# 2nc resistance pedagogy bad

**The affirmative is essentially making a qualifications argument about what sort of knowledge should be treated as more or less significant in judging a debate round**

**Their argument is that knowledge which claims to speak from the experience of oppressed peoples should be accorded greater value**

**Our argument is an impact-turn -- let's start with Gur-ze-ev ; they simply create a new hierarchy that allows their pedagogy to become easily appropriated as a vehicle for oppression -- just find a black guy to criticize anti-poverty programs, or an undocumented person to criticize lax immigration restrictions, or a Jew to criticize the anti-Semitic Arab majority... oh wait a minute, you really can justify almost anything using that formulation! the problem is that the 1AC creates a veneer of good intentions that elides necessary critical scrutiny, and only replicates oppression in more insidious ways -- when the crack down comes it will be praised by the heavily edited voices of those who will be left most vulnerable**

**That's impacted by our Scott and Tsianos evidence which frame the ballot -- the debate is a question of who best explains transformative social becomings in a way that allows for oppressed groups to tactically exploit them -- Scott indicates that the attempt to speak on behalf of oppressed peoples simply replicates the liberal electoral gambit where by the voices of many divergent opinions become buried under the univocal expression of a single powerful sovereign representative in the name of expediency -- this evidence says that it tranforms political advocacy into another excuse for policing and essentially makes political advocacy into an endless cross-examination of eye witnesses, while allowing the problem to remain confined within the specific instance of experience instead of becoming accessible to a broader critique of power. Tsianos indicates that this is a prior question since we must first recognize that politics must remain imperceptible before it can achieve a critical awareness that drives change -- zero permutation arguments make sense, since the 1AC is obviously not an example of imperceptible politics, and they don't solve our speaking-from-experience or identity-group disadvantages. Only the alternative by itself creates an effective starting point for radical change by recognizing that advocacy must exist through a present-tense solidarity, rather than atomizing truth claims to matters of personal affect**

**Now here's two pieces of damning defense**

**First, the Shelby evidence indicates that the presumption of a stable enemy is debilitating for resistance politics -- there is no monolithic root cause, and it certainly isn't white supremacy. There are numerous other identity factors including socioeconomic class, gender, legal status and so on which overdetermine the condition of oppression in contextually unique circumstances. The presumption of a single cause in fact obscures the proximate causes of structural violence and prevents solvency**

**Second, the Chandler evidence indicates that a focus on personal politics makes all politics personal -- it is not possible from this position to create a program of wide-scale reform and thus impossible to address the structural issues that drive all their impact claims. Treat this evidence as 100% no solvency and vote negative on presumption**

**ONLY a politics which refuses the trap of political representation has the possibility of emancipation -- this is a prior question and STARTING POINT is key. It's try or die for the alternative**

**Tsianos et al. ‘8** Vassilis, teaches sociology at the University of Hamburg, Germany, Dimitris Papadopoulos teaches social theory at Cardiff University, Niamh Stephenson teaches social science at the University of New South Wales. “Escape Routes: Control and Subversion in the 21st Century” Pluto Press

**To escape policing and start doing politics necessitates dis-identi- fication - the refusal of assigned, proper places for participation in society.** As indicated earlier, **escape functions** not as a form of exile, nor as mere opposition or protest, but **as an interval which interrupts everyday policing** (Ranciere, 1998). **Political disputes - as distinct from disputes over policing - are not concerned with rights or repre­sentation or with the construction of a majoritarian position in the political arena. They are not even disputes over the terms of inclusion or the features of a minority. They occur prior to inclusion,** beyond the terms of the double-R axiom, **beyond the majority-minority duality.** They are disputes over the existence of those who have no part (and in this sense they are disputes about justice in a Benjaminian sense of the word, Benjamin, 1996a). **Politics arises from the emergence of the miscounted, the imperceptible, those who have no place within the normalising organisation of the social realm. The refusal of represen­tation is a way of introducing the part which is outside of policing, which is not a part of community, which is neither a minority nor intends to be included within the majority. Outside politics is the way to escape the controlling and repressive force of** contemporary politics (that is of **contemporary policing); or else it is a way to change our senses, our habits, our practices in order to experiment together with those who have no part, instead of attempting to include them into the current regime of control. This emergence fractures normalising, police logic. It refigures the perceptible, not so that others can finally recognise one's proper place in the social order, but to make evident the incommensurability of worlds, the incommensurability of an existing distribution of bodies and subjectivities with the principle of equality.** **Politics is a refusal of representation. Politics happens beyond, before representation.** Outside politics is the materialisation of the attempt to occupy this space outside the controlling force of becoming majoritarian through the process of representation. **If we return to our initial question of how people contest control, then we can say that when regimes of control encounter escape they instigate processes of naming and representation. They attempt to reinsert escaping subjectivities into the subject-form. Outside politics arises as people attempt to evade the imposition of control through their subsumption into the subject-form. This is not an attempt simply to move against or to negate representation.** Nor is it a matter of introducing pure potential and imagination in reaction to the constraining power of control. **Rather, escape is a constructive and creative movement - it is a literal, material, embodied movement towards something which cannot be named, towards something which is fictional.** Escape is simultaneously in the heart of social transformation and outside of it. Escape is always here because it is non-literal, witty and hopeful.

### 2nr impact overview

**The role of the ballot is to vote for the team that best explains a system of social becoming’s that allows for oppressed groups to exploit them as a tactic-that’s our scott evidence**

**We will win that debate-**

**Our argument is a link turn to their impacts**

**Our gurzeev evidence indicates that the formula of using narrative or personal experiences in order to criticize white oppression is the same formula that can be hijacked by the white majority in order to justify white oppression. We all have a sob story. Its just a question of whether or not we start our political calculus from this or from a pedagogy not of resistance. This reifies the white hierarchy because it reloads and bolsters their own argument**

**Our scott evidence is an impact to this it indicates that the idea that they can speak for others is the same logic that encourages policing in the first place there are many different opinions on these issues but the idea that they can represent a monolithic entity for an identity group that represents the entirety of a community turns the debate into just questioning witnesses and focusing solely on that identity group**

**This has an impact- it means we are always stuck in the debate and never have the opportunity to critique the power structure itself turns case**

**Its also a prior question- that’s tsianos**

**The politics of the situation has occurred before they or we have represented it- which means that the effect that our differing social strategies has on these ideas and these social structures occurs before the actual action of debate**

**The alternative is to disidentify yourself with the politics of the group- by doing this you take yourself outside of the traditional power structure. The idea that there is a minority group is what enables the idea of the majoritarian. By refusing to participate within the structure of group identity you disempower the current system of oppression and policing. It is a statement that you do not want to be included in the majority that the majority isn’t something we should strive for and that the political has to be imperceptible. Only when we do this can we attempt to escape the politics of policing. The affirmative merely entrenches the position of oppression because it attempt to actively challenge this structure. This creates a political reaction that ultimately crushes the movement. This means the alternative solve all of case**

**The piece of tsianos evidence we read in the 2nc is very good on this question it indicates that staying within politics creates a social contrarian reaction that strikes down the revolutionary movement. By staying imperceptible and low key the movement can stay out of the eyes of elites and ultimately succeed by catching them by surprise.**

# a2: you don't experience oppression in debate

**The question of the degree to which each team experiences identitarian privilege in debate IS OUR LINK ARGUMENT -- forcing a disclosure of intersecting privilege and disempowerment feeds into the represenational logic that seeks to reduce the tactical possibility for struggle into endlessy atomized divisions. The endless debates between race and class as starting points show how the framing of the affirmative prevents productive engagement and ensures that pedagogical activists are subdued by endless infighting and distraction and fractures solidarity.**

Mas'ud **Zavarzadeh**, Marxist author, **2003**

http://www.etext.org/Politics/AlternativeOrange/3/v3n2\_b34.html

This mimetic theory of the social, like all forms of mimesis, is founded upon the privileging of experience. The centering of “experience” in postmodern social movements has taken the form of “identity politics.” “Identity politics” is a theory that fragments social solidarity by privileging “difference,” which derives from the different experiences of people as “woman,” “gay,” “lesbian,” “black,” “Latino,”…. It deploys the difference (of experience) to naturalize “pluralism” and “multiculturalism,” and in so doing, conceals the primacy of the social division of labor in the organization of postmodern capitalism.

“Identity politics” is founded upon the assumption that the only authentic mode of political practice is acting on the basis of one’s own unique experience as a woman, a gay, a lesbian, an African-American, an African-American woman, a lesbian African-American woman…. Only an African-American can speak for an African-American; only a woman can speak for a woman, but even this is problematic for a white woman cannot speak for an African-American woman…. Accordingly, an intellectual cannot speak with any legitimacy for the proletariat because he/she does not have the appropriate “experience.” In fact, following the Foucault—Deleuze—Guattari line of ludic politics, speaking for the other is regarded, in postmodern pluralism, to be an act of violence against the other. Any “speaking for” is considered to be “universalist” and “programmatic” (to quote the second reader). A call for revolution “from above” is without experiential authenticity and thus fraudulent. One’s moral legitimacy in politics, in other words, is confined to ones experience and legitimacy disappears the moment one transgresses the boundaries of one’s experience.

As its popularity shows, “identity politics” is a highly useful theory of politics for transnational capitalism. “Identity politics” completely erases “labor” which provides the basis for commonality in all social practices, and in so doing, it obscures the political economy of “production,” which is the main source of exploitation. Before one is a gay, anAfrican-American, a woman, a Latina, one is situated in the social division of labor. Before the emergence of “heterogeneity” (difference), there is “homogeneity” (commonality), and it is “commonality” that is the foundation of all revolutionary praxis aimed at overthrowing not only oppression (the rule of power) but also, and more importantly, exploitation (the rule of economic inequality). It is my emphasis on commonality that the second reader violently opposes and considers to be totalitarian because, unlike him/her, I regard power to be always exercised from above. In other words, I regard Foucault’s notion of power to be an ideological alibi for blurring the line between the “powerful” (the ruling class which owns the means of production) and the “powerless” (the worker who has nothing but his/her labor power to sell). The Foucauldian theory of power posits an all-inclusive power, thus providing the powerless with the illusion that he/she has as much power as anybody else: after all, Foucault assures her/him, power elicits “resistance,” and resistance” is the strongest mark of power. All people (of all classes), according to Foucault, can resist! (This, by the way is the basis for the theory of resistance in the second reader’s text.) But “even a child knows” that there is a fundamental difference between the power (of resistance) of a worker (demonstrated, for example, by absenteeism) and the power of the buyers of labor power. Power is determined in the relations of production.

“Identity politics” obscures exploitation and therefore diverts social struggle away from a revolutionary praxis for socialism and towards mere reforms for capitalism with a more humane face. It reduces solidarity to feelings of sympathy and substitutes the “moral” for the “political”; the “local” for the “global”; “context” for “history,” and “consensus” for “critique.” A radically different theory of the “other” is offered by Marx and Engels in their Manifesto of the Communist Party where they write: Finally, in times when the class struggle nears the decisive hour, the process of dissolution going on within the ruling class, in fact within the whole range of old society, assumes such a violent, glaring character, that a small section of the ruling class cuts itself adrift, and joins the revolutionary class, the class that holds the future in its hands. Just as, therefore, at an earlier period, a section of the nobility went over to the bourgeoisie, so now a portion of the bourgeoisie goes over to the proletariat, and in particular, a portion of the bourgeois ideologists, who have raised themselves to the level of comprehending theoretically the historical movement as a whole (Moscow: Progress Publishers, 1970, 42).

Solidarity, in the work of Marx and Engels, is thus founded upon a historical and “conceptual” understanding (theory) of the social totality and not on “experiencing” the locality of the lifezone of the monadic subject. It is global knowledge—this “comprehending theoretically the historical movement as a whole”—that is the target of poststructuralist localism as well as postmodern “social movements” (from feminism and environmentalism to queer theory, all of which advocate an “identity politics” founded upon “difference”).

**Voting negative rejects the logic of representation through which political struggle is built on one aspect of identity**

**Tormey '6** Simon Tormey, Politics at University of Nottingham, 2006

Parliamentary Affairs 2006 59(1):138-154

As opposed to the ‘majoritarian’ logic of ontology, an ontology of becoming involves resisting the superior codes and meanings of the social field, rather than allowing them to subordinate difference to the Same, as in the case of analogy and associations. 12 This translates as a continual struggle against ‘territorialising’ attempts to envelop within the categories and codes that underpin sociality, and in particular **against being subsumed within logics of representation**. It means resisting subordination to the process of ‘molar’ aggregation that identitarian logics foster. This might be in terms of resisting the ‘leftist’ reduction of singularity to class identity, the ‘progressive’ reduction to group, collective or communal identity (Irish white male), or the conservative reduction to national or sub-national descriptors (‘decent, law-abiding citizen’**). It means resisting the view that singularity can be encompassed within group or collective identities** and hence that such identities can be thought of as prior to the singularity—as ‘capturing’ singularity. Becoming minoritarian is, rather, posited as an ‘eternal’ process of affirmation of difference through the rejection of attempts to reduce difference to the same. This is in contrast to processes of ontological representation that subsume difference within identity, one that requires ‘no further action’ on the part of the one represented (‘Everyone recognises that ... ’). It is this essential passivity between that which represents and that which is represented which signals for Deleuze the denial of difference. Something is represented, but it is not—and cannot be—the singularity. It is the ‘singular’ that always escapes reduction to the Same. Becoming minoritarian, setting a face against representation, categorisation, pigeonholing is a denial or negation of the logic of representation; but this is a denial that is itself active and thus constitutive of difference itself. Through the denial—Deleuze wants to say—the singular affirms its singularity as opposed to any collective, group, genetic or ‘given’ identity that others attempt to impose upon it. The act of negating is in this sense affirmative of difference, as opposed to sameness considered in representational terms. To assert that ‘I am not like that’ is a negation; but it is also a form of affirmation on these terms. It is a disavowal of the possibility of being contained by the representative claim, whilst at the same time an affirmation of singularity.

# a2: view from nowhere / meaningful "black" authorship/participation

**what about the people that you are that you didn’t bring into the debate**

**-why doesn’t that by your logic participate in the erasure of identities**

**a/t: race is a good starting point-we impact turned that**

**they didn’t talk about some people, we didn’t either not talking about them doesn’t make them invisible**

**Their arguments about the view from nowhere bites back against every single identity category that they didn't mention -- by their logic, the fact that the 1AC didn't mention ableist privilege or nonveteran privilege or ageist privilege ACTIVELY wrenders each of those groups invisible and enacts a discursive violence against them -- this cannot be a contest to see who can acknowledge MORE marginalized groups and the search for a discursive starting point in race is violent. Treat this as an independent disad to voting aff and a total solvency take-out**

Evelyn **Hammonds**, Professor of History at Harvard, **1994**

A Journal of Feminist Cultural Studies 6.2+3 http://www.humanities.wisc.edu/programs/downloads/hammonds\_wholes.pdf.

Despite the presence of writers of color, the authors of the essays in the differences volume avoid interrogating their own practices with respect to the issue of difference. That is to say to differences of race, ethnicity, and representation in analyzing subjectivity, desire, and the use of the psychoanalytic in gay and lesbian theory. Only Ekua Omosupe explicitly addresses the issue of black female subjectivity, and her essay foregrounds the very issue that queer theory ostensibly is committed to addressing. Omosupe still sees the need to announce her skepticism at the use of the term lesbian without the qualifier, “black,” and addresses the lack of attention to race in gay and lesbian studies in her analysis of Adrienne Rich’s work (108). For her, the term “lesbian” without the racial qualifier is simply to be read as “white” lesbian. Despite her criticism, however, she too avoids confronting difference within the category of black lesbian, speaking of “the” black lesbian without attention to or acknowledgment of a multiplicity of identities or subject positions for black women. She notes that the title of Audre Lorde’s collected essays is Sister Outsider, which she argues is “an apt metaphor for the Black lesbian’s position in relation to the white dominant political cultures and to her own Black community as well” (106). But metaphors reveal as much as they conceal and Omosupe cannot tell us what kind of outsider Lorde is, that is to say what sexual practices, discourses, and subject positions within her black community she was rebelling against. As with the Hull and McDowell essays, Omosupe’s article acknowledges silence, erasure, and invisibility as crucial issues in the dominant discourses about black female sexuality, while the essay and the volume as a whole continue to enact this silence.

# a2: must investigate 'X' traumatic event

**The focus on events in analysis of social change destroys human agency and illustrates history as an inhuman mechanism in which personal choices appear as mere effects of naturalized systems of control -- turns the aff and independent reason to vote negative**

**Tsianos et al. ‘8** Vassilis, teaches sociology at the University of Hamburg, Germany, Dimitris Papadopoulos teaches social theory at Cardiff University, Niamh Stephenson teaches social science at the University of New South Wales. “Escape Routes: Control and Subversion in the 21st Century” Pluto Press

This book is about social transformation; it proposes a processual vision of change. **We want to move away from thinking about change as primarily effected through events. To focus on the role of events is to foreground particular moments when a set of material, social and imaginary ruptures come together and produce a break in the flow of history - a new truth**. Much of the twentieth century's political thinking casts revolt and revolution as the most central events in creating social change. But **the (left's) fixation on events cannot nurture the productive energy required to challenge the formation of contemporary modes of control in Global North Atlantic societies.** An event is never in the present; it can only be designated as an event in retrospect or anticipated as a future possibility. **To pin our hopes on events is a nominalist move which draws on the masculinist luxury of having the power both to name things and to wait about for salvation.** **Because events are never in the present, if we highlight their role in social change we do so at the expense of considering the potence of the present that is made of people's everyday practices: the practices employed to navigate daily life and to sustain relations, the practices which are at the heart of social transformation long before we are able to name it as such.** This book is about such fugitive occurrences rather than the epiphany of events. **Social transforma­tion**, we argue, **is not about cultivating faith in the change to come, it is about honing our senses so that we can perceive the processes which create change in ordinary life.** Social transformation is not about reason and belief, it is about perception and hope. It is not about the production of subjects, but about the making of life. **It is not about subjectivity, it is about experience**.In the following pages, we look for social change in seemingly insignificant occurrences of life: refusing to subscribe to a cliched account of one's life story; sustaining the capacity to work in insecure and highly precarious conditions by developing informal social networks on which one can rely; or **living as an illegal migrant** **below the radar of surveillance. These everyday experiences are commonly neglected in accounts of social and political transformation.** This might be partly because they neither refer to a grand narrative of social change nor are they identifiable elements of broader, unified social movements. However, this book presents the argument that **such imperceptible moments of social life are the starting point of contemporary forces of change.** But what makes some everyday occurrences transformative and many others not? Transformative processes change the conditions of social existence by paving the way for new transformations (rather than by creating fixed identifiable things or identities). **We can trace social change in experiences that point towards an exit from a given organisation of social life without ever intending to create an event**. This is why we talk about ways of escaping. The thesis of the book is that people escape: only *after* control tries to recapture escape routes can we speak of 'escape from'. Prior to its regulation, escape is primarily imperceptible. We argue that these moments where people subvert their existing situations without naming their practice (or having it named) as subversion are the most crucial for understanding social transformation. These imperceptible moments trigger social transformation, trigger shifts which would have appeared impossible if described from the perspective of the existing situation. You can never really know exactly when people will engage in acts of escape. The art of escape appears magical, but it is the mundane, hard and sometimes painful everyday practices that enable people to craft situations that seem unimaginable when viewed through the lens of the constraints of the present. **The account we give of social trans­formation does not entail cultivating faith in the event to come, rather it involves cultivating faith in the elasticity and magic of the present. Another world is here. Escape routes are transformative because they confront control with something which cannot be ignored. A system of power must try to control and reappropriate acts of escape. Thus, the measure of escape is not whether it avoids capture; virtually all trajectories of escape will, at some point, be redirected towards control. We are trained to think that the end product of political struggle is all about a transformative end point, a revolt, a strike, a successfully built up organisation, a revolution. However, this perspective neglects the most important question of all: How does social transformation begin?** Addressing this question demands that we cultivate the sensibility to perceive moments when things do not yet have a name. There is nothing heroic about escape. It usually begins with an initial refusal to subscribe to some aspects of the social order that seem to be inescapable and indispensable for governing the practicalities of life. In other words, **the very first moment of subversion is the detachment from what may seem essential for holding a situation together and for making sense of that situation. Escape is a mode of social change that is simultaneously elusive and forceful enough to challenge the present configuration of control.**

# statistics 1nc

**The 1AC decision to include educational statistics was a political act that re-entrenched the authority of data manager and reinforces violent practices of the security complex – vote neg to affirm the 1AC without statistics**

**Bigo ‘5** Didier Bigo, Professor of International Relations at Sciences-Po, Paris and researcher at the Center for International Studies and Research/National Foundation of Political Science (CERI/FNSP).in John Solomon, Naoki Sakai, “Translation, Philosophy and Colonial Difference” Vol. No. 4 (2005)

In the approach to (in)securitization processes that I propose here, it will be important to avoid the reigning tendency (the doxa) of the field. This commonly involves attributing a coherent set of beliefs to the professionals involved in the field, an approach I avoid in order not to gratuitously unify their divergent interests, by analysing them wrongly as willing allies or accomplices. On the contrary it is important to differentiate clearly between various parties’ standpoints on how to prioritize threats (threats that may include terrorism, war, organized crime, and what is called migratory invasion or reverse colonisation, while at the same time remarking the correlation between various métiers, which may include professions of urban policing, criminal policing, anti-terrorist policing, customs, immigration control, intelligence, counter-espionage, information technologies, long-distance systems of surveillance and detection of human activities, maintenance of order, re-establishment of order, pacification, protection, urban combat, and psychological action. These métiers do not share the same logics of experience or practice, and do not converge neatly into a single function under the rubric of security. Rather, they are both heterogeneous and in competition with each other. As we will see, this is true, even if the differentiations mapped out by the near-mythical idea of the national an impervious state-controlled border tend to disappear, given the effects of trans-nationalization. Three key events are taking place, now that it has taken several centuries for these métiers to differentiate in the first place: a de-differentiation of professional activities as a result of this configuration; a growth in struggles to re-define the systems that classify the social and cultural struggles as security threats; and a practical redefinition of systems of knowledge and know-how that connect the public and private security agencies who claim to possess a “truth” founded on numerical data and statistics, applied to the cases of persons who feel the effects of the in-securitization, living in a state of unease. Such professional managers of unease then claim, through the “authority of the statistics”, that they have the capacity to class and prioritize the threats, to determine what exactly constitutes security. Here, this concept is reduced to the correlation between war, crime and migration, and does not include ( the loss of employment, car accidents, good health itself abruptly made in-secure as social benefits are dismantled), all elements which are considered on the contrary as normal risks. Finally, this “authority” of the statistics and the routines of collecting them with their technologies and categories, allows such professionals to establish a “field” of security in which they recognize themselves as mutually competent, but at the same time find themselves in competition with each other for the monopoly of the legitimate knowledge on what constitutes a legitimate unease, a “real” risk.

Environmental justice fails—vague, undeveloped doctrine absent a concrete procudure

Hendrick, 2k1 [Associate Professor of Law at Florida Coastal School of Law, Paul Maynard, ARTICLE: THE THEORY OF LEGAL RELATIVITY: ENVIRONMENTAL JUSTICE IN THE CONTEXT OF DOCTRINAL DURABILITY, The University of Toledo Law Review, 32 U. Tol. L. Rev. 137, lexis, acc. 06.26.2008] ]

Civil rights groups were largely excluded when environmental laws were drafted. The drafters assumed that environmental regulation equally protects all, regardless of ethnicity. n139 Despite the ancient roots of discrimination theory, the idea of a legal doctrine of environmental justice is comparatively new. n140 Critics say that environmental justice doctrine is hobbled as a remedial methodology because of its unfinished theoretical formulation, its incomplete documentation of patterns of discrimination, its inadequate statutory and constitutional foundations, its inconsistency with settled grounds for relief, its daunting burdens of proof, its tension with market

efficiency, and its potential for disturbing subtle accommodations of discrimination. n141

2. Plan won’t succeed—lack of legislative and judicial recognition make it inevitable

Hendrick, 2k1 [Associate Professor of Law at Florida Coastal School of Law, Paul Maynard, ARTICLE: THE THEORY OF LEGAL RELATIVITY: ENVIRONMENTAL JUSTICE IN THE CONTEXT OF DOCTRINAL DURABILITY, The University of Toledo Law Review, 32 U. Tol. L. Rev. 137, lexis, acc. 06.26.2008]

Environmental justice has no statutory empowerment comparable to the intensive lawmaking that began in Franklin D. Roosevelt's first hundred days and emerged anew in the 1960s and 1970s. The legislative spurt during the Depression era was the most compressed period of doctrinal collision in American legal history. n297 Before FDR's enactments came interest group pressures, dramatization of need, campaigns, debates, commitments and conflicts, elections, lobbying, coalitions, trade-offs, hearings, votes, amendments, compromises, and executive and judicial starts and stops. n298 After enactments came funding, data collection, administrative rules,implementation, and regulation. n299 An upsurge in legislative intensity, such as that in civil rights legislation in 1964 n300 and environmental legislation in 1969 and thereafter, n301 has not come for environmental justice. A grassroots movement and a constituency hold out hope for statutory authority. Many post-World War II Americans believed FDR's New Deal vision of governance would never die. n302 Since 1945, an FDR covenant has delimited [\*175] the curtailment of social safety nets and regulatory powers in the United States, even when party control of the presidency or Congress shifts. Indeed, the federal role steadily expanded. Budgetary constraints and public distrust merely slowed the growth. Republican southern strategies after 1967 realigned swing votes from Sunbelt states and new middle class suburbs. n303 Still, President Nixon tested the winds and made the environment a key part of his 1970 agenda. In that year the Environmental Protection Agency was created and the first Earth Day was celebrated. n304 In the 1970s, major environmental laws were enacted. n305 In time, the Vietnam War and Watergate renewed traditional American distrust of government, and the presidential election of Ronald Reagan promised to downsize "big government." n306 Presidents Reagan and Bush, however, sought to shrink regulation by budgetary diets, not by abolition. Environmental and civil rights enforcement survived the cutbacks. n307 Within two decades after enactment of the 1969 National Environmental Policy Act, the EPA had the largest agency budget and staff outside the Presidential Cabinet. n308 Environmental justice still faces roadblocks on the way to judicial, legislative, and administrative recognition. Remedies for non-purposeful discrimination were still inadequate at the end of the twentieth century. The segregative effects of environmental/land use decisional processes vivified subtle legacies of the era of official racial segregation. n309 Because of its equality and fairness principles, environmental justice arouses resistance that brakes it’s momentum. From this context, the doctrine of environmental justice makes its way from an uncertain present toward an uncertain future.

3. Tradition-bound institutions fail to provide an adequate response for environmental justice

Hendrick, 2k1 [Associate Professor of Law at Florida Coastal School of Law, Paul Maynard, ARTICLE: THE THEORY OF LEGAL RELATIVITY: ENVIRONMENTAL JUSTICE IN THE CONTEXT OF DOCTRINAL DURABILITY, The University of Toledo Law Review, 32 U. Tol. L. Rev. 137, lexis, acc. 06.26.2008]

Globally, changing human consciousness outpaces the ability of tradition-bound institutions to respond. Education, information technology and new wealth effects can increase receptivity to change in principles of governance. As economic security and education rise, so can opportunities based on diversity and mutuality. Opportunities for political change evolve through complex adaptations. Instead of ending programmatic social services, the federal government devolves responsibilities to states and cities. n406 Political parties decline in dominance, opening systems to independent candidacies and influence by dollar-driven media campaigns. Citizens see themselves reflected in neither major party. As minorities grow and majorities shrink, public policy will combine economic self-interest and values of opportunity and empowerment. Organized interest groups will build unorthodox alliances to influence change. n407 If sustained, these trends open doors to environmental justice recognition and endurance. Through those doors await risks that downward devolution of federal responsibilities merely shifts burdens. Greater autonomy for local decision-makers could perpetuate discrimination in land use decisions based on exclusionary, but facially race-neutral, processes. Environmental justice advocates will target reform of land use and environmental permitting processes. Otherwise, discrimination contained in one arena will break out in another. n408