to help solve the problem, abetted by "The Dream and the Nightmare" of cultural changes in the sixties and by the overbreeding and educational integration of inferior Afro-Americans and lower-class Euro-Americans genetically situated on the wrong tail of the IQ "Bell Curve." If it is true that a "racial crisis" persists in America, this crisis is as much one of perception and interpretation as of actual socioeconomic and interethnic realities. By any measure, the record of the past half century has been one of great achievement, thanks in good part to the suecess of the government policies now being maligned by the left for not having gone far enough and by the right for having both failed and gone too far. At the same time, there is still no room for complacency: because our starting point half a century ago was so deplorably backward, we still have some way to go before approaching anything like a resolution.

#### And it misreads history

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

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

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

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

#### Pessimism is ontological – it’s ontologically inscribed and that’s really bad

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

Specters of the Atlantic is a compellingly sophisticated study of the relation be- tween the epistemologies underwriting both modern slavery and modern capitalism, but the book’s discussion of the politics of anti-slavery is fundamentally incomplete. While Baucom brilliantly traces the development of “melancholy realism” as an op- positional discourse that ran counter to the logic of slavery and finance capital, he has very little to say about the enslaved themselves. Social death, so well suited to the tragic perspective, stands in for the experience of enslavement. While this heightens the reader’s sense of the way Atlantic slavery haunts the present, Baucom largely fails to acknowledge that the enslaved performed melancholy acts of accounting not unlike those that he shows to be a fundamental component of abolitionist and human rights discourses, or that those acts could be a basic element of slaves’ oppositional activities. In many ways, the effectiveness of his text depends upon the silence of slaves—it is easier to describe the continuity of structures of power when one down- plays countervailing forces such as the political activity of the weak. So Baucom’s deep insights into the structural features of Atlantic slave trading and its afterlife come with a cost. Without engagement with the politics of the enslaved, slavery’s history serves as an effective charge leveled against modernity and capitalism, but not as an uneven and evolving process of human interaction, and certainly not as a locus of conflict in which the enslaved sometimes won small but important victories.11

Specters of the Atlantic is self-consciously a work of theory (despite Baucom’s prodigious archival research), and social death may be largely unproblematic as a matter of theory, or even law. In these arenas, as David Brion Davis has argued, “the slave has no legitimate, independent being, no place in the cosmos except as an instrument of her or his master’s will.”12 But the concept often becomes a general description of actual social life in slavery. Vincent Carretta, for example, in his au- thoritative biography of the abolitionist writer and former slave Olaudah Equiano, agrees with Patterson that because enslaved Africans and their descendants were “stripped of their personal identities and history, [they] were forced to suffer what has been aptly called ‘social death.’ ” The self-fashioning enabled by writing and print “allowed Equiano to resurrect himself publicly” from the condition that had been imposed by his enslavement.13 The living conditions of slavery in eighteenth-century Jamaica, one slave society with which Equiano had experience, are described in rich detail in Trevor Burnard’s unflinching examination of the career of Thomas Thistle- wood, an English migrant who became an overseer and landholder in Jamaica, and who kept a diary there from 1750 to 1786. Through Thistlewood’s descriptions of his life among slaves, Burnard glimpses a “world of uncertainty,” where the enslaved were always vulnerable to repeated depredations that actually led to “significant slave dehumanization as masters sought, with considerable success, to obliterate slaves’ personal histories.” Burnard consequently concurs with Patterson: “slavery completely stripped slaves of their cultural heritage, brutalized them, and rendered ordinary life and normal relationships extremely difficult.”14 This was slavery, after all, and much more than a transfer of migrants from Africa to America.15 Yet one wonders, after reading Burnard’s indispensable account, how slaves in Jamaica or- ganized some of British America’s greatest political events during Thistlewood’s time and after, including the Coromantee Wars of the 1760s, the 1776 Hanover conspiracy, and the Baptist War of 1831–1832. Surely they must have found some way to turn the “disorganization, instability, and chaos” of slavery into collective forms of belonging and striving, making connections when confronted with alien- ation and finding dignity in the face of dishonor. Rather than pathologizing slaves by allowing the condition of social death to stand for the experience of life in slavery, then, it might be more helpful to focus on what the enslaved actually made of their

situation.

Among the most insightful texts to explore the experiential meaning of Afro- Atlantic slavery (for both the slaves and their descendants) are two recent books by Saidiya Hartman and Stephanie Smallwood. Rather than eschewing the concept of social death, as might be expected from writing that begins by considering the per- spective of the enslaved, these two authors use the idea in penetrating ways. Hart- man’s Lose Your Mother: A Journey along the Atlantic Slave Route and Smallwood’s Saltwater Slavery: A Middle Passage from Africa to American Diaspora extend social death beyond a general description of slavery as a condition and imagine it as an experience of self. Here both the promise and the problem with the concept are most fully apparent.16

Both authors seek a deeper understanding of the experience of enslavement and its consequences for the past, present, and future of black life than we generally find in histories of slavery. In Hartman’s account especially, slavery is not only an object of study, but also the focus of a personal memoir. She travels along a slave route in Ghana, from its coastal forts to the backcountry hinterlands, symbolically reversing the first stage of the trek now commonly called the Middle Passage. In searching prose, she meditates on the history of slavery in Africa to explore the precarious nature of belonging to the social category “African American.” Rendering her re- markable facility with social theory in elegant and affective terms, Hartman asks the question that nags all identities, but especially those forged by the descendants of slaves: What identifications, imagined affinities, mythical narratives, and acts of re- membering and forgetting hold the category together? Confronting her own alienation from any story that would yield a knowable genealogy or a comfortable identity, Hartman wrestles with what it means to be a stranger in one’s putative motherland, to be denied country, kin, and identity, and to forget one’s past—to be an orphan.17 Ultimately, as the title suggests, Lose Your Mother is an injunction to accept dis- possession as the basis of black self-definition.

Such a judgment is warranted, in Hartman’s account, by the implications of social death both for the experience of enslavement and for slavery’s afterlife in the present. As Patterson delineated in sociological terms the death of social personhood and the reincorporation of individuals into slavery, Hartman sets out on a personal quest to “retrace the process by which lives were destroyed and slaves born.”18 When she contends with what it meant to be a slave, she frequently invokes Patterson’s idiom: “Seized from home, sold in the market, and severed from kin, the slave was for all intents and purposes dead, no less so than had he been killed in combat. No less so than had she never belonged to the world.” By making men, women, and children into commodities, enslavement destroyed lineages, tethering people to own- ers rather than families, and in this way it “annulled lives, transforming men and women into dead matter, and then resuscitated them for servitude.” Admittedly, the enslaved “lived and breathed, but they were dead in the social world of men.”19 As it turns out, this kind of alienation is also part of what it presently means to be African American. “The transience of the slave’s existence,” for example, still leaves its traces in how black people imagine and speak of home:

We never tire of dreaming of a place that we can call home, a place better than here, wherever here might be . . . We stay there, but we don’t live there . . . Staying is living in a country without exercising any claims on its resources. It is the perilous condition of existing in a world in which you have no investments. It is having never resided in a place that you can say is yours. It is being “of the house” but not having a stake in it. Staying implies transient quarters, a makeshift domicile, a temporary shelter, but no attachment or affiliation. This sense of not belonging and of being an extraneous element is at the heart of slavery.20

“We may have forgotten our country,” Hartman writes, “but we haven’t forgotten our dispossession.”21

Like Baucom, Hartman sees the history of slavery as a constituent part of a tragic present. Atlantic slavery continues to be manifested in black people’s skewed life chances, poor education and health, and high rates of incarceration, poverty, and premature death. Disregarding the commonplace temporalities of professional historians, whose literary conventions are generally predicated on a formal distinction between past, present, and future, Hartman addresses slavery as a problem that spans all three. The afterlife of slavery inhabits the nature of belonging, which in turn guides the “freedom dreams” that shape prospects for change. “If slavery persists as an issue in the political life of black America,” she writes, “it is not because of an antiquated obsession with bygone days or the burden of a too-long memory, but because black lives are still imperiled and devalued by a racial calculus and a political arithmetic that were entrenched centuries ago.”22

A professor of English and comparative literature, Hartman is in many respects in a better position than most historians to understand events such as the funeral aboard the Hudibras. This is because for all of her evident erudition, her scholarship is harnessed not so much to a performance of mastery over the facts of what hap- pened, which might substitute precision for understanding, as to an act of mourning, even yearning. She writes with a depth of introspection and personal anguish that is transgressive of professional boundaries but absolutely appropriate to the task. Reading Hartman, one wonders how a historian could ever write dispassionately about slavery without feeling complicit and ashamed. For dispassionate accounting—exemplified by the ledgers of slave traders—has been a great weapon of the powerful, an episteme that made the grossest violations of personhood acceptable, even necessary. This is the kind of bookkeeping that bore fruit upon the Zong. “It made it easier for a trader to countenance yet another dead black body or for a captain to dump a shipload of captives into the sea in order to collect the insurance, since it wasn’t possible to kill cargo or to murder a thing already denied life. Death was simply part of the workings of the trade.” The archive of slavery, then, is “a mortuary.” Not content to total up the body count, Hartman offers elegy, echoing in her own way the lamentations of the women aboard the Hudibras. Like them, she is concerned with the dead and what they mean to the living. “I was desperate to reclaim the dead,” she writes, “to reckon with the lives undone and obliterated in the making of human commodities.”23

It is this mournful quality of Lose Your Mother that elevates it above so many histories of slavery, but the same sense of lament seems to require that Hartman overlook small but significant political victories like the one described by Butter- worth. Even as Hartman seems to agree with Paul Gilroy on the “value of seeing the consciousness of the slave as involving an extended act of mourning,” she remains so focused on her own commemorations that her text makes little space for a consideration of how the enslaved struggled with alienation and the fragility of belonging, or of the mourning rites they used to confront their condition.24 All of the ques- tions she raises about the meaning of slavery in the present—both highly personal and insistently political—might as well be asked about the meaning of slavery to slaves themselves, that is, if one begins by closely examining their social and political lives rather than assuming their lack of social being. Here Hartman is undone by her reliance on Orlando Patterson’s totalizing definition of slavery. She asserts that “no solace can be found in the death of the slave, no higher ground can be located, no perspective can be found from which death serves a greater good or becomes any- thing other than what it is.”25 If she is correct, the events on the Hudibras were of negligible importance. And indeed, Hartman’s understandable emphasis on the personal damage wrought by slavery encourages her to disavow two generations of social history that have demonstrated slaves’ remarkable capacity to forge fragile com- munities, preserve cultural inheritance, and resist the predations of slaveholders. This in turn precludes her from describing the ways that violence, dislocation, and death actually generate culture, politics, and consequential action by the enslaved.26

This limitation is particularly evident in a stunning chapter that Hartman calls “The Dead Book.” Here she creatively reimagines the events that occurred on the voyage of the slave ship Recovery, bound, like the Hudibras, from the Bight of Biafra to Grenada, when Captain John Kimber hung an enslaved girl naked from the mizzen stay and beat her, ultimately to her death, for being “sulky”: she was sick and could not dance when so ordered. As Hartman notes, the event would have been unre- markable had not Captain Kimber been tried for murder on the testimony of the ship’s surgeon, a brief transcript of the trial been published, and the woman’s death been offered up as allegory by the abolitionist William Wilberforce and the graphic satirist Isaac Cruikshank. Hartman re-creates the murder and the surge of words it inspired, representing the perspectives of the captain, the surgeon, and the aboli tionist, for each of whom the girl was a cipher “outfitted in a different guise,” and then she puts herself in the position of the victim, substituting her own voice for the unknowable thoughts of the girl. Imagining the experience as her own and wistfully representing her demise as a suicide—a final act of agency—Hartman hopes, by this bold device, to save the girl from oblivion. Or perhaps her hope is to prove the impossibility of ever doing so, because by failing, she concedes that the girl cannot be put to rest. It is a compelling move, but there is something missing. Hartman discerns a convincing subject position for all of the participants in the events sur- rounding the death of the girl, except for the other slaves who watched the woman die and carried the memory with them to the Americas, presumably to tell others, plausibly even survivors of the Hudibras, who must have drawn from such stories a basic perspective on the history of the Atlantic world. For the enslaved spectators, Hartman imagines only a fatalistic detachment: “The women were assembled a few feet away, but it might well have been a thousand. They held back from the girl, steering clear of her bad luck, pestilence, and recklessness. Some said she had lost her mind. What could they do, anyway? The women danced and sang as she lay dying.”

Hartman ends her odyssey among the Gwolu, descendants of peoples who fled the slave raids and who, as communities of refugees, shared her sense of dispos- session. “Newcomers were welcome. It didn’t matter that they weren’t kin because genealogy didn’t matter”; rather, “building community did.” Lose Your Mother con- cludes with a moving description of a particular one of their songs, a lament for those who were lost, which resonated deeply with her sense of slavery’s meaning in the present. And yet Hartman has more difficulty hearing similar cries intoned in the past by slaves who managed to find themselves.27

Saltwater Slavery has much in common with Lose Your Mother. Smallwood’s study of the slave trade from the Gold Coast to the British Americas in the late seventeenth and early eighteenth centuries likewise redeems the experience of the people traded like so many bolts of cloth, “who were represented merely as ciphers in the political arithmetic,” and therefore “feature in the documentary record not as subjects of a social history but as objects or quantities.”28 Each text offers a penetrating analysis of the market logic that turned people into goods. Both books work with the concept of social death. However, Smallwood examines the problem of social death for the enslaved even more closely than Hartman does.29

Like Hartman, Smallwood sees social death as a by-product of commodification. “If in the regime of the market Africans’ most socially relevant feature was their exchangeability,” she argues, “for Africans as immigrants the most socially relevant feature was their isolation, their desperate need to restore some measure of social life to counterbalance the alienation engendered by their social death.” But Small- wood’s approach is different in a subtle way. Whereas for Hartman, as for others, social death is an accomplished state of being, Smallwood veers between a notion of social death as an actual condition produced by violent dislocation and social death as a compelling threat. On the one hand, she argues, captivity on the Atlantic littoral was a social death. Exchangeable persons “inhabited a new category of mar- ginalization, one not of extreme alienation within the community, but rather of ab- solute exclusion from any community.” She seems to accept the idea of enslaved commodities as finished products for whom there could be no socially relevant relationships: “the slave cargo constituted the antithesis of community.” Yet elsewhere she contends that captives were only “menaced” with social death. “At every point along the passage from African to New World markets,” she writes, “we find a stark contest between slave traders and slaves, between the traders’ will to commodify people and the captives’ will to remain fully recognizable as human subjects.”30 Here, I think, Smallwood captures the truth of the idea: social death was a receding ho- rizon—the farther slaveholders moved toward the goal of complete mastery, the more they found that struggles with their human property would continue, even into the most elemental realms: birth, hunger, health, fellowship, sex, death, and time.

If social death did not define the slaves’ condition, it did frame their vision of apocalypse. In a harrowing chapter on the meaning of death (that is, physical death) during the Atlantic passage, Smallwood is clear that the captives could have no frame of reference for the experience aboard the slave ships, but she also shows how des- perate they were to make one. If they could not reassemble some meaningful way to map their social worlds, “slaves could foresee only further descent into an endless purgatory.” The women aboard the Hudibras were not in fact the living dead; they were the mothers of gasping new societies. Their view of the danger that confronted them made their mourning rites vitally important, putting these at the center of the women’s emerging lives as slaves—and as a result at the heart of the struggles that would define them. As Smallwood argues, this was first and foremost a battle over their presence in time, to define their place among ancestors, kin, friends, and future progeny. “The connection Africans needed was a narrative continuity between past and present—an epistemological means of connecting the dots between there and here, then and now, to craft a coherent story out of incoherent experience.” That is precisely what the women on the Hudibras fought to accomplish.31

## pics good

#### Incorporating a feminist perspective into legal discourse requires a careful interrogation of terms

**Finley 89** (Lucinda M., Visiting Professor of Law, SUNY Buffalo Law School, “SYMPOSIUM THE MORAL LAWYER: ARTICLE: BREAKING WOMEN'S SILENCE IN LAW: THE DILEMMA OF THE GENDERED NATURE OF LEGAL REASONING”, 64 Notre Dame L. Rev. 886)

Legal terminology does more than simply reflect prevailing ways of thinking about situations. An important aspect of its power is the fact that changes in how a situation is characterized can affect how the law approaches and resolves it. Whether the Baby M case is called a contract dispute or a custody dispute affects more than how we think about the situation. The choice of characterization can affect the legal outcome and profoundly alter the lives of all the people involved. As Martha Fineman has perceptively demonstrated in her analysis of the discourse governing child custody decisionmaking, n18 the shift from the legal rhetoric of divorce and terminating the parental relationship, to the helping rhetoric of social work which emphasizes restructuring the family relationship, has had a major impact on custody disputes and on mothers' rights and abilities to reconstruct their lives after divorce. The mothers' perspective about the significance of past parenting behavior has become a voice silenced and ignored by the new dominant legal rhetoricians.

Another significant feature of legal language is its conservatism. By always referring back to what has previously been defined, by building on precedent, legal language tends to stabilize and reflect the status quo, rather than to reach for radical understandings. Understandings that do not neatly match the existing definitions are suspect as radical, unthinkable, unexpressable, and unreachable by legal language. n19

Because legal reasoning and the language by which it is expressed have the power to construct and contain individual and cultural understandings of situations and social relationships, they can inhibit change. In light of this power, those who seek to use law to help empower and positively change the status of a group such as women must, in their theory and practice, be concerned with the origins, nature, and structure of legal language and legal reasoning. To tame the beast you must know the beast. Thus, a crucial project for feminist jurisprudence must be to ask constantly and critically who has been involved in shaping law, in selecting and defining its terms, and in deciding what is and is not one of those terms. Whose understandings, philosophy, and world view are imprinted on law? Consequently, how neutral and how inclusive is the structure of legal reasoning?

## links

#### 3 – Civilization is a disaster – the discourse of development is intimately tied with the Egypt narrative of Africa black gold seeks to expose

Zerzan 10

American anarchist and primitivist philosopher and author, “Patriarchy, Civilization, And The Origins Of Gender”

**Civilization, very fundamentally, is the history of the domination of nature and of women.** Patriarchy means rule over women and nature. Are the two institutions at base synonymous?

Philosophy has mainly ignored the vast realm of suffering that has unfolded since it began, in division of labor, its long course. Hélène Cixous calls the history of philosophy a “chain of fathers.” Women are as absent from it as suffering, and are certainly the closest of kin.

Camille Paglia, anti-feminist literary theorist, meditates thusly on civilization and women:

“When I see a giant crane passing on a flatbed truck, I pause in awe and reverence, as one would for a church procession. What power of conception: what grandiosity: these cranes tie us to ancient Egypt, where monumental architecture was first imagined and achieved. If civilization had been left in female hands, we would still be living in grass huts.” [1]

The “glories” of civilization and women’s disinterest in them. To some of us the “grass huts” represent not taking the wrong path, that of oppression and destructiveness. In light of the globally metastasizing death-drive of technological civilization, if only we still lived in grass huts!

Women and nature are universally devalued by the dominant paradigm and who cannot see what this has wrought? Ursula Le Guin gives us a healthy corrective to Paglia’s dismissal of both:

“Civilized Man says: I am Self, I am Master, all the rest is other — outside, below, underneath, subservient. I own, I use, I explore, I exploit, I control. What I do is what matters. What I want is what matter is for. I am that I am, and the rest is women and wilderness, to be used as I see fit.” [2]

There are certainly many who believe that early civilizations existed that were matriarchal. But no anthropologists or archaeologists, feminists included, have found evidence of such societies. “The search for a genuinely egalitarian, let along matriarchal, culture has proved fruitless,” concludes Sherry Ortner. [3]

There was, however, a long span of time when women were generally less subject to men, before male-defined culture became fixed or universal. Since the 1970s anthropologists such as Adrienne Zihlman, Nancy Tanner and Frances Dahlberg [4] have corrected the earlier focus or stereotype of prehistoric “Man the Hunter” to that of “Woman the Gatherer.” Key here is the datum that as a general average, pre-agricultural band societies received about 80 percent of their sustenance from gathering and 20 percent from hunting. It is possible to overstate the hunting/gathering distinction and to overlook those groups in which, to significant degrees, women have hunted and men have gathered. [5] But women’s autonomy in foraging societies is rooted in the fact that material resources for subsistence are equally available to women and men in their respective spheres of activity.

In the context of the generally egalitarian ethos of hunter-gatherer or foraging societies, anthropologists like Eleanor Leacock, Patricia Draper and Mina Caulfield have described a generally equal relationship between men and women. [6] In such settings where the person who procures something also distributes it and where women procure about 80 percent of the sustenance, it is largely women who determine band society movements and camp locations. Similarly, evidence indicates that both women and men made the stone tools used by pre-agricultural peoples. [7]

With the matrilocal Pueblo, Iroquois, Crow, and other American Indian groups, women could terminate a marital relationship at any time. Overall, males and females in band society move freely and peacefully from one band to another as well as into or out of relationships. [8] According to Rosalind Miles, the men not only do not command or exploit women’s labor, “they exert little or no control over women’s bodies or those of their children, making no fetish of virginity or chastity, and making no demands of women’s sexual exclusivity.” [9] Zubeeda Banu Quraishy provides an African example: “Mbuti gender associations were characterized by harmony and cooperation.” [10]

And yet, one wonders, was the situation really ever quite this rosy? Given an apparently universal devaluation of women, which varies in its forms but not in its essence, the question of when and how it was basically otherwise persists. There is a fundamental division of social existence according to gender, and an obvious hierarchy to this divide. For philosopher Jane Flax, the most deep-seated dualisms, even including those of subject-object and mind-body, are a reflection of gender disunity. [11]

Gender is not the same as the natural/physiological distinction between the sexes. It is a cultural categorization and ranking grounded in a sexual division of labor that may be the single cultural form of greatest significance. If gender introduces and legitimates inequality and domination, what could be more important to put into question? So in terms of origins — and in terms of our future — the question of human society without gender presents itself.

We know that division of labor led to domestication and civilization and drives the globalized system of domination today. It also appears that artificially imposed sexual division of labor was its earliest form and was also, in effect, the formation of gender.