# K aff

### Notes

#### This aff is about censorship, but does not defend the government further protecting free speech rights or include a traditional “plan”. The case consists of three key arguments

#### 1. Reverse enforcement- schools have implemented a variety of speech codes/restrictions purportedly to “protect” students from harmful speech, oftentimes with the discourse of “safe space”. These policies are often marketed as a protection for minority students specifically, to protect them from “hate speech”. The problem is that these policies are often used to do the opposite- to protect white students from having uncomfortable discussions about race. Because enforcement of censorship laws is turned against minorities it argues that they cannot rely on the law to stop hate speech-hate speech can only be countered by counter speech.

#### 2. Violence- traditionally we think of a violence/nonviolence dichotomy. In this framing we think of violence as a “physical” act- punching, kicking, shooting etc. This way of looking at the issue can influence how we interpret events/assign blame. To take a classic example, when someone steals food to feed their family we consider that theft a crime but we don’t consider the economic system that produces hunger to be criminal. Similarly, when the oppressed resist their fighting back is often characterized as violence while the system that was oppressing them is not. This aff argues that we should change the way we conceive of violence away from this physical violence/nonviolence dichotomy and instead think of violence as a rupture or change in society. Racism is violent because its an attempt to re-order (or order) society in a hierarchy. Resistance to racism is also violence because it attempts to stop this process. Calling them both violence does not make them equivalent-one is a revolutionary violence designed to eliminate oppression. Viewed through this lens, counterspeech that challenges racism and the systems that perpetuate it is “violence”, it is not a passive form of nonviolence.

#### 3. Liberalism- the general idea that politics should promote liberty/equality, liberalism has come under attack recently for failing to deliver on these promises. This affirmative argues that traditional liberalism failed because of its colorblind approach to the world. Ideas like “free speech” become problematic when the context of speech is not taken into account. As an example, the affirmative uses examples of the way laws regulating speech that are allegedly neutral (equally applied to all) end up being enforced in a discriminatory way. Instead of throwing liberalism out the window the aff argues that we can reclaim liberalism and make it function in a more equitable manner.

### 1AC

#### Contention 1: Silence is Violence

#### 1. Disingenuous “safety” concerns are driving a new wave of student censorship. Students with critical viewpoints are actively targeted by administrators in the name of protecting other students

Wheeler, assistant prof. Journalism @Tampa, 14

(David R., 4-7, https://www.theatlantic.com/education/archive/2014/04/do-students-still-have-free-speech-in-school/360266/)

There are numerous examples of schools punishing students for seemingly innocuous online activity. In 2012, after a Minnesota student wrote a Facebook post saying a hall monitor was “mean” to her, she was forced to turn over her Facebook password to school administrators—in the presence of a sheriff’s deputy. The school made an out-of-court settlement with the student, who was represented by the ACLU. In other recent cases, student banter that would have gone unnoticed in the pre-digital era has drawn swift punishment. In Kansas, a high school class president was suspended for a Twitter post making fun of his school’s football team. In Oregon, 20 students were suspended over a tweet claiming a female teacher flirted with her students. And just a few days ago, also in Kansas, a student was suspended for a tweet that made the principal “uncomfortable” (in the wording of the school’s disciplinary incident notification). “We cannot allow the hard-fought battles for student speech rights to be eroded in the digital age,” says Lee Rowland, an ACLU staff attorney specializing in speech, privacy, and technology. “School officials aren’t permitted to listen in on chatter at students’ private gatherings with friends, or rifle through their private videos and photo albums. Nor should we permit them to do so simply because those conversations or images are digital.” No one disputes the fact that students can be cruel online. Chip Douglas, a 10th grade English teacher in North Carolina, resigned after students created a fake Twitter profile that portrayed him as a hyper-sexualized drug addict. But some First Amendment advocates believe a subsequent law enacted by the North Carolina legislature in December 2012, the first of its kind, has gone too far. Intended to protect teachers from cyber-bullying, the law prohibits students from making any online comments meant to “intimidate or torment” a school employee. Such broad language creates two big First Amendment problems. First, schools can punish any speech as long as they can cite “intimidation.” Second, schools can punish students for comments made after school hours, in the privacy of their own home. “You can’t equate online speech created on personal time with in-class speech, and it’s dangerous to try,” says Frank LoMonte, director of the Student Press Law Center. “Schools are so prone to censor and intimidate whistleblowers who complain about school conditions on school time. Students absolutely must have some safe space where they can complain when schools are dirty, dangerous, or overcrowded, without fear that the long arm of school discipline will reach out and grab them.” Student speech—often in defiance of administrators—has helped keep schools transparent. In September, students writing for an Ohio high school newspaper looked at public records and discovered that what their high school’s administration had called an “alleged assault” by a student was actually an alleged rape. In November, students at a Staten Island high school broke a story about how the answers to Department of Education standardized tests were posted online before the test was administered. In the landmark Tinker case, the Supreme Court specifically warned schools that they could not forbid student expression simply because they wanted to avoid controversy. “In order for [a school] to justify prohibition of a particular expression of opinion, it must be able to show that its action was caused by something more than a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint,” the court said.

#### 2.Censorship specifically targets discussions of race and gender reinforcing dominant orthodoxy-students who are censored internalize passive acceptance of authority

West, Prof. Of Law @Georgetown, 13

(Sonja, 12-6http://www.slate.com/articles/news\_and\_politics/jurisprudence/2013/12/when\_you\_censor\_student\_speech\_you\_re\_mostly\_teaching\_kids\_to\_live\_with.html)

Barring the voices of children from our national debate comes at our peril. If we let children talk, moreover, we might actually learn something. Last month the student staff of a Pennsylvania high-school newspaper, for example, decided that the use of the nickname Redskins by the school’s sports team was “racist” and “a term of hate,” and they published an editorial explaining their decision to no longer use the term (along with an equally well-written piece by the dissenters). They were called into the principal’s office and told they must keep using the term. At about the same time, a high-school senior in Virginia turned in a column to her student newspaper decrying sexuality-based bullying or “slut-shaming.” Her principal pulled the column, saying the subject matter was “inappropriate” and objecting to its use of political terms like “slut,” “sexual desire,” “sexual” and “breast-feeding.” Along with reading and math, when schools gag their students’ speech, they are teaching them a lesson. Children who are censored grow up to become adults who censor or who tolerate censorship. In nationwide surveys of high-school students, the Knight Foundation has repeatedly found that students who receive instruction on the values of the First Amendment are more likely to agree with statements like “people should be allowed to express unpopular opinions” or “newspapers should be allowed to publish freely without government approval.” Those who are persistently told by their schools that certain speech is off-limits, however, are less certain about these basic freedoms. The attitudes of these young people—as the future protectors of our constitutional liberties—matter. The work of Yale Law professor Jack Balkin and the school’s Information Society Project has shown that public attitudes about free-expression issues affect the direction of Supreme Court rulings. They also found, however, that people are more apt to protect the expression they produce themselves or could imagine doing themselves. Thus students who have a learning environment that is supportive of free and open political debate, journalism, art, theater, and other types of expression are more likely to demand protection for those endeavors as adults. While it might be tempting to quash children and teenagers’ natural inclinations to push back on ideas or to question authority, these very traits are the lifeblood of our constitutional and political discourse. Children are, of course, different than adults. And schools are, of course, different than a town square. This is why the Tinker standard wisely allows the school to step in when there is substantial interference with the work of the school or an infringement on the rights of other students. But the court has also told us that speech needs breathing room to thrive. Thus, as with any speech rights, protecting the core of expression means sometimes having to protect questionable, ambiguous, or even potentially offensive speech. Part of the great wisdom of our robust free-speech rights lies in trusting the audience to sort truth from falsity and valuable speech from nonsense. As Justice John Paul Stevens wrote in his dissent in the so-called “Bong Hits 4 Jesus” case, most students “do not shed their brains at the schoolhouse gate, and most students know dumb advocacy when they see it.”

#### 3. Censorship reinforces institutional racism

Holt, Prof. of Law @Alabama/PhD, 02

(Wythe, <https://academic.udayton.edu/race/01race/racism02.htm>, evidence modified for language)

A little over a year ago, a junior at Lee High School in Huntsville, AL, acknowledged her anger and decided she wasn't going to take it any more. She was tired of hearing the "n" word - that is, "nigger" - used to describe blacks by her white schoolmates. An accomplished poet, Kohl Fallin struck back with words. She wrote a poem. "Your Perception, My Reality" speaks directly to the experience black folks have, and have had for hundreds of years, in a country dominated by white folks. "We are worth more than your pale white skin," she begins, refusing right from the start to accept the lower status that many whites think blacks are supposed to have. "Mediocre and below is what we are supposed to amount to in your mind," she says. "When I hear these words come out of your mouth it makes me want to slap the white off you and leave you with some sense." White domination because of the accident of a pale skin color is absolutely senseless, as Kohl says. Taking away whiteness with a slap will, she thinks, bring her tormentors to their senses, because they will then no longer have their marker of superiority. "I have news," Kohl continues, "[W]e are already ahead. Some of us are strong, proud, sophisticated and more." With sense, whites will see the reality of equality, in multifold differences and multifold abilities among us all. Moreover, such illicit power itself hurts the dominant, Kohl charges; it brings a submergence of the beauty of difference. "Birds of a feather flock together. Your flock has blond hair and blue eyes. The flock is exclusive and all the same, different identities are not allowed." In their whitewashing clubbiness, Kohl understands, whites lose their own individualities. Black is beautiful because it is thoughtful and independent, while white is mean, thoughtless, mindlessly conformist. Kohl Fallin has turned the white world on its head. Wisdom, courage, perception, the ability to put hard truth into powerful words, are obviously not qualities reserved to those we perhaps self-servingly call adults. Kohl's poem is indeed mature and powerful. Lee High School has a prize-winning in-school literary magazine, Expressions. Kohl's creative writing teacher urged her to submit the poem. She did, and the editorial board composed of black, white, and Asian students accepted it. The faculty sponsor of the magazine, however, refused to publish the poem. This act of censorship was backed up by the Principal and the School Board Superintendent, both of whom are African American. When Kohl's outraged parents tried to appeal to the whole School Board, they were denied on a gross technicality, the lone African American on that Board also solitary in dissent. The only reason given for this censorship, so far as I can determine, is that "slap[ping] the white off" of her classmates might insult white high school students. This is an overtly racist reason, especially given the fact that her words were written in response to white use of the word "~~nigger,"~~ obviously and intentionally insulting to black students "mistreated in an awful way," as one of Kohl's African-American classmates and a member of the Expression student staff put it. The problem is, many whites do not see what happened to Kohl Fallin as racism. Protecting white children from insulting racial statements is good. Protecting black children from insulting racial statements is impossible. This juxtaposition, this paradox, this craziness is - to most whites - just "natural." Let me give you an example from my own neck of the woods. In Tuscaloosa, many privileges are given to or made available chiefly for white students - advanced courses in high school, the dismantling of a single all-city high school in favor of two new schools in mostly white areas (and one old school in a mostly black area), other new elementary and middle schools, busing from inner city white neighborhoods to these new schools in distant exurbs. Why? To "keep whites in the public school system." Little recognition is given to the miserable social and economic conditions which push blacks away from the system, or to the supposedly neutral policies which effectively segregate and miseducate most blacks once they are in that system. Money is spent, decisions made, courses placed into "tracks" - essentially to promote the well being of whites. And many whites I have listened to think this is "normal" and certainly not racist. It is even worse than I have been saying. As in Kohl Fallin's instance, high-placed black adults go right along with this sort of racism, even facilitate it, probably to save their jobs and to appease an aroused white-dominated power structure. One outraged writer in the Huntsville Times found these African-American authority figures "miserable creatures, having to serve at the pleasure of the white establishment, even to the detriment of African American youth." You heard me correctly. Blacks can participate in racist actions against blacks. What I am talking about is institutional racism. Racism built into the system, into the culture, into the hearts and minds of all of the folks who live in a nation whose history for many centuries has been shot through with racist decisions, racist attitudes, racist preferences, racist wealth allocation. Racism as a natural and inescapable part of a power structure which protects the wealthy and powerful, and which the few African Americans who have recently entered positions within the power structure oppose at their peril. While rarely a matter of that overt intentionality so precious to individualists and liberals - mostly white - who smugly assure themselves that they have conquered their own racism, institutional racism nevertheless operates through people, and it chews up human beings and spits them out. Censorship is drastic, damaging to any student but especially to a brilliant one, violative of that most American value, freedom of speech. Censorship sets a terrible model for training young Americans to be open with their feelings, to express themselves, to think and act for themselves, to be active citizens in a free democracy. Yet racist censorship was visited upon Kohl Fallin by her high school authorities, and it has not been corrected despite her strenuous efforts and those of her parents and other allies. Racism is with us still.

#### 4. “Safety” discourse is deployed in a color-blind fashion that masks systemic racism. These discursive constructions establish a foundation for oppressive systems by normalizing white humanity at the expense of people of color

Leonardo, PHD, Porter, PhD Candiate, 10

(Zeus, associate professor of Education and affiliated faculty of the Critical Theory Designated Emphasis at the University of California, Berkeley. Pedagogy of fear: toward a Fanonian theory of ‘safety’ in race dialogue Race Ethnicity and Education Vol. 13, No. 2, July 2010, 139–157)

Part of color-blindness is to demand that race dialogue takes place in a ‘safe’ environment. This is tantamount to premising racial pedagogy on assumptions about comfort, which quickly degrade anti-racist teaching into image and personal management (Thompson 2003). In other words, the higher goal of understanding and fighting racism is exchanged for creating a safe space where whites can avoid publicly ‘looking racist’, which then overwhelms their reasons for participating in racial dialogue. This approach ironically still leaves intact what bell hooks (1992) has called the ‘terrorizing force of white supremacy’, even within the context of safety (174). As opposed to this, critical race pedagogy is inherently risky, uncomfortable, and fundamentally unsafe (Lynn 1999), particularly for whites. This does not equate with creating a hostile situation but to acknowledges that pedagogies that tackle racial power will be most uncomfortable for those who benefit from that power. It also acknowledges that mainstream race dialogue in education perpetuates what the poet Aimé Césaire (2000) would call a ‘pseudo-humanism’ (37) that establishes white humanity at the expense of people of color, reminding us that ‘the only way the European could make himself man was by fabricating slaves and monsters’ (Sartre 2004, lviii). In other words, it reaffirms an already hostile and unsafe environment for many students of color whose perspectives and experiences are consistently minimized. It may be a euphemized form of violence, a discursive ‘cool violence’ compared to the ‘hot violence’ of economic exploitation (McLaren, Leonardo, and Allen 1999), but linguistic racism is no less a violation (Derrida 1985), maintains links between material distributions of power and a politics of recognition (Fraser 1997), and lowers standards of humanity. It reaffirms Zizek’s (2008) insight that violence is part of the fabric of the daily functioning of social life where systemic and symbolic violence passes as natural (see Bourdieu and Passeron 1990; Bourdieu 1977). We suggest that a humanizing form of violence, a non-repressive expression of power, returns people to their rightful place, just as the violence of decolonization can potentially cancel the molesting power of colonialism.1

#### 5. Racism and international violence are inextricably linked- dehumanization conditions the populous to accept massive violence against those deemed nonpersons

Kovel, MD, 84

(Joel Kovel, MD From Columbia White Racism A Psychohistory, 1984 p. XXIX-XXX)

As people become dehumanized, the state becomes more powerful and warlike. Metaracism signifies the triumph of technical reasoning in the racial sphere. The same technocracy applies to militarization in general, where it has led to the inexorable drive toward thermonuclear weaponry and the transformation of the state into the nuclear state. There is an indubitable, although largely obscure, link between the inner dynamic of a society, including its racism, and the external projection of social violence. Both involve actions taken toward an Other, a term way may define as the negation of the socially affirmed self. Communist, black, Jew—all have been Other to the white West. The Jew has, for a while at least, stepped outside of the role thanks to the integration of Israel within the nations of the West, leaving the black and the Communist to suffer the respective technocratic violences of metaracism and thermonuclear deterrence. Since the initial writing of WHITE RACISM, these closely linked phenomena have grown enormously. Of course, there is a major cataclysmic, difference between the types of technocratic domination. Metaracism can be played out quite a while longer. Indeed, since it is a racism that proceeds on the basis of antiracism, it appears capable of a vastly greater degree of integration than either dominative or aversive racism, at least under the firmly entrenched conditions of late capitalist society. Thermonuclear deterrence, on the other hand, has already decayed into the apocalyptic logic of first strike capability(or counterforce means of pursuing nuclear war), which threatens to put an end to history itself. Thus, the nuclear crises is now the leading item on the global agenda. If it is not resolved, civilization will be exterminated, while if it is resolved, the terms of society and the state will undoubtedly be greatly altered. This will of course profoundly affect the racial situation. At the same time the disposition of racism will play a key role in the outcome of the nuclear crisis. For one thing, the effectiveness of an antinuclear movement will depend heavily on its ability to involve people of all races—in contrast to its present makeup, which is almost entirely white and middle class. To achieve such mobilization and carry it through, however, the movement will have to be able to make the linkages between militarization and racial oppression very clearly and forcefully. For if the third and last world war becomes thermonuclear, it will most likely be in a pace defined by racial oppositions.

#### Contention 2: Let Them Talk

#### 1. Speech, like the world, is inherently dangerous for people of color-but it can’t be wished away. Censorship presumes a “fragile” population can be protected by benevolent state which is belied by a history of selective, racist enforcement of speech restrictions.

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(Henry Louis, Why civil liberties pose no threat to civil rights. Let Them Talk Alphonse Fletcher University Professor and Director of the Hutchins Center for African and African American Research at Harvard University. )

"Critical race theory challenges ahistoricism and insists on a contextual/historical analysis of the law." So states the manifesto, and it is not necessarily a bad principle. What it suggests to me, however, is that we get down to cases, and consider, as these theorists do not, the actual results of various regimes of hate speech regulation. Surveying United Nations conventions urging the criminalization of racist speech, Matsuda bemoans the fact that the United States, out of First Amendment scruple, has declined fully to endorse such resolutions. By contrast, she commends to our attention nations such as Canada and the United Kingdom. Canada's appeal to the hate speech movement is obvious; after all, the new Canadian Bill of Rights has not been allowed (as Matsuda observes) to interfere with its national statutes governing hate propaganda. And Canada's Supreme Court has recently promulgated MacKinnon's statutory definition of pornography as the law of the land. What you don't hear from the hate speech theorists is that the first casualty of the MacKinnonite anti- obscenity ruling was a gay and lesbian bookshop in Toronto, which was raided by the police because of a lesbian magazine it carried. (Homosexual literature is a frequent target of Canada's restrictions on free expression.) Nor are they likely to mention that in June copies of Black Looks: Race and Representation by the well-known black feminist scholar Bell Hooks, a book widely assigned in women's studies courses, was confiscated by Canadian authorities as possible "hate literature." Is the Canadian system really a beacon of hope? Even more perplexing, especially in the context of an insistence on challenging ahistoricism and attending to context, is the nomination of Britain as an exemplar of a more enlightened free speech jurisprudence. Does anyone believe that racism has subsided in Britain since the adoption of the 1965 Race Relations Act forbidding racial defamation? Or that the legal climate in that country is more conducive to searching political debate? Ask any British newspaperman about that. When Harry Evans, then editor of the London Times, famously proclaimed that the British press was, by comparison to ours, only "half-free," he was not exaggerating much. The result of Britain's judicial climate is to make the country a net importer of libel suits launched by tycoons who are displeased with their biographers. Everyone knows that a British libel suit is like a Reno divorce. It is rather a mordant irony that American progressives should propose Britain, and its underdeveloped protection of expression, as a model to emulate at a time when many progressives in Britain are agitating for a bill of rights and broad First Amendment- style protections. And what of speech codes on American campuses? The record may surprise some advocates of regulations. "When the aclu enters the debate by challenging the University of Michigan's efforts to provide a safe harbor for its Black, Latino and Asian students," Lawrence writes, "we should not be surprised that nonwhite students feel abandoned." In light of the actual record of enforcement, however, the situation might be viewed differently. During the year in which Michigan's speech code was enforced, more than twenty blacks were charged--by whites--with racist speech. As Strossen notes, not a single instance of white racist speech was punished, a fact that makes Lawrence's talk of a "safe harbor" seem more wishful than informed. At Michigan, a full disciplinary hearing was conducted only in the case of a black social work student who was charged with saying, in a class discussion of research projects, that he believed homosexuality was an illness, and that he was developing a social work approach to move homosexuals toward heterosexuality. ("These charges will haunt me for the rest of my life," the student claimed in a court affidavit.) By my lights, this is a good example of how speech codes kill critique. I think that the student's views about homosexuality (which may or may not have been well-intentioned) are both widespread and unlikely to survive intellectual scrutiny. Regrettably, we have not yet achieved a public consensus in this country on the moral legitimacy (or, more precisely, the moral indifference) of homosexuality. Yet it may well be that a class on social work is not an inappropriate forum for a rational discussion of why the "disease" model of sexual difference has lost credibility among social scientists. (In a class on social work, this isn't p.c. brainwashing, this is education.) The trouble is, you cannot begin to conduct this conversation when you outlaw the expression of the view that you would criticize. Critical race theorists are fond of the ideal of conversation. "This chapter attempts to begin a conversation about the First Amendment," Matsuda writes toward the end of her contribution. "Most important, we must continue this discussion," Lawrence writes toward the end of his. It is too easy to lose sight of the fact that the conversation to which they are devoted is aimed at limiting conversation. If there are costs to speech, then there are costs also to curtailing speech, often unpredictable ones. Speech codes, to be sure, may be more narrowly and responsibly tailored, and the Stanford rules--carefully drafted by scholars, like Thomas Grey, with civil libertarian sympathies--have rightly been taken as a model of such careful delimitation. For rather than following the arguments against racist speech to their natural conclusion, the Stanford rules prohibit only insulting expression that conveys "direct and visceral hatred or contempt" for people on the basis of their sex, race, color, handicap, religion, sexual orientation or national and ethnic origin, and that is "addressed directly to the individual or individuals whom it insults or stigmatizes." Chances are, the Stanford rule won't do much harm. Chances are, too, it won't do much good. As long as the eminently reasonable Grey is drafting and enforcing the restrictions, I won't lose much sleep over it. Yet we must be clear how inadequate the code is as a response to the powerful arguments that were marshaled to support it. Contrast the following two statements addressed to a black freshman at Stanford: (A) LeVon, if you find yourself struggling in your classes here, you should realize it isn't your fault. It's simply that you're the beneficiary of a disruptive policy of affirmative action that places underqualified, underprepared and often undertalented black students in demanding educational environments like this one. The policy's egalitarian aims may be well-intentioned, but given the fact that aptitude tests place African Americans almost a full standard deviation below the mean, even controlling for socioeconomic disparities, they are also profoundly misguided. The truth is, you probably don't belong here, and your college experience will be a long downhill slide. (B) Out of my face, jungle bunny. Surely there is no doubt which is likely to be more "wounding" and alienating to its intended audience. Under the Stanford speech regulations, however, the first is protected speech, and the second may well not be: a result that makes a mockery of the words-that-wound rationale. If you really want to penalize such wounding words, it makes no sense to single out gutter epithets--which, on many college campuses, are more likely to stigmatize the speaker than their intended victim--and leave the far more painful disquisition alone. In American society today, the real power commanded by racism is likely to vary inversely with the vulgarity with which it is expressed. Black professionals soon learn that it is the socially disfranchised--the lower class, the homeless--who are most likely to hail them as "niggers." The circles of power have long since switched to a vocabulary of indirection. Unfortunately, those who pit the First Amendment against the Fourteenth Amendment invite us to worry more about speech codes than coded speech. I suspect that many of those liberals who supported Stanford's restrictions on abusive language did so because they thought it was the civil thing to do. Few imagined that, say, the graduation rates or gpas of Stanford's blacks (or Asians, gays, and so on) are likely to rise significantly as a result. Few imagined, that is, that the restrictions would lead to substantive rights or minority empowerment. They just believed that gutter epithets violate the sort of civility that ought to prevail on campus. In spirit, then, the new regulations were little different from the rules about curfews, drinking or the after-hours presence of women in male dormitories that once governed America's campuses and preoccupied their disciplinary committees. Not that rules about civility are without value. Lawrence charges that civil libertarians who disagree with him about speech regulations may be "unconscious racists." I don't doubt this is so; I don't doubt that some of those who support speech codes are unconscious racists. What I doubt is whether the imputation of racism is the most effective way to advance the debate between civil rights and civil liberties. VI. "What is ultimately at stake in this debate is our vision for this society," write the authors of Words That Wound, and they are right. In parsing the reasoning of the movement against hate speech, it is essential that we not miss the civic forest for the legal trees. Far beyond the wrangling over particular statutes and codes lies an encompassing vision of state and civil society. And its wellsprings are to be found not in legal scholarship or critical theory, but in the more powerful cultural currents identified with the "recovery movement." At the vital center of the hate speech movement is the seductive vision of the therapeutic state. This vision is presaged in the manifesto itself: Too often victims of hate speech find themselves without the words to articulate what they see, feel and know. In the absence of theory and analysis that give them a diagnosis and a name for the injury they have suffered, they internalize the injury done them and are rendered silent in the fact of continuing injury. Critical race theory names the injury and identifies its origins. This sounds, of course, like a popular primer on how psychotherapy is supposed to work; with a few changes, the passage might be addressed to survivors of toxic parenting. Indeed, "alexathymia"--the inability to name and articulate one's feelings--is a faddish diagnosis in psychiatry these days. Nor is critical race theory's affinity with the booming recovery industry a matter of chance. These days the recovery movement is perhaps the principal source of resistance to the older and much-beleaguered American tradition of individualism. "When the ideology is deconstructed and injury is named, subordinated victims find their voices," the manifesto asserts. "They discover they are not alone in their subordination. They are empowered." Here the recovery/survivor-group paradigm leads to a puzzling contradiction. We are told that victims of racist speech are cured--that is, empowered-- when they learn they are "not alone" in their subordination, but subordinated as a group. But elsewhere we are told that what makes racist speech peculiarly wounding is that it conveys precisely the message that you are a member of a subordinated group. How can the suggestion of group subordination be the poison and the antidote? The therapeutic claims made for critical race theory cut against the hate speech offensive in more important ways. For if we took these claims at face value, critical race theory would not buttress speech regulations, it would obviate the need for them. The problem about which Lawrence worries, that racist speech "silenc[es] members of those groups who are its targets," would naturally be addressed not through bureaucratic regulations, but through the sort of deconstruction and critique that will enable victims, according to critical race theory, to "find their voices." And here lies another painful irony. All this sounds very much like Justice Brandeis's hoary and much-scorned prescription for redressing harmful speech: "more speech." Scholars such as Delgado and Matsuda understandably emphasize the adverse psychological effects of racial abuse. "Because they constantly hear racist messages, minority children, not surprisingly, come to question their competence, intelligence and worth," Delgado writes. And he further notes that the psychic injuries incurred by racist speech have additional costs down the road: "The person who is timid, withdrawn, bitter, hypertense or psychotic will almost certainly fare poorly in employment settings." (As a member of the Harvard faculty, I would venture that there are exceptions to this rule.) But the proposed therapeutic regime is no mere talking cure. Indeed, in the Republic of Self-Esteem, we are invited to conceive of the lawsuit as therapy. "When victimized by racist language," Delgado explains, "victims must be able to threaten and institute legal action, thereby relieving the sense of helplessness that leads to psychological harm." A similar therapeutic function could be played by criminal proceedings, in Matsuda's view. When the government does nothing about racist speech, she argues, it actually causes a second injury. "The second injury is the pain of knowing that the government provides no remedy and offers no recognition of the dehumanizing experience that victims of hate propaganda are subjected to." In fact, "The government's denial of personhood through its denial of legal recourse may even be more painful than the initial act of hatred." Of course, what this grievance presupposes is that the state is there, in loco parentis, to confer personhood in the first place. Finally Matsuda must repair not to an instrumental conception of the state, but to a conception of it as the "official embodiment of the society we live in," which is rather remote and abstracted from the realities of our heterogeneous populace, with its conflicting norms and jostling values. Psychotherapy cannot do the hard work of politics. Yet a similar therapeutic vision animates the more broad-gauged campus regulations such as those adopted in the late 1980s at the University of Connecticut. These rules sought to proscribe such behavior as, inter alia: Treating people differently solely because they are in some way different from the majority.... Imitating stereotypes in speech or mannerisms.... Attributing objections to any of the above actions to "hypersensitivity"of the targeted individual or group. That last provision was especially cunning. It meant that even if you believed that a complainant was overreacting to an innocuous remark, the attempt to defend yourself in this way would serve only as proof of your guilt. The rationale of the university's rules was made explicit in its general prohibition on actions that undermined the "security or self- esteem" of persons or groups. (Would awarding low grades count?) Not surprisingly, the university's expressed objective was to provide "a positive environment in which everyone feels comfortable working or living." It was unclear whether any provisions were to be made for those who did not feel "comfortable" working or living under such restrictive regulations. In any event, they were later dropped under threat of legal action. It may be that widespread skepticism about the distinction between the public and the private made it inevitable that the recovery movement would translate into a politics; and that this politics would center on a vocabulary of trauma and abuse, in which the verbal forms and the physical forms are seen as equivalent. Perhaps it was inevitable that the citizen at the center of the political theory of the Enlightenment would be replaced by the infant at the center of modern depth psychology and its popular therapeutic variants. The inner child may hurt and grieve, as we have been advised. But may the inner child also vote? VII. What cannot be sidestepped, finally, is the larger question, the political question, of how we came to decide that our energies were best directed not at strengthening our position in the field of public discourse, but at trying to move its boundary posts. I detect two motivations. In the academy, there has been increased attention to the formative power of language in the construction of our social reality, to language as "performative," as itself counting as action and constituting a "speech act." These are phrases and ideas that are owed to ordinary language philosophy, of the kind that the Oxford philosopher J.L. Austin developed in the middle of the century, but now MacKinnon adds them to her argumentative arsenal in her latest book. The notion of the speech act certainly acquires new force when the act in question is rape. MacKinnon's emphasis on the realness, the act-like nature, of expression receives an interesting twist in the attempt by some hate speech theorists to "textualize" the Fourteenth Amendment. If expression is act, then act must be expression. If the First Amendment is about speech, then so, too, is the Fourteenth Amendment. Following this reasoning, Lawrence has proposed in an influential reinterpretation of legal history that Brown v. Board, and, by analogy, all subsequent civil rights decisions and legislation, are in fact prohibitions on expressive behavior. In Lawrence's reading, they forbid not racism, but the expression of racism. In line with this argument, he tells us that "discriminatory conduct is not racist unless it also conveys the message of white supremacy," thus contributing to the social construction of racism. This is a bold and unsettling claim, which commits Lawrence to the view that in the case of discriminatory conduct, the only crime is to get caught. By this logic, racial redlining by bankers is not racist unless people find out about it. And the crusading district attorney who uncovers hidden evidence of those bankers' discrimination is not to be hailed as a friend of justice, after all: by bringing it to light, he was only activating the racist potential of those misdeeds. Should anti-discrimination policy be founded, then, on the principle of "don't ask, don't tell"? Lawrence's analysis of segregation reaches the same surprising conclusion: "The nonspeech elements are byproducts of the main message rather than the message being simply a by-product of unlawful conduct." By this logic, poverty is not really about material deprivation; it is really about the message of class inequality. We might conclude, then, that the problem of economic inequality would most naturally be redressed by promulgating a self-affirmative lower- class identity along the lines of Poverty Is Beautiful. Words may not be cheap, but they are much less costly than afdc and job training programs. Something, let us agree, has gone very wrong. The pendulum has swung from the absurd position that words don't matter to the equally absurd position that only words matter. Critical race theory, it appears, has fallen under the sway of a species of academic nominalism. Yes, speech is a species of action. Yes, there are some acts that only speech can perform. But there are some acts that speech alone cannot accomplish. You cannot heal the sick by pronouncing them well. You cannot lift up the poor by declaring them rich. In their manifesto, the authors of Words That Wound identify their fight as "a fight for a constitutional community where `freedom' does not implicate a right to degrade and humiliate another human being." These are heady words. Like much sweepingly utopian rhetoric, however, they invite a regime so heavily policed as to be incompatible with democracy. Once we are forbidden verbally to degrade and to humiliate, will we retain the moral autonomy to elevate and to affirm? In the end, the preference for the substantive liberties supposedly vouchsafed by the Fourteenth Amendment over the formal ones enshrined in the First Amendment rehearses the classic disjunction that Isaiah Berlin analyzed a generation ago in "Two Conceptions of Liberty," but without having learned from him. Berlin's words have aged little. "Negative" liberty, the simple freedom from external coercion, seemed to him a truer and more humane ideal than the goals of those who seek in the great, disciplined, authoritarian structures the ideal of "positive" self-mastery by classes, or peoples or the whole of mankind. It is truer, because it recognizes the fact that human goals are many, not all of them commensurable, and in perpetual rivalry with one another. To suggest, as the critical race theorists do, that equality must precede liberty is simply to jettison the latter without securing the former. The First Amendment may not secure us substantive liberties, but neither will its abrogation. It is not hard to explain the disenchantment among minority critics with such liberal mainstays as the "marketplace of ideas" and the ideal of public discourse. I take their disenchantment to be a part of a larger crisis of faith. The civil rights era witnessed the development of a national consensus--hammered out noisily, and against significant resistance--that racism, at least overt racism, was wrong. Amazingly enough, things like reason, argument and moral suasion did play a significant role in changing attitudes toward "race relations." But what have they done for us lately? For all his good sense, Harry Kalven Jr. was spectacularly wrong when he wrote: "One is tempted to say that it will be a sign that the Negro problem has basically been solved when the Negro begins to worry about group libel protection." Quite the contrary. The disillusionment with liberal ideology that is now rampant among many minority scholars and activists stems from the lack of progress in the struggle for racial equality over the past fifteen years. Liberalism's principle of formal equality seems to have led us so far, but no further. As Patricia J. Williams observes, it "put the vampire back in its coffin but it was no silver stake." The problem may be that the continuing economic and material inequality between black America and white America, and the continuing immiseration of large segments of black America, cannot be erased simply through better racial attitudes. Poverty, white and black, can take on a life of its own, to the point that removing the conditions that caused it can do little to alleviate it. The '80s may have been the "Cosby Decade," but you wouldn't know it from the South Bronx. It has become clear, in other words, that the political economy of race and poverty can no longer be reduced to a mirror of what whites think of blacks. In some ways the intellectuals have not caught up to this changing reality. Generals are not the only ones who are prone to fight the last war. Rather than responding to the grim new situation with new and subtler modes of socioeconomic analysis, we have finessed the gap between rhetoric and reality by forging new and subtler definitions of the word "racism." Hence a new model of institutional racism is one that can operate in the absence of actual racists. By redefining our terms, we can always say of the economic gap between black and white America: the problem is still racism ... and, by stipulation, it would be true. But the grip of this vocabulary has tended to foreclose the more sophisticated models of political economy that we so desperately need. I cannot otherwise explain why some of our brightest legal minds believe that substantive liberties can be vouchsafed and substantive inequities redressed by punishing rude remarks; or why their analysis of racism owes more to the totalizing theory of Catharine MacKinnon than to the work of scholar-investigators like Douglas Massey or William Julius Wilson or Gary Orfield--people who, whatever their differences, are attempting to discover how things work in the real world, never confusing the empirical with the merely anecdotal. Critical race theory has served, then, as a labor-saving device. For if racism can be fully textualized, if its real existence is in its articulation, then racial inequity can be prized free from the moss and soil of political economy. "Gender is sexual," MacKinnon wrote in Toward a Feminist Theory of the State. "Pornography constitutes the meaning of that sexuality." By extension, racist speech must prove to be the real content of racial subordination: banish it, and you banish subordination. The perverse result is a see-no-evil, hear-no-evil approach toward racial inequality. Unfortunately, even if hate did disappear, aggregative patterns of segregation and segmentation in housing and employment would not disappear. And conversely, in the absence of this material and economic gap, not many people would care about racist speech. Beliefs that go untested and unchallenged cannot prosper. The critical race theorists must be credited with helping to reinvigorate the debate about freedom of expression; the intelligence, the innovation and the thoughtfulness of their best work deserve a reasoned response, and not, as so often happens, demonization and dismissal. And yet, for all the passion and all the scholarship that the critical race theorists have expended upon the problem of hate speech, I cannot believe that it will capture their attention for very much longer. "It is strange how rapidly things change," wrote Kalven in 1965. "Just a little more than a decade ago we were all concerned with devising legal controls for the libeling of groups.... Ironically, once the victory was won, the momentum for such legal measures seemed to dissipate, and the problem has all but disappeared from view." It is strange how rapidly things change--and change back. But the results, I suspect, will be similar this time around. The advocates of speech restrictions will grow disenchanted not with their failures, but with their victories, and the movement will come to seem yet another curious byway in the long history of our racial desperation. And yet the movement will not have been without its political costs. I cannot put it better than Charles Lawrence himself, who writes: "I fear that by framing the debate as we have--as one in which the liberty of free speech is in conflict with the elimination of racism-- we have advanced the cause of racial oppression and placed the bigot on the moral high ground, fanning the rising flames of racism." He does not intend it as such, but I read this passage as a harsh rebuke to the movement itself. As the critical race theory manifesto acknowledges, "This debate has deeply divided the liberal civil rights/civil liberties community." And so it has. It has created hostility between old allies and fractured longtime coalitions. Was it worth it? Justice Black's words may return, like the sound of an unheeded tocsin, to haunt us: "Another such victory and I am undone."

#### 2.Voting Affirmative endorses humanizing violence. Let us be clear, this does not mean literal violence- it means a pedagogy of disruption that refuses the existing system of “safety” that protects white privilege. Humanizing violence is the only response possible when confronted with the existing structures of racism

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Safety discourses on race are a veiled form of violence and it will require a humanizing form of violence to expose contradictions in the discourse of ‘safety’. As a result, a new system of violence is introduced. We want to make it clear that we are not working from the hegemonic and literal appearance of violence and ask the reader to suspend naturalized images of violence as only bloodshed, physical, or repressive. A humanizing form of violence is a pedagogy and politics of disruption that shifts the regime of knowledge about what is ultimately possible as well as desirable as a racial arrangement. It is not violent in the usual and commonsensical sense of promoting war, injury, or coercion. Insofar as the theory of violence we put forth is positioned against racial domination, it is violently anti-violence. To the extent that racial violence is structured in discourse, we argue that dislodging it will require a violent undertaking in order to set pedagogy on a humanizing trajectory. For this we turn to Frantz Fanon’s insights – particularly the chapter concerning violence in The wretched of the earth. Fanon’s work instructs us to consider the dialectics of violence: education as violent and violence as educative. In public settings, people of color find themselves between the Scylla of becoming visible and the Charybdis of remaining silent. If minorities follow an analytics of color, they run the risk of incurring white symbolic racism at best or literal violence at worst. Although some may argue that people of color maintain their dignity and counteract the culture of silence when they come to voice, participating in public race dialogue makes them vulnerable to assaults on many fronts. On one level their actions illuminate what Fanon characterized as the tenuous relationship between humanity and reason. According to Gordon (1995), ‘If even reason or the understanding is infected with racism, where unreason stands on the opposite pole as a Manichaean abyss of blackness, then a black man who reasons finds himself in the absurdity of the very construction of himself as a black man who reasons…’ (8). On another level, by sharing their real perspectives on race, minorities become overt targets of personal and academic threats. It becomes a catch-22 for them. Either they must observe the safety of whites and be denied a space that promotes people of color’s growth and development or insist on a space of integrity and put themselves further at risk not only of violence, but also risk being conceived of as illogical or irrational. Thus, white privilege is at the center of most race dialogues, even those that aim to critique and undo racial advantage. Authentic participation for whites also has its contradictions but it is not marked by oppression. For people of color, race dialogue is more than ironic. A certain kind of violence that shifts the standards of humanity for people of color and whites is necessary if race dialogue is more than an exercise in safety but a search for liberatory possibilities. It is violent for whites and forces them to account for race in a condition of risk, not safety. If it is a safe condition, then it is the safety of being able to take risks, of putting oneself at risk, a condition many people of color already navigate, something Du Bois (1989) once described as ‘double consciousness’. It is also violent to people of color as it removes a previously violent regime from being ensconced and grafted onto their bodies. We return to the neutral definition of violence, which is not inherently negative or positive but judged for its consequences. At times, this requires performing violence against a primary violence, thereby making a truly peaceful coexistence possible: peace as a form of violence. Avoiding this violent shift allows an existing violence to continue, instituting a permanent state of discursive and ideological warfare. The educative possibilities of violence are found precisely in this consideration.

#### 3.Take the rifle from the paratrooper: the history of speech and liberalism is problematic but not irredeemable. Liberalism is not a total project-it’s a process that can be steered

Mills, PhD, 17

(Charles W., Distinguished Professor of Philosophy at The Graduate Center, Black Rights/White Wrongs: The Critique of Racial Liberalism)

If any political ideology is centrally—perhaps almost definitionally—associated with modernity, it is liberalism. In all of its iterations—from its original contractarian formulation through its later utilitarian variants to its revised post-Rawlsian contractarian rebirth—liberalism was and is supposed to be emancipatory. Liberalism was the incarnation of the rationalism and egalitarianism of the emerging bright new world that was going to sweep away the darkness and irrational social hierarchies of the ancien régime. But as the Italian philosopher Domenico Losurdo has argued in his recently translated Liberalism: A Counter-History,1 liberalism’s actual record is far more checkered. Not merely has it been complicit with continuing discriminatory practices of the past (as with gender) but it has been vigorously active in installing nouveaux régimes of imperial racial rule with a body count far greater than the anciens régimes of class. Thus Losurdo urges a revisionist historiography that would forsake uncritical adulation for an objective recounting of the documented history. If you add together what he calls the various “exclusion clauses” of liberalism’s most celebrated manifestos, treatises, and declarations of human rights, you get a litany of oppressions rather than a list of emancipations. Even on paper, the white male working class does not get some of the rights we associate with modernity until the late nineteenth/early twentieth century, and in the case of white women and people of color, the wait has been even longer (and in some cases continues still). It is only possible to present this narrative as a triumphalist one because of the systematic erasure of these histories, and the tight focus on a small subset of the “political” population (the polis proper, so to speak): propertied white males. The most famous documents of liberal modernity are primarily about this group’s liberation, not anybody else’s. So how should this story really be told? The route taken by most philosophers purifies and Platonizes liberalism into an ideal Form of itself, and then—ignoring the exclusions that in fact deprive the majority of the population of entitlement to equal liberal status—produces a conceptual history in this elevated realm that never touches down to the hard ground of reality. Liberalism as it should have been is represented as liberalism as it actually was. This is not merely bad intellectual history but is also a poor strategy for realizing the promise of liberalism. The real-life political struggles that were historically necessary to overcome liberalism’s particularisms are erased by a myth of implicit potential inclusion. Better, in my opinion, to recognize these exclusions as theoretically central, admit their shaping of liberalism’s array of rights and freedoms, and then confront the critics’ case for discrediting liberalism altogether with the defense’s arguments for how it can nonetheless be reclaimed and redeemed. Orthodox Marxism, varieties of radical feminism and black nationalism, dominant strains of post-structuralist and post-colonial theory, exemplify the path of a principled rejection of liberalism. Essentially irredeemable in the eyes of these opponents, liberalism is to be transcended by a higher communal, post-bourgeois, sororal and decolonial social order, even if the details are too often more gestured at than worked out. By contrast, social democracy and feminist liberalism argue for a radical rethinking of liberalism that—recognizing its deficiencies—still seeks to reclaim it as a liberatory political philosophy. Rejecting mainstream liberalism’s classically individualistic social ontology for an ontology of class and gender, challenging its cramped schedule of rights for a normative empowerment of the class- and gender-subordinated, these political projects affirm a more expansive vision that would take us beyond bourgeois liberalism (not a pleonasm, for this analysis) and patriarchal liberalism. Liberalism’s historic complicity with ruling class and male power does not, they contend, preclude retrieving it.2 Class theory and feminism are well established in the disciplines of political theory and political philosophy. But the recognition and critical theorization of what I am here calling—by analogy with bourgeois and patriarchal liberalism—racial liberalism is much more undeveloped in these circles.3 This collection of essays is my attempt to assemble work that brings out, from various angles, some of the key features of racial liberalism, thus expanding the parameters of the debate. Part I comprises my critiques of different dimensions of racial liberalism, Part II my critiques of Rawls, Rawlsianism, and “white” liberal political philosophy for their non-understanding and dealing with its workings.8 Identifying the historically hegemonic varieties of liberalism as racialized and white alerts us to the erasure, the whiting-out, of the past of racial subordination that current, seemingly genuinely inclusive varieties of liberalism now seek to disown. As the title of this book signifies, then, it is an enterprise based on the inversion of the standard metaphors in which white is right and black is wrong. It urges us to recognize how the historically exclusionary rights of white liberalism (a.k.a. “liberalism”), based on the suppression of equal black rights, have left a legacy of white wrongs. These wrongs have thus been not merely material but also normative and conceptual, wrongs within the apparatus of liberalism itself—as summarized by the two famous judgments about white “moderates” (in context roughly equivalent to “liberals”) made by Martin Luther King Jr. and Dick Gregory that I have used as my epigraphs. Hence the need for their black righting. Part I of the book covers the overarching themes of epistemology, personhood, and property, all central to the liberal project, and all, in my opinion, distortionally shaped by race. Liberal enlightenment presumes an objective perception of things as they are and as they should be, factually and morally, for political communities characterized by reciprocally respecting relations among equally recognized persons in agreement on the fair terms for the appropriation of the world. But racial domination interferes with objective cognition, denies equal racial personhood, and generates rationalizations of unjust white acquisition. Thus they are all negatively transformed by the dynamic of racial liberalism. The opening chapter sets the stage with a 2012 interview I did with Tom Mills (no relation, so far as I know) of the British New Left Project. For the benefit of a transatlantic audience less familiar with critical race theory, I explain the rationale for retaining “race” as a crucial category, suitably transformed, and what I see as its historic link with imperial domination and its relation to the conceptually distinct, if empirically overlapping, systems of gender and class. Racial liberalism is introduced as homologous with the far more familiar “patriarchal liberalism” identified by feminist theory. Chapter 2, “Occupy Liberalism!,” locates the project within the broader context of the need to transform liberalism for a progressive political agenda. Invoking the slogan of the (then) recent “Occupy!” movement, I argue—against radical orthodoxy—that liberalism has an underappreciated radical potential that is masked by the long complicity of its hegemonic varieties with plutocratic, patriarchal, and white-supremacist structures of power. But this complicity, I argue, is a function of dominant group interests and the successful political projects of the privileged, not the consequence of any ineluctable immanent conceptual dynamic of liberalism as a political ideology. Once we pluralize liberalism into liberalisms (both actual and hypothetical), we should be able to see how many claims about liberalism’s putatively problematic ontology and alleged incapacity to recognize and/or theorize social oppression really depend on the contingent features of its historically dominant (but not inevitable) incarnations. An emancipatory liberalism can, I contend, be reconstructed that is not theoretically constrained in these unfortunate ways. With this background established, I go on in chapter 3, “Racial Liberalism,” to make a detailed case for the usefulness of the construct. I point out the global hegemony of liberalism in a post– Cold War world and the triumph in the academy over the last few decades of Rawlsian contractarian liberalism in particular. But in the wide range of political responses to the work of John Rawls, the historic racialization of the contract apparatus and of the dominant varieties of liberalism will rarely be a topic of inquiry. Yet insofar as racism (ostensibly) violates the moral norms of modern political theory in general, liberal theorists across the spectrum, however muchexistent or at best problematic attempts to deal with race and justice. So my hope is that the framework will constitute a useful contribution to debates about liberalism in general and the theorization of race in ethics, political philosophy, and political theory in particular. But first I must address a possible objection. One might argue that—however useful the concept —the term that I have chosen is unhelpfully ambiguous, since in the 1950s, for example, to be a racial liberal in the United States meant being someone who opposed segregation and endorsed black civil rights. Why not just say directly and unequivocally: “racist liberalism”? The reason is that I want a phrase broad enough to encompass both overtly racist liberalism, where people of color are explicitly conceptualized as racial inferiors, and the no longer overtly racist, “colorblind” liberalism of today. In the latter variety of liberalism, illicit white racial advantage is still being secured, but now primarily through the evasions in the theory’s key assumptions rather than the derogation of nonwhites. (Compare the second-wave feminist argument that the arbitrary public sphere/private sphere distinction continues to reproduce gender hierarchy, even in a putatively post-sexist period in which men and women are now supposedly treated as equals.)4 Since most contemporary white liberals would disavow any explicitly racist sentiments, it is important to convey to them that the liberalism they are endorsing is still racialized, even if it ostensibly repudiates any racist representations of people of color. For me, then, racial liberalism (analogous to patriarchal liberalism) is a liberalism in which key terms have been written by race and the discursive logic shaped accordingly. This position expresses my commitment to what has been called the “symbiotic” view of racism, which sees race as historically penetrating into liberalism’s descriptive and normative apparatus so as to produce a more-or-less consistent racialized ideology, albeit one that evolves over time, rather than seeing race as being externally and “anomalously” related to it.5 Unlike my post-structuralist and post-colonial colleagues, however, I see this penetration as contingent, not a matter of a preordained logic of liberalism itself, but a consequence of the mandates for European liberal theorists of establishing and maintaining imperial and colonial rule abroad, and nonwhite racial subordination at home.6 Hence the hope of redeeming liberalism by self-consciously taking this history into account: recognizing the historic racialization of liberalism so as better to deracialize it—thereby producing a color-conscious, racially reflexive, anti-racist liberalism on the alert for its own inherited racial distortions.7 Abstract Platonized liberalism erases actual liberalism’s racist history, a blinding white Form that, in pretending a colorlessness that it did not and does not achieve, obfuscates more than it illuminates. The problem is not abstraction as such but a problematic mode of idealizing abstraction that abstracts away from social oppression, and in that way both conceals its extent and inhibits the development of the conceptual tools necessary for they disagree on other issues, should be able to converge on the necessity for understanding and dealing with its workings.8 Identifying the historically hegemonic varieties of liberalism as racialized and white alerts us to the erasure, the whiting-out, of the past of racial subordination that current, seemingly genuinely inclusive varieties of liberalism now seek to disown.

## Case Extensions

### Limited “violence” Bad

#### Limited definitions of violence constrain liberation movements- we need more than a binary understanding to shift upward our standards of humanity

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For Fanon, violence is a necessary part of the process of decolonization due to the inherent brutality of the colonial situation. He argues firmly that the violence of colonialism can only be undone through the ‘cleansing force’ of violence (51). However, we must be clear what Fanon means when he uses the term ‘violence’ as well as his criticism of ‘nonviolence’. According to common sense, violence is defined as involving the exertion of force in order to injure, abuse, or destroy another human being. This kind of violence shifts downward our standards of humanity, a regime under which no human thrives. This is violence in both its negative and uncivilized senses, or the active and willful destruction of property and life, as opposed to a Fanonian conception of violence that is liberatory insofar as it frees humans from an oppressive regime by shifting upward the standards of humanity. The problem with the hegemonic definition of violence is that it acts as a regulatory power and renders violence as unacceptable on both sides of the colonial situation (Foucault 1990). As Angela Davis (1998) pointed out: The conservative, who does not dispute the validity of revolutions deeply buried in history, invokes visions of impending anarchy in order to legitimate his demand for absolute obedience. Law and order, with the major emphasis on order, is his watchword. The liberal articulates his sensitivity to certain of society’s intolerable details, but will almost never prescribe methods of resistance that exceed the limits of legality – redress through electoral channels is the liberal’s panacea. (39) This limited understanding of violence is dangerous because it stifles any type of dialogue seeking to unpack the complexity of violence and its multifarious use in social movements. However, non-violent tactics that have been praised include electoral politics, protests, the legal system, or dialogue where everyone is made to feel safe and included in the public sphere. The ultimate exemplars of the beneficial qualities of non-violence can be found in the personages of Mohandas Karamchand Gandhi and Martin Luther King Jr. We will have more to say about Gandhi and King below. For now, we want to propose that both Fanon (internationally) and King (United States specifically) give us new understandings of the pitfalls and possibilities of violence, thereby transcending its traditional definition as simply repressive. Like King Jr., Fanon spoke of dreams (2004, 15) but Fanon’s projections were the natives’ liberation predicated on violence.

### No Safe Spaces

#### Safe spaces are divorced from lived experience, there is no safe space for minorities to discuss racism

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The myth of safety in race dialogue for people of color One of the main premises of safe-space discourse is that it provides a format for people of color and whites to come together and discuss issues of race in a matter that is not dangerous as well as inclusive. Thus, the conventional guidelines used to establish a safe space – such as being mindful of how and when one is speaking, confidentiality, challenge by choice, and speaking from experience – are used to create an environment where fundamental issues can be broached and no one will be offended. Taken unproblematically, this trend is reasonable. However, the ironic twist is that many individuals from marginalized groups become both offended and agitated when engaging in apparently safe spaces.4 In their naiveté, many white students and educators fail to appreciate the fact – a lived experience – that race dialogue is almost never safe for people of color in mixed-racial company. But before we romanticize its opposite, or same-race dialogues, the idea that homogeneous spaces are automatically safe for people of color is a mystification for they result precisely from a violent condition: racial segregation. That said, something has gone incredibly wrong when students of color feel immobilized and marginalized within spaces and dialogues that are supposed to undo racism. This situation should give us doubt regarding whether or not safe-space dialogue really allows for the creativity necessary to promote a humanizing discussion on race, or if it functions, in Fanon’s words, as a negotiating table that seeks peaceful compromise without engaging in the violence necessary to both explore and undo racism. We want to suggest that the reason why safe-space discussions partly break down in practice, if not at least in theory, is that they assume that, by virtue of formal and procedural guidelines, safety has been designated for both white people and people of color. However, the term ‘safety’ acts as a misnomer because it often means that white individuals can be made to feel safe. Thus, a space of safety is circumvented, and instead a space of oppressive color-blindness is established. It is a managed health-care version of anti-racism, an insurance against ‘looking racist’. Fanon provides a useful counter to the inherent color-blindness of current racial pedagogy. Fanon’s arguments in both Black skin, white masks and The wretched of the earth, show sympathies with what intellectuals now call a post-racial analysis (see Leonardo in press). Fanon (1967a) warned against the inherent narcissism of white racial superiority found in arguments for separatism, what Appiah (1990) terms ‘extrinsic racism’, which is the inferiorization of an outer group in terms of their moral worth. Fanon stated, ‘I believe that the fact of the juxtaposition of the white and black races has created a massive psychoexistential complex. I hope by analyzing it to destroy it’ (12). In destroying the neuroses of blackness, Fanonian violence approaches postrace implications to the extent that the genesis of blackness is a source external to it: that is, whiteness (see Nayak 2006). By hoping to destroy it, Fanon suggests ending race as a neurotic relation. However, to be clear, Fanonian post-race differs from color-blindness because it seeks to destroy race and racism via a practice of full engagement as opposed to a practice of avoidance. Fanon’s methodology was phenomenological because he sought to undo racism by engaging the phenomenon itself, of going through race in order to undo it. Thus, a Fanonian post-racial gesture to pedagogy is both different and more beneficial than the color-blind stance taken up in safe-space dialogue, which is hardly blind to color. Perhaps the problem with safe space is that it willingly tries to side step the issues, as well as the educative aspects of anger and frustration, necessary for a beneficial and truly liberatory dialogue on race to take place. A Fanonian approach leads us back into considerations of violence in race-based dialogue. The question we must ask is how do we go about understanding liberatory discussions on race as necessitating violence? We are not speaking of violence in the sense of a willful act to injure or abuse, but a violence that humanizes, or shifts the standards of humanity by providing space for the free expression of people’s thoughts and emotions that are not regulated by the discourse of safety. Our main criticism of safe space is that it is laced with a narcissism that designates safety for individuals in already dominant positions of power, which is not safe at all but perpetuates a systematic relation of violence. Fanon advised against a politics of narcissism, and instead advocated a materialist politics of recognition whereby an individual allows himself to be mediated by the other, or Fanon’s appropriation of Hegel’s (1977) idealism of the other. Unfortunately, this does not happen because white narcissism is at the very center of safe space. Through the avoidance of conflict and the emphasis on personal and image management, it maintains the self-image and understanding of whiteness and reveals a refusal to change through the other. To be fair, Fanon also took to task people of color’s own narcissism, particularly as it concerns the limitations of identity politics and nationalism, what Appiah (1990) calls ‘intrinsic racism’, or the assumption of a family resemblance within a group necessary in the short term and usually for protection against the assaults of an outer group.5 African nationalism during decolonization is an example of the second class, whereas Nazism represents the first class; both are problematic, but they differ in purpose and outcome. White indulgence is a gross attempt to understand the self through the self rather than through the other: narcissism par excellence. In fact, Fanon warns us that the ‘other’ in the self/other dichotomy in racial dialogue may not even exist. According to Gordon (2008): In the contemporary academy, much discussion of race and racism is replete with criticism of otherness. Fanon, however, argues that racism proper eliminates such a relationship. Instead of self and other, there are self, others, and non-self, non-others. In other words, there is the category of people who are neither self nor others. They are noone. The dialectics of recognition is disrupted, and the struggle of such people becomes one of achieving such a dialectics. Put differently, they are not fighting against being others. They are fighting to become others and, in so doing, entering ethical relationships. This argument results in a peculiar critique of liberal political theory. Such theory presupposes ethical foundations of political life. What Fanon has shown is that political work needs to be done to make ethical life possible. That is because racism and colonialism derail ethical life. (italics added) A pedagogical approach that avoids safety in the interest of image and personal management makes such an ethical relationship possible. If we are truly interested in racial pedagogy, then we must become comfortable with the idea that for marginalized and oppressed minorities, there is no safe space. As implied above, mainstream race dialogue in education is arguably already hostile and unsafe for many students of color whose perspectives and experiences are consistently minimized. Violence is already there. In other words, like Fanon’s understanding of colonialism, safe space enacts violence. Those who are interested in engaging in racial pedagogy must be prepared to (1) undo the violence that is inherent to safe-space dialogue, and (2) enact a form of liberatory violence within race discussions to allow for a creativity that shifts the standards of humanity. In other words, anger, hostility, frustration, and pain are characteristics that are not to be avoided under the banner of safety, which only produces Freire’s (1993) ‘culture of silence’. They are attributes that are to be recognized on the part of both whites and people of color in order to engage in a process that is creative enough to establish new forms of social existence, where both parties are transformed. This is not a form of violence that is life threatening and narcissistic, but one that is life affirming through its ability to promote mutual recognition.

### S: Revolutionary Violence

#### The 1AC’s pedagogy is crucial to expand our conceptions of protest and violence- narrow anti state perspectives are doomed to failure

Leonardo, PHD, Porter, PhD Candiate, 10

(Zeus, associate professor of Education and affiliated faculty of the Critical Theory Designated Emphasis at the University of California, Berkeley. Pedagogy of fear: toward a Fanonian theory of ‘safety’ in race dialogue Race Ethnicity and Education Vol. 13, No. 2, July 2010, 139–157)

Just as not all expressions of protest achieve the theoretical status of resistance, not all expressions of rage achieve the theoretical status of violence insofar as they fail to introduce change into a social system. For example, the armed protest of the Minutemen at the border of the state of Arizona and Mexico does not merit the title of resistance by virtue of the fact that they appear to be resisting when in fact they are assisting the immigration history between the United States and Mexico, which is violent to Mexicans (see Leonardo 2003). In contrast, not all apparently non-violent aspirations are easily assimilable into the convenient category of peaceful protest. In the United States in particular, it took the non-violent violence of the Civil Rights movement to introduce a different system of violence into civil society. As Fanon insists, challenging repressive systems of power requires going beyond a ‘rational confrontation of viewpoints’ (2004, 6). We suggest that there are pedagogical lessons contained in this history. Violence is always present in a social system because the struggle over power structures participation within the system. This is not necessarily deplorable but constitutes the field of discourses that struggle for our subjectivity (Weedon 1997). The issue hinges on a couple of questions. What political project is attached to this or that system of violence? What consequences and relations are produced? What are the standards of humanity in the system? Unless these questions are posed, we cannot arrive at the practical function of violence. Following Foucault (1980), King’s ‘peaceful’ protest was not an act by the powerless but a resistance that summoned every morsel of power against a repressive State. In other words, it was an expression of power that took the form of resistance, unlike whites’ reactions, which were deployments of power for the sake of maintaining it. This is an important distinction. Using conventional modes of force against a State that monopolizes its legitimate use, as Weber (1978) reminds us, would likely not have succeeded for it would have been overwhelmed by the military, absent of a coup. As Perry Anderson’s (1976) near book-length article on Gramsci makes plain, in modern societies the State becomes an ‘outer ditch’ filled by a complex system of civil institutions. This fact necessitates an equally complex understanding of civil society, which a ‘war of maneuver’ against an all-encompassing State fails to illuminate. Instead, a ‘war of position’ must expose fissures in civil society, exploiting its cultural institutions, such as the media and educational system. We may compare King’s peaceful protest with the dismantling of apartheid in South Africa. One may be tempted to suggest that the South African revolution was peaceful, without much bloodshed and ending with the Truth and Reconciliation Commission. Of course as Fanon might argue, the South African case was violent to the core, particularly to whites, whose entitlements were revoked. The same can be said about the achievements of the Civil Rights movement, which was a massive assault on an entire social system. Likewise, a critical education is radically violent if it expects to shift the racial dialogue. It is a humanizing form of violence that puts people back in their rightful place and restores their dignity, both the oppressor and the oppressed (Freire 1993). A humanizing violence is both necessary and liberatory because the actual system and theoretical backbone of colonialism and systems of domination create unethical situations wherein individuals are relegated to subject positions that make them something below, or other than, human. In Charles Mills’ (1997) understanding, people of color become subpersons within the assumptions of such a system. What it means to be human or what it means to be an actional individual in Fanon’s sense, is defined via the discourse of the colonizer as the embodiment of the western-whiteheterosexual- propertied male (Wynter 2001). Fanon was correct to warn us that nonviolence as compromise, electoral politics, political concessions, and appeal to legality only forestalls the overthrow of a regime of thought that continues to demarcate between the human and the subperson. If dialogue seeks to undo racism, then we must ask if notions of safe dialogue legitimate an oppressive system or if they engage in a process that is creative enough to produce a new social consciousness, a new human subject ‘with a new language and a new humanity’ (Fanon 2004, 2). According to Fanon’s ‘stretched’ materialist dialectic, in order to speak to the issue of colonial classes (see De Lissovoy 2008), liberatory violence is the only way to overcome the system while actively reclaiming one’s humanity.

### AT: Charlottesville/Hate Speech

#### Censorship empowers the worst politicians-now more than ever free speech must be defended

Lukianoff, JD Stanford, and Perrino, Comm director @FIRE, 8-19-17

(Greg, Nico, http://www.politico.com/magazine/story/2017/08/19/why-even-nazis-deserve-free-speech-215508?cmpid=sf)

And that should trouble us: If a court decides in favor of the prior restraints, it could set a precedent that would do considerable harm to the free speech rights of speakers, students and faculty far beyond Spencer. But what happens in a court of law is one thing. What happens in the court of public opinion is perhaps more important. As the famous jurist Learned Hand once said, “Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it.” And, unfortunately, there is evidence that freedom of speech needs a pacemaker. If your social media newsfeed doesn’t provide ample anecdotal evidence that free speech is suffering a public relations crisis, look to the polling: A recent Knight Foundation study found that fewer than 50 percent of high school students think that people should be free to say things that are offensive to others. The New York Times opinion page, for its part, has run three columns since April questioning the value of free speech for all, the most recent imploring the ACLU to “rethink free speech”—the same ACLU that at the height of Nazism, Communism and Jim Crow in 1940 released a leaflet entitled, “Why we defend civil liberty even for Nazis, Fascists and Communists.” The ACLU of Virginia carried on this honorable tradition of viewpoint-neutral free speech defense in the days before the Charlottesville protests. However, the Wall Street Journal reported this week that the ACLU “will no longer defend hate groups seeking to march with firearms.” And how is the birthplace of the 1960s free speech movement faring? In the wake of the riots that shut down alt-right provocateur Milo Yiannopoulos’ speech at the University of California, Berkeley on February 1, multiple students and alumni wrote that the violence and destruction of the Antifa protests were a form of “self-defense” against the “violence” of Yiannopoulos’ speech. Watching videos of the protest, it is fortunate nobody was killed. What’s to account for this shift? One of our theories is that this generation of students comprises the children of students who went to college during the first great age of campus speech codes that spanned from the late 1980s through the early 90s. This is when colleges and universities first began writing over-broad and vague policies to regulate allegedly racist and sexist speech. Although that movement failed in the court of law, these codes have stubbornly persisted, and the view that freedom of speech is the last refuge of the “three Bs”—the bully, the bigot and the robber baron—found a home in classrooms. When we speak on college campuses, our explanations of the critical role the First Amendment played in ensuring the success of the civil rights movement, the women’s rights movement and the gay rights movement are often met with blank stares. At a speech at Brown University, in fact, a student laughed when Greg pointed out that Supreme Court Justice Thurgood Marshall was a steadfast defender of freedom of speech––as if it were impossible for a black icon of the civil rights movement to be a free-speech champion. However, we don’t fault students for holding these opinions. The idea of free speech is an eternally radical and counterintuitive one that requires constant education about its principles. Censorship has been the rule for most of human history. True freedom of speech is a relatively recent phenomenon. It perhaps reached its high point in the United States in the second half of the 20th century. Most Americans claim that they venerate free speech in principle. So do most world leaders. Even censorial dictators like Turkey’s Recep Tayyip Erdogan sometimes feign support for it. Despite this, it’s common for people to have their exceptions in practice: their “I believe in free speech, but …” responses. But even the “free speech, but …” responses seem to be falling out of favor. In the last few years—and especially after Charlottesville—we have observed increasing squeamishness about free speech, and not just in practice; also in principle. So how do we respond to the calls for censorship after Charlottesville? For most of our careers, the charge “what if the Nazis came to town?” has been posed as a hypothetical retort to free speech defenses. (Godwin’s law extends to free speech debates, too.) But the hypothetical is no longer a hypothetical: In Charlottesville, neo-Nazis carried swastikas through the streets and revived the Hitler salute. If you were to listen to scholars like Richard Delgado, the response should be to pass laws, to put people in jail, to do whatever it takes to stop the Nazi contagion from spreading. It’s a popular argument in Europe and in legal scholarship, but not in American courts. There are a few problems with this response that free speech advocates have long recognized. For one, it doesn’t necessarily work; since the passage of Holocaust denial and anti-Semitism laws in Europe, rates of anti-Semitism remain higher than in the U.S., where no such laws exist. In fact, the Anti-Defamation League found that rates of anti-Semitism have gone down in America since it first began measuring anti-Semitic attitudes in 1964. What’s more, in the 1920s and 30s, Nazis did go to jail for anti-Semitic expression, and when they were released, they were celebrated as martyrs. When Bavarian authorities banned speeches by Hitler in 1925, for example, the Nazis exploited it. As former ACLU Executive Director Aryeh Neier explains in his book Defending My Enemy, the Nazi party protested the ban by distributing a picture of Hitler gagged with the caption, “One alone of 2,000 million people of the world is forbidden to speak in Germany.” The ban backfired and became a publicity coup. It was soon lifted. We cannot forget, too, that laws have to be enforced by people. In the 1920s and early 30s, such laws would have placed the power to censor in the hands of a population that voted in large numbers for Nazis. And after 1933, such laws would have placed that power to censor in the hands of Hitler himself. Consider how such power might be used by the politician you most distrust. Consider how it is currently being used by Vladimir Putin in Russia.

### AT: Opacity

#### The K relies on a transparency/opacity dichotomy that reinforces privilege

Robertson, PhD Candidate, 16

(Jessie, MA in Art History with distinction from the Courtauld Institute of Art and a BA (Hons.) in Art History from Leeds University, 9-29)

If transparency can be understood as standardisation and reduction as a means of control, then opacity can be read in direct contrast. Opacity, for Glissant, is that which ‘cannot be reduced.’ Glissant aligns opacity with identity politics, asserting that ‘if an opacity is the basis for a legitimacy, this would be the sign of its having entered a political dimension.’ This is amplified in the contemporary moment of mass data surveillance and algorithmic standardisation, in which the scale of western surveillance technologies used to evaluate and detect ‘otherness’ is more pronounced than ever. Blas’ theory of ‘informatic opacity’ is not necessarily about surveillance but rather about creating ‘autonomous visibilities, which are trainings in difference and transformation.’ Facial Weaponization Suite is formed of four masks, which tackle different aspects of biometric bias, including biometric racism (which I will return to later), border controls, recent veil legislation in France and the use of biometrics to determine sexual orientation. The masks are not intended to go unnoticed but rather are a ‘weaponizing of the face’ – combining the biometric data of many participants to create a shared but unreadable identity. The paradigm of transparency vs. opacity on which Blas draws is, however, riddled with complexities and tension. These have only been amplified by the art world’s post-Snowden investment in privacy and encryption. A major difficulty is that we have been encouraged to understand visibility as a condition of freedom. In Precarious Life, Judith Butler explains that within our standard frameworks for considering humanisation, there is a general assumption that ‘those who gain representation, especially self-representation, have a better chance of being humanized,’ whilst those who ‘have no chance to represent themselves run a greater risk of being treated as less than human, regarded less than human, or indeed not regarded at all.’ The idea of visibility as a humanizing concept is particularly challenging for those within the prison system who are denied visibility and hidden from public view. Once condemned to incarceration, prisoners are at the mercy of their sentence, the state, and increasingly, privatized correctional facilities – behind the walls of which people are lost, injured and sometimes mistreated. Prisoners have no means of gaining representation and therefore the majority are forgotten by society, reduced to faceless numbers within an over-crowded system. Mass data surveillance has problematized the widely-held assertion that visibility brings freedom, because now we are acutely aware that our supposed ‘freedom’ in fact comes at the cost of our privacy. Increasingly, those with the means and knowledge to do so are choosing an aesthetics of invisibility and are encouraging others to follow their lead. But there is a clear paradox at play in this shift toward opacity. Although the rejection of visibility, despite its humanising qualities, in favour of non-visibility is a radical refusal of state and corporate surveillance, it is not one that is available to all. In order to choose opacity, you must already possess a certain level of visibility. While prisoners, the homeless and undocumented migrants (to name just a few) are unseen, they have no opportunity for self-representation – their invisibility is forced upon them. On top of this, TOR and other encryption software that is being proposed as a means of gaining greater online opacity are just not that accessible to those without a certain level of technical knowledge and interest (despite the concerted efforts of Julian Oliver, Deep Lab and also groups like Black Girls Code). Although opacity and anonymity are politically radical concepts in the age of social media and mass surveillance, there is an underlying but implicit privilege at stake, which has been fostered within the framework of the art world. Art is a vital space for the exploration of political and social issues, and the art world provides, to a certain extent, a ‘safe space’ for artists to take risks and create work that might be deemed threatening or even illegal were it outside this context. Appelbaum acknowledges this in relation to Autonomy Cube, asserting that: ‘if the police want to seize it [Autonomy Cube], they will have to buy it like any other piece of art.’ This protects any users of the TOR router, as well as their information, from legal repercussions, but it also ensures that the artists do not suffer any personal or criminal consequences. The aesthetic frame allows them to create an object of opacity in a direct affront to government surveillance practices from an artistically and intellectually protected position.

#### Cede the academy – blanket rejection of “imperial academia” excludes minority scholars- we are in, not of, the university

Kim, PhD, 15

(Nami, Associate Professor Philosophy & Religious Studies Women of Color Scholar-Teachers Reclaiming our Classrooms Journal of Feminist Studies in Religion, Volume 32, Number 1, Spring 2016, pp. 142-146)

Third, how do women of color scholar-teachers learn to thrive together without aligning with the system that constantly seeks to undermine our authority as scholar-teachers in an imperial university? How do we women of color scholar-teachers challenge “the dominant codes of belonging and citizenship within the academic nation”?4 As Chatterjee and Maira cogently state, “our privileges of entry, of inclusion, and of outside-ness are also always marked by the ‘dangerous complicities’ of imperial privilege and neoliberal capital.”5 When a woman of color faculty becomes a “citizen” in the academy, it seems crucial for us to ask what kind of “citizen” we wish to become or whether we really want to become a “citizen.” As the authors state by quoting Claudia Rankine, “There are two worlds out there; two America’s [sic] out there. If you’re a white person, there’s one way of being a citizen in our country; and if you’re a brown or a black body, there’s another way of being a citizen and that way is very close to death. It’s very close to the loss of your life. It’s very close to the loss of your liberties at any random moment” (113).6 Despite this risk of losing one’s life and one’s liberties, if women of color want to teach in an imperial university, how should we live as “subversive intellectuals,” who are “to be in but not of” the university?7 I do not have a “good” answer to this question. But I would like to invite women of color scholar-teachers to think about the ways in which we can do this together by raising a set of related questions. If our goal is not to be included as efficiently as possible within the current system of the imperial university in order to enjoy all benefi ts and privileges to which “dependable” citizens of the academy have access, how do we live as “subversive intellectuals” in an imperial university? What resources do we need for our subversive projects? How do we not just become professionalized? What would be our strategies to thrive without being complicit in the academy that has become corporatized—treating students as their customers, exploiting “contingent” faculty, undermining shared governance on campus, structuring the college based on corporate hierarchy, and serving US imperial interests through knowledge production? How are we, as gendered, racialized, and sexualized persons, implicated in this contested site of struggle through our teaching and our scholarly participation in the US academy? How do we not lose our lives and our liberties after all? How does our work challenge or reinscribe the politics of knowledge that legitimizes US imperialism, militarism, and global capitalism? Perhaps a working answer to all these questions is to reclaim our own classroom “to become the most radical space of possibility in the academy.”8 In order to do this, we need to “maintain a constantly militant and critical stance toward the place where we must do our work.”9 As the authors argue, the question of authority has to do with power, and those of us who work to reclaim our classroom as such a radical space of possibility need to ask how we should use our power, however small that might be, in relation to the students and the university that “include” the contingent faculty members who might be also women of color. As Smith indicates, the understanding of how the logics of white supremacy work helps us critically refl ect on not only our victimization but also our complicity in the victimization of others.10 We, then, continue to be vigilant about how we claim and exercise our authority as not the power-over but as the power that arises within ourselves and the power entrusted to us by the communities we are accountable to.(144-6)

#### Their evidence critiques selective censorship – we turn the link

Goodman, PhD, 15

(Robin Truth, English @FSU Corporate Humanities and the Imperial University: The Economy of Debt in the Culture of Higher Education College Literature, Volume 42, Number 2, Spring 2015, pp. 337-347 (Review))

The Imperial University, meanwhile, focuses on the political assault on minority and “suspect” populations within the academy in the wake of 9/11 and how certain individuals inside this apparatus have responded to and opposed this new corporate infi ltration. What are the specifi results, the day-to-day appearances of these new policies and institutional adjustments inside university cultures? While Di Leo does mention the importance of terror, as precarity, in the new academic regime—where “at any moment one’s agency can be, so to speak, ‘eliminated from the academic game’” (47)—The Imperial University exposes the experience of those living and working in the context of this instability, giving some historical but mostly contemporary anecdotal accounts of how the “War on Terror” targets forms of academic speech, casting them as criminal and dangerous and turning their proponents into extremists, all in the name of academic freedom. Invoking a historical imperialist view of subjugation within neoliberal redistributions of economic and political power, the “War on Terror” becomes in this work a descriptive term for a “permanent war” which includes the restructuring of public life, increasing control of populations in the interests of producing consumerist conformity, nationalist command hierarchies, and labor docility for neoliberal dominance (7). As the editors explain, “The 9/11 attacks and the crises of late capitalism in the global North have intensifi ed the crisis of repression in the United States and also the ongoing restructuring of the academy— as well as resistance to that process—here as well as in the global South” (6). In other words, The Imperial University chronicles through fi rst-hand accounts and institutional analyses how what once was understood as the cornerstone of the university’s autonomy—the freedom to have a point of view—has been transformed into a scapegoat and a justifycation for repressing speech coming from racial, ethnic, and gender minorities. Such policing of free speech makes free speech itself—non-conformity, disorder, resistance—into a technique of punishment and control, linked to militarism and imperialism. Academic freedom can now be wielded to implement repressive imperial policies on the homefront. (339-40)

### AT: Physical Violence Good

#### While satisfying, physical violence fails to transform because it replicates colonial logic

Leonardo, PHD, Porter, PhD Candiate, 10

(Zeus, associate professor of Education and affiliated faculty of the Critical Theory Designated Emphasis at the University of California, Berkeley. Pedagogy of fear: toward a Fanonian theory of ‘safety’ in race dialogue Race Ethnicity and Education Vol. 13, No. 2, July 2010, 139–157)

Fanon was ultimately ambiguous about the role of violence in social change. When Fanon (2004) writes that decolonization ‘can only succeed by resorting to every means, including, of course, violence’, (3) we take him to mean violence in multiple ways, literal and physical violence only being one of them. For example, he declares: In the colonial context the colonist only quits undermining the colonized once the latter have proclaimed loud and clear that white values reign supreme. In the period of decolonization the colonized masses thumb their noses at these very values, shower them with insults and vomit them up. (8) Colonialism’s violence is pervasive and Fanon suggests that an equally complete reversal, from physical to psychical violence, will be required to oppose it: ‘Violence among the colonized will spread in proportion to the violence exerted by the colonial regime’ (Fanon 2004, 46–7). Ejecting colonialism at the level of values and subjectivity is as much a part of decolonization as material redistribution. As Wallerstein (2009) notes, ‘Without violence the wretched of the earth can accomplish nothing. But violence, however therapeutic and however effective, solves nothing’ (125). Although we clearly are appropriating Fanon’s insights for a context that differs from revolutionary Algeria and colonial Africa, we find his work useful for tackling modern problems with public race dialogues in education. Whether as a form of social analysis or support for policy, Fanon’s theory of violence is replete with insights on the racial contradictions of our time. First, we outline below the basic assumptions of Fanon’s theory of revolutionary, as opposed to repressive, violence. Second, we analyze the surrounding myths that an actual safe space exists for people of color when it concerns public race dialogue. Third, we critique the intellectualization of racism as part of the concrete violence lived by people of color in the academy, which whites continually reduce to an idea. Here we pedagogically reframe the racial predicament by promoting a ‘risk’ discourse about race, which does not assume safety but contradiction and tension. This does not suggest that people of color are somehow correct by virtue of their social location. Finally, we consider the practical import of intellectual solidarity, where understanding racism becomes the higher good rather than whether or not one leaves the dialogue looking more or less racist than before.

### AT: Violence Good/Fanon Rejects Nonviolence

#### Their argument relies on a false dichotomy of physical violence/nonviolence that occludes the true impact of resistance.

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It is clear that Fanon was not advocating for the non-violent overthrow of colonial systems. In fact, in his theorization of violence, Fanon was only concerned with political strategy when he focused his attention on the shift that occurs after the moment of decolonization, which involves the construction of the new nation. Fanon was not interested in glorifying violence for the purposes of starting mass upheavals; in fact, he was critical of nationalist movements of this strain. He was skeptical of simplistic nationalist movements, those that were not ‘explained, enriched, and deepened … into a social and political consciousness, into humanism’. Such movements, according to Fanon, would only lead ‘to a dead end’ (2004, 144). Nevertheless, he did accept the fact that violence is a necessary element of decolonization, political struggle, and human liberation (1).3 Thus, he stated, ‘Colonialism is not a machine capable of thinking, a body endowed with reason. It is naked violence and only gives in when confronted with greater violence’ (23). This passage is key. Fanon was well aware of the liberatory possibilities of violence, its potential to lead to both a plurality of action and the creation of a new politics. His thoughts on the liberatory properties of violence are worth quoting: At the individual level, violence is a cleansing force. It rids the colonized of their inferiority complex, of their passive and despairing attitude. It emboldens them, and restores their self-confidence … Enlightened by violence, the people’s consciousness rebels against any pacification. (51–2) Thus, Fanon leaves us with a dialectical definition of violence, one that accounts for its potential for brutality, but also its power to destroy, create, and unify. Naturalizing violence as only repressive comes with two consequences. One, it constructs legitimate violence as the sole possession of the oppressor enforced on the oppressed. It does not conceive of the oppressed, such as racial minorities, as capable of violence as a revolutionary right. Two, it fails to consider violence in the multitude, or the possibility that it may be used to humanize an oppressive relationship. Fanon was critical of doctrines of passive non-violence because they created a situation of compromise wherein creative forms of tension and struggle were avoided and left untapped. He argued: In its raw state this nonviolence conveys to the colonized intellectual and business elite that their interests are identical to those of the colonialist bourgeoisie and it is therefore indispensable, a matter of urgency, to reach an agreement for the common good. Nonviolence is an attempt to settle the colonial problem around the negotiating table before the irreparable is done, before any bloodshed or regrettable act is committed. (2004, 23) Here we note that there are more similarities between Fanon’s theory of violence and Martin Luther King’s doctrine of non-violence than meets the eye. King adopted a non-violent platform, but this did not involve coming to the negotiating table to seek a compromise. To the contrary, the tactics of agitation deployed during the 1960s’ Civil Rights movement were intended to establish a necessary crisis and willingly performed violence against both whites and a system of white domination. Dr. King (1996) asserted, ‘Nonviolent direct action seeks to create … a crisis and foster such a tension that a community which has constantly refused to negotiate is forced to confront the issue. It seeks so to dramatize the issue that it can no longer be ignored’ (741–2). As Lewis Gordon (2008) emphasized, ‘Martin Luther King, Jr. is today recognized as an apostle of nonviolence. But when he was waging his nonviolent protest, it was perceived by most white Americans and the U.S. government as violent. That is because Dr. King was, in Fanon’s formulation, actional’. In order to be perceived as being legitimately nonviolent in the eyes of white American society, ‘King would have had to cease fighting against U.S. apartheid’ (2008). Thus, King’s tactic of non-violence was, in content but not in form, an act of violence aimed at liberating both the oppressed and the oppressor. In a quote that is remarkably similar to Fanon’s theorization of the creative potential of violence, King (1999) stated: The nonviolent approach does not immediately change the heart of the oppressor. It first does something to the hearts and souls of those committed to it. It gives them new selfrespect; it calls up resources of strength and courage that they did not know they had. Finally it reaches the opponent and so stirs his conscience that reconciliation becomes a reality. (347)

#### Focusing on the axis of physical violence/nonviolence obscures more important questions like is this violence life affirming

Leonardo, PHD, Porter, PhD Candiate, 10

(Zeus, associate professor of Education and affiliated faculty of the Critical Theory Designated Emphasis at the University of California, Berkeley. Pedagogy of fear: toward a Fanonian theory of ‘safety’ in race dialogue Race Ethnicity and Education Vol. 13, No. 2, July 2010, 139–157)

The empty category of violence can now be further theorized, one filled with a political project. When Mahatma Gandhi and Martin Luther King, Jr. proposed nonviolent protest as a favored strategy against empire, they understood very well that this non-violent expression was a form of violence to whites. As a counter-hegemonic challenge to white supremacy, Gandhi and King’s methodology of the oppressed (Sandoval 2000) – indeed their violence – was an attempt to shift upward the standards of humanity, which whites would interpret as an assault on their way of life. Dr. King (1996) continued: Just as Socrates felt that it was necessary to create a tension in the mind so that individuals could rise from the bondage of myths and half-truths to the unfettered realm of creative analysis and objective appraisal, so must we see the need for nonviolent gadflies to create the kind of tension in society that will help men rise from the dark depths of prejudice and racism to the majestic heights of understanding and brotherhood. (742) In the US case, whites obliged the world with hegemonic and literal expressions of violence captured by the media and circulated across the globe. Focusing entirely on a definition of violence that is dependent on its appearance – we know it when we see it – would miss the pedagogical lesson of King’s gamble and the depth of Fanon’s theory of violence. Although the civil rights protests were protected by the constitution, and although they were mostly peaceful, they were clearly violent to white sensibilities, and whites exposed their rage when they returned the violence with interest by escalating the tensions. White violence was captured by the media for all the world to see, striking at the legitimacy of US benevolence toward its racial minorities (Bobo and Smith 1998). In a literal sense, white violence was just that: repressive. But theoretically, it was not violent in the sense of altering relations for it maintained the current and false standards of humanity. It was a violence so hegemonic that it became naturalized, one that maintained the world as it was. It became violence as a way of life, a necrophilic one at that. White violence is indicative of a certain death drive whereas the liberating violence of the oppressed possesses a humanizing, life-affirming moment. With Fanon (2004), we ask ‘But how do we get from the atmosphere of violence to setting violence in motion?’ (31).

## Answers to Off Case: Liberalism Kritik

### Antifa Bad

#### Antifa provides conservative justification for a police state

Goroff, activist, 2-28-17

(Nicholas, http://www.occupy.com/article/letter-american-left-antifa-not-your-friend#sthash.6pxbWlg6.y9vRZnaJ.dpbs)

Though to many they may seem to be revolutionaries, primed to take the fight against whatever variety of perceived fascism, the self-proclaimed anti-fascists of “Antifa” are a millstone around the neck of the political left and possibly a greater danger to progressive and liberal values than even Donald Trump himself. To be certain, while it may inspire a guttural cheer to see a white nationalist crackpot like Richard Spencer belted across the face, and may feel as though our nation stands on the cusp of revolution as swarms of black clad young people burn property and charge police lines, the net effects of these actions, both real and potential, must not be embraced as resistance mounts to Trump and rightwing populism throughout the West. Why not, you ask? The reasons are a mix of the pragmatic and philosophical. For starters, through their wanton destruction and rioting, as well as unbridled enthusiasm for vandalism and violence, Antifa and their black bloc tactics are in many ways an outright gift to those who advocate for a police state. As their presence has become a standard affair at demonstrations and protest rallies, their particular version of “radical activism,” replete with its threats of violent insurrection and assaults on civilian bystanders, give the domestic security apparatus and its supporters perfect justification for increased surveillance and a crackdown on political speech. Some people within these movements – like the anarcho-communists, who often fill their ranks – may argue that their actions are simply exposing the fascism innate to America’s capitalist system. But by claiming that they are being unjustly punished for actions that are themselves dangerous and criminal, these people in fact undermine efforts to expose supposed police state overreach. As protesters seek to expose a criminal justice system they see as overreaching, heavy handed, over-zealous and prejudiced, they create conditions in which such a security apparatus works in exactly the way it is meant to, often to the cheers and support of the general public. A viral video that made the rounds following the recent riots at UC Berkeley showed bystanders cheering as police in full riot gear moved in to take down a black bloc disruption, and served as rather telling evidence of this point – both in the reaction of the crowd on site, as well as the manner in which the video courted such attention. Additionally, the fashionable invocation of Nazi Germany has become a common refrain, especially among young radicals, though it's worth noting that the only manner in which the Reichstag fire could have been more advantageous to Adolph Hitler would have been if his political adversaries had in fact carried it out themselves.

#### Vast middle of American politics must be persuaded

Goroff, activist, 2-28-17

(Nicholas, http://www.occupy.com/article/letter-american-left-antifa-not-your-friend#sthash.6pxbWlg6.y9vRZnaJ.dpbs)

This itself leads to the next important point: image. Whether radicals like it or not, or are able to admit it or not, the United States is still a prosperous Western democracy. As such, the realpolitik of the nation is not one of a radical or revolutionary bent, but rather one of a more conventional republic which prefers and enjoys domestic calm. This being the case, as it has been for the better part of a century, with a few, far more drastic exceptions than those being experienced now, the art of American politicking thankfully relies more upon rhetoric and presentation than the rise of revolutionary forces. As progressives seek to advance the cause or causes of their resistance to Donald Trump and rightwing populism, they are obliged as the opposition party forced to maintain an image which courts rather than alienates support from the general public. As rallies may see attendance range even into the hundreds of thousands, the vast unaffiliated majority of those who make up the real body politic – who can largely be seen to swing from left to right depending on the successes or failures of a given side – must be shown that violent radicals who disrupt, destroy and outright endanger property, safety and even basic liberties are not representative of the American left.

### Reform Possible

#### Humanity is a process, not an attribute – demands for equality, liberty, and justice remake humanity

Cornell, PhD, 14

(Drucilla, Women’s Studies/Law @Rutgers, “Fanon Today” in The Meanings of Rights: the philosophy and social theory of human rights p. 127-134 )

Does that mean that Fanon completely rejected Hegel, and that in a certain sense, as Arendt argues, it is the violent confrontation with death that creates the “brotherhood,” which according to Arendt’s critique would inevitably lead to a “dead end”? The answer, as I have already suggested, is that freedom involves violent struggle because it is the only way to bring to life a truly social world in which the dialectic of recognition and reciprocity would be something other than empty hypocritical phrases mouthed by whites who want to keep blacks in their place. But is there some abstract definition of freedom, or of what it means to be fully human in Fanon? Yes, there is certainly the emphasis on the centrality of freedom, but what it means to be free and what it means to be human is itself a process. I have already suggested that for Fanon national liberation is inseparable from the creation of a new species of the human, beyond the imposed living death on the colonized within colonialism. But the nation, here, is the coming together of the people to declare their independence through the destruction of colonialism and through the mobilization of new forms of participatory democracy which include, and must include for Fanon, the complete end of economic and social conditions of exploitation. Therefore, there can be no coming together of the people simply as a political movement, without a challenge to economic oppression, and this is where Fanon profoundly disagreed with some of the African leaders in the 1960s, like Léopold Senghor, who insisted that the political comes first, and that economic transformation could wait until another day. The people coming together, then, must not only create participatory modes of democratic mobilization, which demands a changed subjectivity for those who had been brutally robbed of their land. The people coming together must also demand the return of land, not simply because it has been stolen, but because without land, human beings are unable to live and control their conditions of production in common. As Fanon writes: For a colonized people, the most essential value, because it is the most meaningful, is first and foremost the land: the land, which must provide bread and, naturally, dignity. But this dignity has nothing to do with “human” dignity. The colonized subject has never heard of such an ideal.10 Why does Fanon put “human” in quotation marks? It should be clear by now that, for Fanon, the question of man, or the human, is absolutely inseparable from the question of revolutionary nationalism, but in the specific sense I have described above. The mutated new “species,” the new human world in which we might live together, does not grow out of a set of metaphysical commitments. It is, instead, rooted in revolution, and therefore, it is a completely different form of humanism than those that are rooted in the “armored cosmopolitanism,” to use Paul Gilroy’s telling phrase, that is integral to current human rights discourse. But Fanon always considered this “nationalism” a mobilizing of the people as part of a pan-Africanist, transnational struggle. Philosopher Étienne Balibar has argued that the inextricably linked notions of “man” and the subject are inseparable from the history of revolution, and particularly, a human subject that asserts “equaliberty” as the basis for belonging together as citizens. Balibar credits Kant for the idea that the question of man can only be given an answer within the practical horizon of cosmopolitical belonging of a particular view of the world citizen: To ask “What is Man?” for Kant is to ask a concrete question, a question which is therefore more fundamental than any other, because it immediately concerns the experience, knowledge and practical ends of Man as a citizen of the world. Indeed the Kantian question already involves and predetermines a formal answer: “Man” is a (the) citizen of the world; his “essence” is nothing other than the horizon within which all the determinations of that universal “citizenship” must fall. The only thing that remains to do, then, is to elaborate and clarify the meaning of all this.11 Balibar’s originality is to connect this philosophical question directly with the question of revolution, equaliberty, and the citizen-subject. But many have rightfully critiqued – and Balibar would be one of them – the Kantian horizon of the cosmopolitical world, because it naively runs up against the brutal imperialism of what Balibar calls “real universality.” It is important to add here that Balibar’s re-interpretation of the politics of the rights of man and the citizen-subject should not be confused with a defense of human rights as such defenses have recently come to be understood, from the 1970s forward, namely as a set of moral claims, “as entitlements that might contradict the sovereign nation-state from above and outside rather than serve as its foundation.”12 Even in Kant, the cosmopolitical horizon was one of perpetual peace between republics. It was not a moral discourse that was meant to replace the struggle to achieve a republic in the first place. Thus, it is a serious misinterpretation of Balibar to consider him a defender of human rights in the current sense of the term. Instead, Balibar is a defender of the meaning of “man” as a practical philosophical question, inseparable from revolutionary conceptions of the citizen-subject. Even if we reject the content of Kant’s cosmopolitical horizon, then, perhaps we need not and should not reject the fundamental insight of Balibar, but recast it in relation to Fanon’s own understanding of why the national revolution in Africa can never simply be national, nor even pan-Africanist – although it must be that as well – but always implies the ethical and political horizon of a radically mutated humanity that grows out of revolutionary struggle. Sylvia Wynter, in her own writing on Fanon,13 has argued that what she has called “the episteme of man” that developed out of the Renaissance in Europe necessarily “liminalizes” the damned of the earth, by which she means not only the rendering of the other as black but as blackness itself as a category of the chaotic and the irrational. A full discussion of Wynter is unfortunately beyond the parameters of this short chapter. However, the significance of what she calls the “afterman” involves a powerful critique, not only of Nietzsche’s Übermensch or other powerful critiques of the episteme of man, such as that of Michel Foucault, in the name of a new socio-poesis, or in Fanon’s words, radical mutation of the human. For Wynter – and this is her interpretation of Fanon – we have yet to begin the history of the human, because it has been completely captured by the episteme of man, and therefore we do not need to reject humanism, but rethink it within the context of revolutionary struggle. As Fanon writes: Among colonized peoples there seems to exist a kind of illuminating and sacred communication as a result of which each liberated territory is for a certain time promoted to the rank of “guide territory.” The independence of a new territory, the liberation of the new peoples are felt by the other oppressed countries as an invitation, an encouragement, and a promise. Every setback of colonial domination in America or in Asia strengthens the national will of the African peoples. It is in the national struggle against the oppressor that colonized peoples have discovered, concretely, the solidarity of the colonialist bloc and the necessary interdependence of the liberation movements.14 But this is a very different vision of internationalism or transnationalism than the one evoked by current human rights discourse, as SamuelMoyn has argued in his history of human rights. As Moyn points out, thinkers as diverse as Fanon, Du Bois, and Malcolm X only use the phrase “human rights” as part of the struggle of anti-black racism and against all forms of colonialism. Fanon’s pan-Africanism, which points to a new humanism that grows out of revolutionary struggle, is a horizon in which the question of what it means to be human can be raised, but only in the dynamism of revolution, and therefore there is no being in the human without revolutionary struggle. We are far away from current conceptions of human rights, and indeed are returned to what Paul Gilroy has called the right to be human, a “right” which for Gilroy is inseparable from the struggle against anti-black racism, and for a different transnational and transmodern vision of pan-Africanism. To quote Gilroy: The antiracism that inherited a worldly vision from pan-Africanism and passed it on to the anti-colonial movements did not descend to the present through the temperate landscape of liberal pieties. It came via disreputable abolitionism and translocal, multicultural, and anti-imperial activism that was allied with the insurrectionary practice of those who, though legally held in bondage, were subject to the larger immoralities of a race-friendly system of domination.15 If the right to be human can only configure itself within the revolutionary struggle, then what must it entail? We have already seen that, for Fanon, national liberation is inseparable fromthe re-appropriation of the land. The great South African philosopher, Mabogo Percy More, has underscored the point that the right to claim land is inseparable from the right to be human, and to the connected right to life. More argues: If, as I have indicated, land gives life to human beings, then there is an inextricable organic connection between land and life. If colonialism, as Fanon counsels us, is indeed “the conquest of national territory and the oppression of a people” . . ., and if conquest in colonial situations occurs through violence, then the forcible expropriation of land from and the consequent denial of reasonable access to land to the rightful owner is equivalent to a denial and refusal to recognize the right to life of the dispossessed. But if one’s right to life is threatened, then morality, politics, and law all agree about Fanon’s appeal to violence as a form of justifiable self-defense.16 But these rights, as we have seen, are not conceived at all as rights rooted in individual entitlement, based on some notion of shared attributes that mark out our humanity against other creatures. Nor are they the empty rights of the victims of the many brutal wars and states of impoverishment brought about by neo-liberal global capitalism. Famously, Hannah Arendt argued that human rights were hopelessly caught in a paradox. Either they were the rights of those who had no rights, such as the refugees who had no nation-state in which they could claim national belonging and thus citizenship. Or human rights were simply another name for the rights of citizens of a nation-state. Either way, an appeal to human rights was caught up in this paradox, so that such rights were either an impossible claim made on the part of those who had no rights or a redundant claim made on the part by those who already had them as citizens.17 The philosopher Jacques Rancière has profoundly challenged Arendt’s paradox or tautology and argued that there is a whole different way of thinking about the rights of man, as the politics of the rights of man can informour current thinking about the possibility intended in human rights. It is important to note, before proceeding with Rancière’s rethinking of human rights, that Rancière completely rejects the idea of homo sacer, in that, for him, no human being is ever completely reduced to bare life, and that to portray such a human being in that light is, sadly, to reduce the subaltern to the silent images of hapless victims that we see night after night on television.18 We have already seen that the black struggle for the right to be human in no way can be understood as the right of victims who have no rights. I want to argue here that the black revolutionary understanding of human rights, which has been the specter of the liberal humanitarian rights discourse, can best be understood through Rancière’s unique defense of the politics of human rights or the rights of man. Rancière argues that “the Rights of Man are the rights of those who have not the rights that they have and have the rights that they have not.”19 Rancière uses Olympe de Gouges, a revolutionary woman during the French Revolution, to underscore his basic assumption about the politics of the rights of man or human rights.Women did not have equal rights under the declaration of the rights of man, butOlympe deGouges not only argued that they should have them: according to de Gouges, women did have those rights, because if they had the “right” to be killed at the guillotine, they had the right to equal citizenship.20 In Rancière’s language, the rights of man leave behind an egalitarian trait, an inscription of a community as free and equal. When those who do not have rights, such as blacks under the colonial situation, demand that that description be true, they are not, in Rancière’s language, appealing to rights they do not have: they are contesting the reality that denies them those rights by acting now as if they had them. By acting now as if they had human rights, they actually create conditions of verification that they are fully equal human beings, and that anyone who denies that they actually have those rights are forced to run up against their political enactment. This is exactly the politics of the rights of man that we see throughout the movements against anti-black racism. As Rancière writes: Not only is there no man of the Rights of Man, there is no need for one. The strength of those rights lies in the back-and-forth movement between the initial inscription of the right and the dissensual stage on which it is put to the test. This is why the subjects of the Soviet constitution were able to make reference to the Rights of Man in opposition to the laws that denied their effectiveness. This is also why they can be invoked by the citizens of states ruled by religious law or governmental fiat, the populations in refugee camps. When such groups can – and there are always individuals among them that do – make something of these rights to construct a dissensus against the denial of rights they suffer, they really have these rights.21

#### Liberalism isn’t a monolith—it can be rehabilitated to combat group subordination. Attempts to abandon it entirely will fail.

Charles MILLS, the John Evans Professor of Moral and Intellectual Philosophy at Northwestern University, 12 [“Occupy Liberalism! Or, Ten Reasons Why Liberalism Cannot Be Retrieved for Radicalism,” *Radical Philosophy Review*, Vol. 15, No. 2, 2012, p. 305-323, http://pages.uoregon.edu/koopman/siap/readings/Mills\_Charles\_RPR.pdf]

From this perspective, it will be appreciated that liberalism is not a monolith but an umbrella term for a variety of positions. Here are some examples-some familiar, some perhaps less so: Varieties of Liberalism Left-wing (social democratic) vs. Right-wing (market conservative) Kantian vs. Lockean Contractarian vs. Utilitarian Corporate vs. Democratic Social vs. Individualist Comprehensive vs. Political Ideal-theory vs. Non-ideal-theory Patriarchal vs. Feminist Imperial vs. Anti-imperial Racial vs. Anti-racial Color-blind vs. Color-conscious Etc. It is not the case, of course, that these different species of liberalism have been equally represented in the ideational sphere, or equally implemented in the institutional sphere. On the contrary, some have been dominant while others have been subordinate, and some have never, at least in the full sense, been implemented at all. But nonetheless, I suggest they all count as liberalisms and as such they are all supposed to have certain elements in common, even those characterized by gender and racial exclusions. (My motivation for making these last varieties of liberalism rather than deviations from liberalism is precisely to challenge liberalism's self- congratulatory history, which holds an idealized Platonized liberalism aloft, untainted by its actual record of complicity with oppressive social systems.) So the initial question we should always ask people making generalizations about "liberalism" is: What particular variety of liberalism do you mean? And are your generalizations really true about all the possible kinds of liberalism, or only a subset? Here is a characterization of liberalism from a very respectable source, the British political theorist, John Gray: Common to all variants of the liberal tradition is a definite conception, distinctively modern in character, of man and society.... It is individualist, in that it asserts the moral primacy of the person against the claims of any social collectivity; egalitarian, inasmuch as it confers on all men the same moral status and denies the relevance to legal or political order of differences in moral worth among human beings; universalist, affirming the moral unity of the human species and according a secondary importance to specific historic associations and cultural forms; and meliorist in its affirmation of the corrigibility and improvability of all social institutions and political arrangements. It is this conception of man and society which gives liberalism a definite identity which transcends its vast internal variety and complexity.2 What generate the different varieties of liberalism are different concepts of individualism, different claims about how egalitarianism should be construed or realized, more or less inclusionary readings of universalism (Gray's characterization sanitizes liberalism's actual sexist and racist history), different views of what count as desirable improvements, conflicting normative balancings of liberal values (freedom, equality) and competing theoretical prognoses about how best they can be realized in the light of (contested) socio-historical facts. The huge potential for disagreement about all of these explains how a common liberal core can produce such a wide range of variants. Moreover, we need to take into account not merely the spectrum of actual liberalisms but also hypothetical liberalisms that could be generated through novel framings of some or all of the above. So one would need to differentiate dominant versions of liberalism from oppositional versions, and actual from possible variants. Once the breadth of the range of liberalisms is appreciated-dominant and subordinate, actual and potential-the obvious question then raised is: Even if actual dominant liberalisms have been conservative in various ways (corporate, patriarchal, racist) why does this rule out the development of emancipatory, radical liberalisms? One kind of answer is the following (call this the internalist answer): Because there is an immanent conceptual/normative logic to liberalism as a political ideology that precludes any emancipatory development of it. Another kind of answer is the following (call this the externalist answer): It doesn't. The historic domination of conservative exclusionary liberalisms is the result of group interests, group power, and successful group political projects. Apparent internal conceptual/normative barriers to an emancipatory liberalism can be successfully negotiated by drawing on the conceptual/normative resources of liberalism itself, in conjunction with a revisionist socio-historical picture of modernity. Most self-described radicals would endorse-indeed, reflexively, as an obvious truth-the first answer. But as indicated from the beginning, I think the second answer is actually the correct one. The obstacles to developing a "radical liberalism" are, in my opinion, primarily externalist in nature: material group interests, and the way they have shaped hegemonic varieties of liberalism. So I think we need to try to justify a radical agenda with the normative resources of liberalism rather than writing off liberalism. Since liberalism has always been the dominant ideology in the United States, and is now globally hegemonic, such a project would have the great ideological advantage of appealing to values and principles that most people already endorse. All projects of egalitarian social transformation are going to face a combination of material, political, and ideological obstacles, but this strategy would at least reduce somewhat the dimensions of the last. One would be trying to win mass support for policies that-and the challenge will, of course, be to demonstrate this-are justifiable by majoritarian norms, once reconceived and put in conjunction with facts not always familiar to the majority. Material barriers (vested group interests) and political barriers (organizational difficulties) will of course remain. But they will constitute a general obstacle for all egalitarian political programs, and as such cannot be claimed to be peculiar problems for an emancipatory liberalism. But the contention will be that such a liberalism cannot be developed. Why? Here are ten familiar objections, variants of internalism, and my replies to them. Ten Reasons Why Liberalism Cannot Be Radicalized (And My Replies) 1. Liberalism Has an Asocial, Atomic Individualist Ontology This is one of the oldest radical critiques of liberalism; it can be found in Marx's derisive comments, for example in the Grundrisse, about the "Robinsonades" of the social contract theory whose "golden age" (1650-1800) had long passed by the time he began his intellectual and political career: The individual and isolated hunter or fisher who forms the starting-point with Smith and Ricardo belongs to the insipid illusions of the eighteenth century. They are Robinson Crusoe stories .... no more based on such a naturalism than is Rousseau's contrat social which makes naturally independent individuals come in contact and have mutual intercourse by contract .... Man is in the most literal sense of the word a zoon politikon, not only a social animal, but an animal which can develop into an individual only in society. Production by individuals outside society ... is as great an absurdity as the idea of the development of language without individuals living together and talking to one another.3 But several replies can be made to this indictment. To begin with, even if the accusation is true of contractarian liberalism, not all liberalisms are contractarian. Utilitarian liberalism rests on different theoretical foundations, as does the late nineteenth-century British liberalism of T. H. Green and his colleagues: a Hegelian, social liberalism. 4 Closer to home, of course, we have John Dewey's brand of liberalism. Moreover, even within the social contract tradition, resources exist for contesting the assumptions of the Hobbesian/Lockean version of the contract. Rousseau's Discourse on the Origins of Inequality (1755) (nowhere given proper credit by Marx5) rethinks the "contract" to make it a contract entered into after the formation of society, and thus the creation of socialized human beings. So the ontology presupposed is explicitly a social one. In any case, the contemporary revival of contractarianism initiated by John Rawls's 1971 A Theory of justice makes the contract a thought experiment, a "device of representation," rather than a literal or even metaphorical anthropological account. The communitarian/ contractarian debates of the 1980s onwards recapitulated much of the "asocial" critique of contractarian liberalism (though usually without a radical edge). But as Rawls pointed out against Michael Sandel, for example, one needs to distinguish the figures in the thought experiment from real human beings.6 And radicals should be wary about accepting a communitarian ontology and claims about the general good that deny or marginalize the dynamics of group domination in actual societies represented as "communities." The great virtue of contractarian liberal individualism is the conceptual room it provides for hegemonic norms to be critically evaluated through the epistemic and moral distancing from Sittlichkeit that the contract, as an intellectual device, provides. 2. Liberalism Cannot Recognize Groups and Group Oppression in Its Ontology-I (Macro) The second point needs to be logically distinguished from the first, since a theory could acknowledge the social shaping of individuals while denying that group oppression is central to that shaping. (So #1 is necessary, but not sufficient, for #2.) The Marxist critique, of course, was supposed to encapsulate both points: people were shaped by society and society (post- "primitive communism") was class-dominated. The ontology was social and it was an ontology of class. Today radicals would demand a richer ontology that can accommodate the realities of gender and racial oppression also. But whatever candidates are put forward, the, key claim is that a liberal framework cannot accommodate an ontology of groups in relations of domination and subordination. To the extent that liberalism recognizes social groups, these are basically conceived of as voluntary associations that one chooses to join or not join, which is obviously very different from, say, class, race, and gender memberships. But this evasive ontology, which obfuscates the most central and obvious fact about all societies since humanity exited the hunting-and-gathering stage-viz., that they are characterized by oppressions of one kind or another-is not a definitional constituent of liberalism. Liberalism has certainly recognized some kinds of oppression: the absolutism it opposed in the seventeenth to nineteenth centuries, the Nazism and Stalinism it opposed in the twentieth century. Liberalism's failure to systematically address structural oppression in supposedly liberal-democratic societies is a contingent artifact of the group perspectives and group interests privileged by those structures, not an intrinsic feature of liberalism's conceptual apparatus. In the preface to her recent Analyzing Oppression, Ann Cudd makes a striking point: that hers is the first book-length treatment of the subject in the analytic tradition. 7 Philosophy, the discipline whose special mandate it is to illuminate justice and injustice for us, has had very little to say about injustice and oppression because of the social background of the majority of its thinkers. In political theory and political philosophy, the theorists who developed the dominant varieties of liberalism have come overwhelmingly from the hegemonic groups of the liberal social order (bourgeois white males). So it is really not surprising that, given this background, their socio- political and epistemic standpoint has tended to reproduce rather than challenge group privilege. Consider Rawls, famously weak on gender and with next to nothing to say about race. Rawlsian "ideal theory," which has dominated mainstream political philosophy for the last four decades, marginalizes such concerns not contingently but structurally. If your focus from the start is principles of distributive justice for a "well-ordered society," then social oppression cannot be part of the picture, since by definition an oppressive society is not a well-ordered one. As Cudd points out, A Theory of justice "leaves injustice virtually untheorized," operating on the assumption "that injustice is merely the negation of justice." 8 But radically unjust societies-those characterized by major rather than minor deviations from ideality-will be different from just societies not merely morally but metaphysically. What Cudd calls "non- voluntary social groups" will be central to their makeup, so that a conceptualization of such groups must be central to any adequate account of social oppression: "without positing social groups as causally efficacious entities, we cannot explain oppression." Contra the conventional wisdom in radical circles, however, she is insistent that the ontology of such groups can be explained "[using] current social science, in the form of cognitive psychology and modern economic theory, and situat[ing] itself in the Anglo-American tradition of liberal political philosophy."9 Identifying "intentionalist" and "structuralist" approaches as the two broad categories of competing theorizations of social groups, she recommends as the best option a compatibilist position, holding that while all action is intentionally guided, many of the constraints within which we act are socially determined and beyond the control of the currently acting individual; to put a slogan on it, intentions dynamically interact within social structures .... My theory of nonvoluntary social groups fits the description of what Philip Pettit calls "holistic individualism," which means that the social regularities associated with nonvoluntary social groups supervene on intentional states, and at the same time, group membership in these and voluntary social groups partly constitutes the intentional states of individuals. 10 If Cudd is right, then, such a theorization can indeed be developed within a liberal framework, using the resources of analytic social and normative theory. But such a development of the theory is not merely permissible, but should be seen as mandatory, given liberalism's nominal commitment to individualism, egalitarianism, universalism, and meliorism. These values simply cannot be achieved unless the obstacles to their realization are identified and theorized. Social-democratic (left) liberalism, feminist liberalism, black liberalism, all historically represent attempts to take these structural realities into account for the purposes of rethinking dominant liberalism. 11 They are attempts to get right, to map accurately, the actual ontology of the societies for which liberalism is prescribing principles of justice. What Cudd's book demonstrates is that it is the ignoring of this ontology of group domination that is the real betrayal of the liberal project. A well-ordered society will not have nonvoluntary social groups as part of its ontology. So the path to the "realistic utopia" Rawls is supposedly outlining would crucially require normative prescriptions for eliminating such groups. That no such guidelines are offered is undeniably an indictment of ideal-theory liberalism, which is thereby exposed as both epistemologically and ontologically inadequate. But that does not rule out a reconceptualized liberalism, a non-ideal-theory liberalism that, starting from a different social metaphysic, requires a different normative strategy for theorizing justice. 3. Liberalism Cannot Recognize Groups and Group Oppression in Its Ontology-II (Micro) But (it will be replied) liberalism suffers from a deeper theoretical inadequacy. Even if it may be conceded that liberal theory can recognize oppression at the macro-level, it will be argued that its individualism prevents it from recognizing how profoundly, at the micro-level, individuals are shaped by structures of social oppression. Class, race, and gender belongings penetrate deeply into the ontology of the individual in ways rendered opaque (it will be claimed) by liberalism's foundational individualism. But what those seeking to retrieve liberalism would point out is that we need to distinguish different senses of "individualism." The individualism that is foundational to liberalism is a normative individualism (as in the Gray quote above), which makes individuals rather than social collectivities the locus of value. But that does not require any denial that individuals are shaped in their character (the "second nature" famously highlighted by left theory) by oppressive social forces and related group memberships. Once the first two criticisms have been refuted-that liberal individuals cannot be "social," and that the involuntary group memberships central to the social in oppressive societies cannot be accommodated within a liberal framework-then this third criticism collapses with them also. One can without inconsistency affirm both the value of the individual and the importance of recognizing how the individual is socially molded, especially when the environing social structures are oppressive ones. As already noted, dominant liberalism tends to ignore or marginalize such constraints, assuming as its representative figures individuals not merely morally equal, but socially recognized as morally equal, and equi-powerful rather than group- differentiated into the privileged and the subordinated. But this misleading normative and descriptive picture is a function of a political agenda complicit with the status quo, not a necessary implication of liberalism's core assumptions. A revisionist, radical liberalism would make the analysis of group oppression, the denial of equal standing to the majority of the population, and their impact on the individual's ontology, a theoretical priority. Thus Cudd's book, after explicating the ontology of involuntary groups, goes on to detail the various different ways, through violence, economic constraint, discrimination, group harassment, and the internalization of psychological oppression, that the subordinated are shaped by group domination.12 But nothing in her account is meant to imply either that they thereby cease to be individuals, or that their involuntary group memberships preclude a normative liberal condemnation of the injustice of their treatment.

### AT: Revolution

#### Alternatives couched in terms of pure negation/rage fail- they reproduce violence which shortcircuits emancipation

Wright, PhD, 15

(Erik Olin, Prof. Sociology @Madison, <https://www.jacobinmag.com/2015/12/erik-olin-wright-real-utopias-anticapitalism-democracy/> 12-2)

Given the way capitalism devastates the lives of so many people and given the power of its dominant classes to protect their interests and defend the status quo, it is easy to understand the attractiveness of the idea of smashing capitalism. The argument goes something like this: the system is rotten. All efforts to make life tolerable within it will eventually fail. From time to time small reforms that improve the lives of people may be possible when popular forces are strong, but such improvements will always be fragile, vulnerable to attack and reversible. The idea that capitalism can be rendered a benign social order in which ordinary people can live flourishing, meaningful lives is ultimately an illusion because, at its core, capitalism is unreformable. The only hope is to destroy it, sweep away the rubble, and then build an alternative. As the closing words of the labor tune “Solidarity Forever” proclaim, “We can bring to birth a new world from the ashes of the old.” But how to do this? How is it possible for anticapitalist forces to amass enough power to destroy capitalism and replace it with a better alternative? This is indeed a daunting task, for the power of dominant classes that makes reform an illusion also blocks the revolutionary goal of a rupture in the system. Anticapitalist revolutionary theory, informed by the writings of Marx and extended by Lenin, Gramsci, and others, offered an attractive argument about how this could take place. While it is true that much of the time capitalism seems unassailable, it is also a deeply contradictory system, prone to disruptions and crises. Sometimes those crises reach an intensity which makes the system as a whole fragile, vulnerable to challenge. In the strongest versions of the theory, there are even underlying tendencies in the “laws of motion” of capitalism for the intensity of such system-weakening crises to increase over time, so that in the long-term capitalism becomes unsustainable; it destroys its own conditions of existence. But even if there is no systematic tendency for crises to become ever-worse, what can be predicted is that periodically there will be intense capitalist economic crises in which the system becomes vulnerable and ruptures become possible. This provides the context in which a revolutionary party can lead a mass mobilization to seize state power, either through elections or through a violent overthrow of the existing regime. Once in control of the state, the first task is to refashion the state itself to make it a suitable weapon of socialist transformation, and then use that power to repress the opposition of the dominant classes and their allies, dismantle the pivotal structures of capitalism, and build the necessary institutions for an alternative economic system. In the twentieth century, various versions of this general line of reasoning animated the imagination of revolutionaries around the world. Revolutionary Marxism infused struggles with hope and optimism, for it not only provided a potent indictment of the world as it existed, but also provided a plausible scenario for how an emancipatory alternative could be realized. This gave people courage, sustaining the belief that they were on the side of history and that the enormous commitment and sacrifices they were called on to make in their struggles against capitalism had real prospects of eventually succeeding. And sometimes, rarely, such struggles did culminate in the revolutionary seizure of state power. The results of such revolutions, however, were never the creation of a democratic, egalitarian, emancipatory alternative to capitalism. While revolutions in the name of socialism and communism did demonstrate that it was possible “to build a new world on the ashes of the old,” and in certain specific ways improved the material conditions of life of most people for a period of time, the evidence of the heroic attempts at rupture in the twentieth century is that they do not produce the kind of new world envisioned in revolutionary ideology. It is one thing to burn down old institutions; it is quite another to build emancipatory new institutions from the ashes. Why the revolutions of the twentieth century never resulted in robust, sustainable human emancipation is, of course, a hotly debated matter. Some people argue that the failure of revolutionary movements was due to the historically specific, unfavorable circumstances of the attempts at system-wide ruptures —revolutions occurred in economically backward societies, surrounded by powerful enemies. Some argue that revolutionary leaders made strategic errors, while others indict the motives of leadership: the leaders that triumphed in the course of revolutions were motivated by desires for status and power rather than the empowerment and wellbeing of the masses. Still others argue that failure is intrinsic to any attempt at radical rupture in a social system because there are too many moving parts, too much complexity, and too many unintended consequences. As a result, attempts at system rupture will inevitably tend to unravel into such chaos that revolutionary elites, regardless of their motives, will be compelled to resort to pervasive violence and repression to sustain social order. Such violence, in turn, destroys the possibility for a genuinely democratic, participatory process of building a new society. Regardless of which (if any) of these explanations are correct, the evidence from the revolutionary tragedies of the twentieth century shows that smashing capitalism alone doesn’t work as a strategy for social emancipation. Nevertheless, the idea of a revolutionary rupture with capitalism has not completely disappeared. Even if it no longer constitutes a coherent strategy of any significant political force, it speaks to the frustration and anger of living in a world of such sharp inequalities and unrealized potentials for human flourishing, and in a political system that seems increasingly undemocratic and unresponsive. To actually transform capitalism, visions that resonate with anger are not enough; instead, a strategic logic that has some chance of actually accomplishing its goals is needed.

#### Violent Rev has no hope of succeeding

deBoer, PhD, 3-1-17

(Freddie, https://www.currentaffairs.org/2017/03/looking-where-the-light-is)

What does this have to do with black bloc protests against Milo Yiannopoulos and the punching of Richard Spencer? In these instances, too, I perceive a dogged insistence on fixating on the pleasant-but-minor at the expense of taking in the broad horrors of the larger picture. The left has always had a certain preoccupation with political violence. Wherever you find contemporary left-wing protests, you will find sentiment about “really doing something,” usually implying some kind of insurrectionary violence. Comparisons to past victories achieved through force, such as in the French or Cuban revolutions, are common. So too are discussions about the moral permissibility of such violence under different political philosophies. Indeed, if you’ve been on the left for as long as I have, you will have found them inescapable, endless dorm room-style conversations about who is a fair target for violence, of which type, under which circumstances. For a long time I have opted out of those conversations, for a simple reason: the question of the morality of left-wing political violence is irrelevant in a world in which the potential efficacy of left-wing political violence is so limited. The state’s monopoly on violent power has grown exponentially since the great armed socialist revolutions, and so has its surveillance capability. Meanwhile the most recent examples of left violence in the United States could hardly be less encouraging, with groups like the Weather Underground having achieved none of their strategic aims despite planting a lot of bombs. 21st century America is not 1950s Cuba or 1910s Russia. There is no potential for armed liberation here, even if we had some sort of an army, which we don’t. I do not have time for moral arguments based on ludicrous hypotheticals.

### AT: State Link

#### Censorship relies on a benevolent, omniscient state

Alexander,Law @San Diego, 13

(Larry, Is Freedom of Expression a Universal Right San Diego Law Review Summer, 2013 San Diego Law Review 50 San Diego L. Rev. 707)

One commentator has characterized the consequentialist considerations for freeing up some speech that might be suppressed because of two-step harms in the following way: First, being able to speak our minds makes us feel good. True, we tailor our words to civility, persuasion, kindness, or other purposes, but that is our choice. Censors claim the right to purge other people's talk - all the while insisting that it is for our own good. Second, much censorship appears irrational and alarmist in retrospect because the reasons people choose and use words are vastly more interesting than the systems designed to limit them. It's not hard to make a list of absurdities - I'm particularly fond of a rash of state laws that forbid the disparagement of agricultural products - but simplistic explanations and simple-minded responses are as dangerous as they are ditzy. In one of the few places that postmodern theory and common sense intersect, it is obvious that the meaning and perception of words regularly depend on such variables as speaker and spoken to, individual experience and shared history, and the setting, company, and spirit in which something is said. To give courts or other authorities the power to determine all this is, to put it mildly, mind-boggling. Third, censorship is inimical to democracy. Cloaking ideas and information in secrecy encourages ignorance, corruption, demagoguery, a corrosive distrust of authority, and a historical memory resembling Swiss cheese. Open discussion, on the other hand, allows verities to be examined, errors to be corrected, disagreement to be expressed, and anxieties to be put in perspective. It also forces communities to confront their problems directly, which is more likely to lead to real solutions than covering them up. Fourth, censorship backfires. Opinions, tastes, social values, and mores change over time and vary among people. Truth can be a protean thing. The earth's rotation, its shape, the origins of humankind, and the nature of matter were all once widely understood to be something different [\*719] from what we know today, yet those who challenged the prevailing faith were mocked and punished for their apostasy. Banning ideas in an attempt to make the world safe from doubt, disaffection, or disorder is limiting, especially for people whose lives are routinely limited, since the poor and politically weak are the censor's first targets. Finally, censorship doesn't work. It doesn't get rid of bad ideas or bad behavior. It usually doesn't even get rid of bad words, and history has shown repeatedly that banning the unpalatable merely drives it underground. It could be argued that that's just fine, that vitriolic or subversive speech, for example, shouldn't dare to speak its name. But hateful ideas by another name - disguised as disinterested intellectual inquiry, or given a nose job like Ku Klux Klansman David Duke before he ran for governor of Louisiana - are probably more insidious than those that are clearly marginal. n22 Let me close with a couple of examples. So-called hate speech - speech that disparages ethnic, racial, or religious groups - is generally prohibited in most Western countries but not in the United States, where it is constitutionally protected as a matter of freedom of speech. If we leave aside the one-step harm of offense and focus on the two-step harms of inciting others to violence or to discrimination against members of the disparaged groups, we can understand why some countries, given their history and culture, would be quite fearful of the effects hate speech might have. For example, think of Germany and anti-Semitic speech. On the other hand, in the twenty-first-century United States, the dangers of hate speech pale in comparison to the dangers of suppressing it. Suppression drives haters underground, where they may be more dangerous than if they were more visible. Suppression is frequently not evenhanded: disparagement of some favored groups is punished, but disparagement of other groups is not. Frequently, suppression of hate speech is an expression of power wielded by some groups over other groups rather than an expression of concern about violence or discrimination. Sometimes, suppression of hate speech is just partisan politics. In the United States, some groups have tried to label messages such as opposition to racial preferences as racist hate speech. And political correctness surely infects enforcement of hate speech laws. Consider the prosecution of Mark Steyn in British Columbia because of his book expressing political concerns over [\*720] the ever-increasing percentage of Muslims in Europe. n23 So whether hate speech laws are a good or bad thing will undoubtedly vary with the country, its history, its culture, and its politics. The same point can be made with respect to restrictions on culture-coarsening expression - pornography, violent video games, public profanity, and so forth. Culture coarsening is a real harm, and its baleful effects may even prove catastrophic. On the other hand, whether legal restrictions on expression that contributes to coarsening is a good idea will vary with the place, the time, the institutions, the current state of the culture, and so forth. Governments are generally pretty ham-fisted when it comes to defining culture-coarsening messages. The history in the United States of attempts to ban pornography is not reassuring. Other countries with other institutions may do a better job.

### AT: Violence Good

#### Belief in revolutionary violence is hopelessly naïve- truth is in the pudding

deBoer, PhD, 17

(Freddie, 3-10, https://medium.com/@freddiedeboer/they-call-that-the-soft-bigotry-of-low-expectations-emmett-5d37c4ab6424#.52cgkpb2x)

A few people have asked me to respond to this missive from Emmett Rensin, but to respond to it, it would have to say something. I suppose I identify myself with the old school in saying that I think political writing should be oriented fundamentally towards real action that real people not only can really take but will really take. That is why I have expressed the same basic prescription for years: go offline, go local, and go specific in your organizing. Join groups that have shown the capacity to endure over several political cycles. Beware being co-opted by Democrats; engage with them when narrowly useful without ever getting your hopes up. Move the center, by inches, whenever you can. None of that is as sexy as comparing yourself to a series of historical victories that have no earthly connection to the 21st century left, but it has one definite advantage: people do it, actually do it. They are actually doing it. In that tangible, material actuality rests more power than every angry endorsement of hypothetical violence ever marshaled. “We could do this,” in political writing, can be translated as “we won’t do this.” Nobody thinks this is going to happen. Nobody. Nobody thinks we’re going to see left wing victory through left wing violence. Nobody. “Murders by cops are political violence.” This is true. It is also pragmatically empty and thus morally inert. Can you conceive of a situation where police violence is meaningfully dealt with violently by the American left? I suppose. The human imagination is powerful. Are we going to see a situation where police violence is meaningfully dealt with through violence? No. Rensin knows that. His editors at Foreign Policy know that. His audience, most certainly including the people who most enjoyed that essay, know that. They know no effective violent resistance to the police is forthcoming. They know it better than I do. Yes, we’ve always seen right wing political violence and we always will. But so what? Who cares? “What is to be done?” was not a theoretical question for Lenin, Emmett. You can do your best to make it material in your whole life. But Lenin had an army. The truth is that Rensin’s work is always at war with itself, and nowhere is that clearer than in this piece with no center. Rensin is the guy who wrote 10,000 words on liberal smugness and then mocked liberals on Twitter for deleting Uber. That’s no crime — petty hypocrisy is a great virtue in writers, I mean that sincerely — but Rensin’s piece is tragic. It’s a critique of academics who have given up by an academic who has given up. Its archness about its own position is its message of surrender. The Three Card Monte going on with the piece’s thesis is to distract its author from confronting the sad reality that he has no more faith in the redemptive potential of left-wing violence than I do. He just wants to keep the card moving as long as he can. I almost can’t blame him. Almost. But his own question presents itself: when do you start shooting, Emmett? If the answer is “never,” then who specifically — as in real people, with real names, actual people who can really act in the concrete world — is going to start shooting? Who, where, when, at what? These are the only questions. And so we have to come to the adult conclusion, which is that Rensin knows, after all, that he won’t march in a people’s army — not today, not tomorrow, never in his life. So do the people who will respond to this essay. They won’t like it; but they won’t start shooting. They will talk about privilege; but they won’t start shooting. They will say I’m missing the point; but they won’t start shooting. They will Tweet. They will fav. They will share. They will meme. They will drive clicks. They will never, ever start shooting. Rensin knows that. You know that. You always knew that. If he or they want to rebut me, the path forward is blessedly simple. Don’t talk about shooting. Start shooting. I’ll keep an eye on the news. If you start shooting, I owe you a Coke.

### AT: Violent Resistance Good

#### Violent protest is a pyrrhic victory- makes trump more powerful and #epicfail

Foley-Keene 2-7-17

(max, http://www.dbknews.com/2017/02/08/violent-protests-trump-administration-just-war-theory/)

Given the violent protests at the University of California, Berkeley against nativist troll Milo Yabba-dabba-dopoulos, it's conceivable that University of Maryland students could face a dilemma sometime during the next four years: Is it okay to respond to the sins of the Trump administration with violence? Should one, in the heat of protest, throw a rock, damage school property or light a fire? No. Violent resistance to the Trump administration is both unethical and counterproductive. Berkeley-style rioting fails to meet moral criteria for political violence and gifts the administration a compelling scapegoat. First, a few caveats: Violent protesters make up a tiny segment of the protesting population. More than 3 million participated in the global women's marches; a little more than 100 rioted in Berkeley. Additionally, Martin Luther King Jr. was generally correct when he described a riot as "the language of the unheard." Rioters, especially those of desperate socio-economic background, deserve compassion. Finally, non-violence isn't the only morally viable form of political resistance. Many of the folks who lecture protesters about the virtues of MLK and Gandhi forget that the United States was built on violent resistance to a repressive colonial regime. Nevertheless, violent protest against Trump is morally impermissible and politically imprudent. To make this case, I'll use a set of criteria known together as "Just War" theory. Built by a wide array of philosophers over the course of several centuries, this theory is intended to describe those situations in which moral war could be waged. While the theory usually refers to formally declared war, I'll use it to evaluate political violence more generally. The first criteria for engaging in moral violence is a just cause. Anti-Trump protesters want to protect marginalized communities and prevent the erosion of democratic institutions. The goals of the Trump resistance represent a moral cause, worthy of being fought. Second, Just War theory requires that non-violent methods of recourse have been attempted and exhausted. With this standard, the justification for violent campus protest begins to crumble. In the United States, we have a prominent non-violent method of political recourse: elections. Protesters should attempt to topple the administration by the process enshrined in the Constitution before taking a revolutionary note from the Declaration of Independence. Violence becomes moral only when elections are so unfair that participating in them would be farcical. Third, violent actors must have a chance of military success. If violent protests transform into a violent rebellion, rebels would inevitably have to face military or National Guard troops. A conflict between liberal college students and the United States Armed Forces might be the biggest rout in military history. Attempting to challenge the most powerful fighting force in history would ensure fruitless bloodshed and wasted lives. Finally, Just War theory demands that a violent resistance not produce worse consequences than the evils originally being countered. Violent protests would be a huge gift to the administration, allowing Trump to consolidate political power. In his excellent Atlantic cover story, "How to Build an Autocracy," David Frum observes the modern autocrat doesn't have the capacity to command complete devotion from his people. America's fractured media and politics prevent a 1930s-style tyrant from seizing power. Instead, writes Frum, "Polarization, not persecution, enables the modern illiberal regime." Trump's most potent political talent is creating polarization between his political enemies and his supporters. If violent protests start erupting at American universities, Fox News and Breitbart — whose Trump-era coverage is catnip for the terrified — would frantically decry the out-of-touch and dangerous liberal youth. Small groups of violent protesters would define the millions of peaceful folks opposed to the Trump administration. This is already happening: On Fox News, Trump adviser Kellyanne Conway cleanly equated Berkeley protesters with the thousands of folks at airports peacefully protesting Trump's abhorrent refugee ban. Trump could easily neutralize campus protests, reassuring his supporters he has the strength to protect them from America's existential threat: college kids. The 2020 election has the potential to be a powerful refutation of quasi-authoritarianism. Widespread campus violence might transform it into a mandate for American autocracy. Political movements self-destruct when activists adopt the tactics of their adversaries. The resistance to Trump won't defeat him if it becomes dark, violent and tribal. It will become him.

## Answers to Off Case: Framework

### Aff Education Better

#### Education needs Fanonian thought to illuminate analytical blindspots that perpetuate colonialism

Leonardo, PHD, Porter, PhD Candiate, 10

(Zeus, associate professor of Education and affiliated faculty of the Critical Theory Designated Emphasis at the University of California, Berkeley. Pedagogy of fear: toward a Fanonian theory of ‘safety’ in race dialogue Race Ethnicity and Education Vol. 13, No. 2, July 2010, 139–157)

Two dominant discourses exist within debates concerning critical studies of race and education, one focusing on critical race theory (Gillborn 2008; Yosso 2006; Dixson and Rousseau 2005; Parker and Stovall 2005; Brayboy 2005; Bernal and Villalpando 2005; Ladson-Billings 2004; Taylor 1998; Solorzano 1998; Tate 1997; Ladson-Billings and Tate 1995) and the other a resurgent interest in the work of W.E.B. Du Bois (Alridge 1999, 2008; Provenzo 2002: Leonardo 2002). We support this development (Leonardo 2009). However, scant literature exists relating the work of Frantz Fanon to the study of education. This intervention is necessary considering the arguable relationship between education and colonialism, nationally and abroad (Macedo 2000; Ladson-Billings 1998; Altbach and Kelly 1978; Memmi 1965), as well as the recent turn to the decolonial imaginary in social theory (Maldonado-Torres 2006; Grosfoguel 2007; Wynter 1995) and the reassertion of a continuing coloniality in social life even after the fall of official administrative colonialism (Quijano 2000; Maldonado-Torres 2007). Gordon, Sharpley-Whiting, and White (1996) have argued that inquiries into Fanonian thought consist of five progressive stages, which include reactions to his work, biographies, analyses of his contribution to political theory, his role in the development of postcolonial theory, and finally his possible contribution to the generation of original work across the human sciences. We seek to extend this fifth stage in Fanonian thought by applying his theory to the study of education. Fanon wrote at a time when the grim scenario of colonialism decreased through a moment of possibility when the process of decolonization could have led to the selfdetermined futures of the former colonies. Fanon (2004) recognized this critical moment and addressed the possibilities inherent in this political situation in his book, The wretched of the earth (see also, Fanon 1965, 1967a, 1967b). While Fanon’s focus may have been more internationalist in scope, the thin line that he posited to exist between the possibility of liberation and the risk of intensifying repressive violence, is significant for current discussions that seek to dismantle racism within the United States. We suggest that Fanon’s theorization of the process of decolonization, both in terms of the violence necessary for its existence and the violent activity required for its undoing, is applicable to a criticism of safe space dialogue concerning race. There is much to learn from Fanon’s argument that ‘decolonization is always a violent event’, be it at the level of the nation or the individual, because it requires ‘the substitution of one “species” of mankind by another’ (1). What follows is an exploration that seeks to clarify Fanon’s position regarding the violence of colonialism as applied to the study of race and education.

#### Colonialism is rooted in education. Discursive violence is a key first step to establishing structures of colonialism

Leonardo, PHD, Porter, PhD Candiate, 10

(Zeus, associate professor of Education and affiliated faculty of the Critical Theory Designated Emphasis at the University of California, Berkeley. Pedagogy of fear: toward a Fanonian theory of ‘safety’ in race dialogue Race Ethnicity and Education Vol. 13, No. 2, July 2010, 139–157)

The colonial situation of the 1950s and 1960s that Frantz Fanon writes of in The wretched of the earth presents us with an incredibly violent situation. According to Fanon, colonialism is a system that works, primarily by force, to permeate the entire lifeworld of the colonized. Those at the very bottom of the colonial hierarchy experience the brunt of physical violence. Yet, a form of educative-psychic violence in the form of racial discourses is also developed by the colonizer in order to keep the very consciousness of the colonized under control. For instance, the colonizer creates a narrative which posits that he is the creator of history, thus justifying conquest as well as racial and cultural supremacy. The colonizer ‘makes history and he knows it’, according to Fanon, and ‘because he refers constantly to the history of his metropolis, he plainly indicates that [at the site of colonization] he is the extension of this metropolis’ (15). This form of psychic violence leads to abjection and feelings of inferiority on the part of the colonized (see also Fuss 1994). The colonized thus learn to stay in their place, and participate in a complex process of consent where they enact violence upon each other, are constantly anxious due to the violence they experience, and establish myths and religious systems that relegate their fate to the will of the gods (16–19). Sartre (2004) writes, ‘The status of “native” is a neurosis introduced and maintained by the colonist in the colonized with their consent’ (liv). Through this combination of physical and psychic violence, Fanon argues that the colonizer ‘brings violence into the homes and minds of the colonized subject’ (4). Fanon was clear that education – far from being neutral or enlightening in and of itself – is at the core of colonial domination. He emphasizes: In capitalist societies, education, whether secular or religious, the teaching of moral reflexes handed down from father to son, the exemplary integrity of workers decorated after fifty years of loyal and faithful service, the fostering of love for harmony and wisdom, those aesthetic forms of respect for the status quo, instill in the exploited a mood of submission and inhibition which considerably eases the task of the agents of law and order. (3–4; italics added) A hegemonic system of violence – one that necessitates a relationship of both active force and consent – functions so that the colonized either are forced into or acquiesce to their declared inferiority (Gramsci 1971; Hall 1996). This unraveling of physical and psychic violence would occur through the liberating violence of the colonized. In this sense, both domination and liberation are, in part, an educative question.2

### Fairness Bad

#### Alleged “objective” rules like topicality mask systemic racism

**Delgado, JD, 92**

<Richard. “Shadowboxing: an Essay on Power” 77 Cornell Law Review 813. May 1992. http://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=3525&context=clr>

We have cleverly built power's view of the appropriate standard of conduct into the very term fair. n41 Thus, the stronger party is able to have his way and see himself as principled at the same time. N42 Imagine, for example, a man's likely reaction to the suggestion that subjective considerations -- a woman's mood, her sense of pressure or intimidation, how she felt about the man, her unexpressed fear of reprisals if she did not go ahead n43 -- ought to play a part in determining whether the man is guilty of rape. Most men find this suggestion offensive; it requires them to do something they are not accustomed to doing. "Why," they say, "I'd have to be a mind reader before I could have sex with anybody?" n44 "Who knows, anyway, what internal inhibitions the woman might have been harboring?" And "what if the woman simply changed her mind later and charged me with rape?" n45 What we never notice is that women can "read" men's minds perfectly well. The male perspective is right out there in the world, plain as day, inscribed in culture, song, and myth -- in all the prevailing narratives. n46 These narratives tell us that men want and are entitled [\*820] to sex, that it is a prime function of women to give it to them, n47 and that unless something unusual happens, the act of sex is ordinary and blameless. n48 We believe these things because that is the way we have constructed women, men, and "normal" sexual intercourse. N49 Notice what the objective standard renders irrelevant: a downcast look; n50 ambivalence; n51 the question, "Do you really think we should?"; slowness in following the man's lead; n52 a reputation for sexual selectivity; n53 virginity; youth; and innocence. n54 Indeed, only a loud firm "no" counts, and probably only if it is repeated several times, overheard by others, and accompanied by forceful body language such as pushing the man and walking away briskly. N55 Yet society and law accept only this latter message (or something like it), and not the former, more nuanced ones, to mean refusal. Why? The "objective" approach is not inherently better or more fair. Rather, it is accepted because it embodies the sense of the stronger party, who centuries ago found himself in a position to dictate what permission meant. n56 Allowing ourselves to be drawn into reflexive, predictable arguments about administrability, fairness, stability, and ease of determination points us away from what [\*821] really counts: the way in which stronger parties have managed to inscribe their views and interests into "external" culture, so that we are now enamored with that way of judging action. n57 First, we read our values and preferences into the culture; n58 then we pretend to consult that culture meekly and humbly in order to judge our own acts. n59 A nice trick if you can get away with it.

#### Belief in meritocracy is psychologically damaging for minority students

Anderson 17

(Melinda D., 7-27 https://www.theatlantic.com/education/archive/2017/07/internalizing-the-myth-of-meritocracy/535035/?utm\_source=atlfb)

Barrett’s personal observation is validated by a newly published study in the peer-reviewed journal Child Development that finds traditionally marginalized youth who grew up believing in the American ideal that hard work and perseverance naturally lead to success show a decline in self-esteem and an increase in risky behaviors during their middle-school years. The research is considered the first evidence linking preteens’ emotional and behavioral outcomes to their belief in meritocracy, the widely held assertion that individual merit is always rewarded.“If you’re in an advantaged position in society, believing the system is fair and that everyone could just get ahead if they just tried hard enough doesn’t create any conflict for you … [you] can feel good about how [you] made it,” said Erin Godfrey, the study’s lead author and an assistant professor of applied psychology at New York University’s Steinhardt School. But for those marginalized by the system—economically, racially, and ethnically—believing the system is fair puts them in conflict with themselves and can have negative consequences. “If the system is fair, why am I seeing that everybody who has brown skin is in this kind of job? You’re having to think about that … like you’re not as good, or your social group isn’t as good,” Godfrey said. “That’s the piece … that I was trying to really get at [by studying] these kids.” The findings build upon a body of literature on “system justification”—a social-psychology theory that believes humans tend to defend, bolster, or rationalize the status quo and see overarching social, economic, and political systems as good, fair, and legitimate. System justification is a distinctively American notion, Godfrey said, built on myths used to justify inequities, like “If you just work hard enough you can pull yourself up by your bootstraps … it’s just a matter of motivation and talent and grit.” Yet, as she and her colleagues discovered, these beliefs can be a liability for disadvantaged adolescents once their identity as a member of a marginalized group begins to gel—and once they become keenly aware of how institutional discrimination disadvantages them and their group.

### Policy = Exclusionary

#### We should be able to critique the rules, not just follow them – their narrow framing of the debate creates objectification and psychic violence

**Crenshaw, JD, 94**

(Kimberle Williams, Acting Professor of Law, University of California, Los Angeles, B.A., Cornell University, 1981; J.D., Harvard Law School, 1984; L.L.M., University of Wisconsin, 1985.. "Foreword: Toward a Race-Conscious Pedagogy in Legal Education." S. Cal. Rev. L. & Women's Stud. 4 (1994): 33.)

The Problem of Objectification

Instructors create the conditions that lead to the objectification of minority students by **narrowly framing classroom discussions as simple exercises in rule application and** by **not giving students permission to step outside the doctrinal boundaries** to comment on **or critique the rules**. If the subject involves some issue, rule, or case that is implicated in the subordination of the students' racial group, minority students confront unattractive options. To illustrate, consider a discussion in Property where the class is instructed to identify and apply a rule involving a lessee's responsibility for damage suffered by the lessor's property during the term of the lease. The professor has asked the class to discuss the application of the rule in a suit for damages by the owner of a deceased slave against a lessee who was responsible for supervising the slave when he was killed. **The ambiguity that the'students are asked to resolve is whether the slave should be treated as mere chattel**, in which case the slave owner will recover, **or whether the slave should be treated as a human agent**, in which case the lessee's responsibility will probably be mitigated.6 **If the instructor does not open the door** for students **to question the very legitimacy of this doctrinal framework, the African-American student is faced with a difficult choice**. To participate correctly in the discussion, she must abstract herself from her identity as an African-American, a descendent of the very people who were enslaved under the fiction of human chattel. **She must ignore her personal perceptions and judgments about the illegitimacy of the doctrine** under consideration **and become a colorless student attempting to demonstrate her** legal **talents** by manipulating the legal abstraction within the narrow boundaries already established.

Alternatively, she could choose to explode the abstraction by **stepping outside the doctrinal bounds to discuss how the very question that she is asked to address holds constant the legal fiction of human chattel**. She could refuse to participate in the objectification of her ancestors, **and instead, reveal how this very framework perpetuates the devaluation of African-American perspectives**. She would thus challenge her classmates' beliefs in the perspectivelessness of law and reveal how discussing slavery within **such** narrowly constructed **boundaries immunizes** the law from **serious criticism**. Yet no matter how eloquent her performance, offering such a response would be costly for the student. Should she choose to step outside the boundaries of classroom decorum, she would risk being regarded as an emotional-perhaps even an hysterical-Black person railing against the law in an obviously biased, unlawyerlike manner.

I acknowledge that this particular scenario may be rare. Indeed, it is unlikely that many Property instructors discuss the law of slavery, and it is even more unlikely to find anyone attempting to resolve slavery's legal contradictions today. Yet other examples can be easily generated that raise similar, if not identical, dilemmas for minorities in the classroom. Consider discussions of probable cause where the reasonableness of an officer's suspicion requires students to view the situation through the eyes of the arresting officer.7 It is not unusual for professors to base a hypothetical on the presence of a Black person in a white neighborhood. **When the instructor has not opened the dialogue to allow students to question the** potentially **discriminatory effects of determining** reasonableness from **the perspective** of the arresting officer, **the minority student is** essentially **required to look back at herself to determine whether her own presence** in a white neighborhood **would be sufficient cause for her to arrest herself**.' Similar dilemmas are confronted when the discussion turns to the reasonableness of an Immigration and Naturalization Service agent's detention of a car containing Latino passengers. **The tension created by the expectation of objectivity** and the reality that a Chicana student might herself be in that situation essentially **places her in the awkward position of considering whether from the perspective of the agent, it would be reasonable** to detain herself and a car of her friends as suspected undocumented workers.9 A Japanese-American student considering the reasonableness of the government's World War II internment of Japanese-Americans confronts a similar dilemma. Unless given leave to discuss the internment from a Japanese-American perspective, she has to consider whether from the point of view of some government decision-makers, her parents represented a threat to the national security such that their internment satisfied a compelling state interest. 10

In each of these cases minority students confront difficult choices. **To play the game right, they have to assume a stance that denies their own identity and requires them to adopt an apparently objective stance as the given starting point of analysis**. Should they step outside the doctrinal constraints, not only have they failed in their efforts to "think like a lawyer," they have committed an even more stigmatizingfaux pas: they have taken the discussion far afield by revealing their emotional preoccupation with their racial identity.

Given the infrequency with which most law teachers create the space for and legitimize responses that acknowledge the significance of a racially-informed perspective, it is not surprising that minority students often choose the role of "good student" rather than run the risk of appearing to be incapable of exercising the proper decorum and engagement in legal analysis. **Such experiences teach** minority **students that** in law school discourse, **their cultural and experiential knowledge is not important or relevant**. Indeed, **they learn that any failure to observe the constructed dichotomy between the** rational-read **non-racial and non-personal-and the** emotional-read **racial and experiential-may elicit derision or disregard**. To expect minority students to feel comfortable or to be creative in such a classroom is the **equivalent of asking someone to perform a two-handed task with one hand tied behind her back**.

**This** dichotomy between rational, objective commentary and mere emotional denunciation **is** often a false one, **maintained by the belief that when minority students step outside the bounds of** rote **rule application** to express their criticisms or concerns, **they are violating** classroom **norms** by being racially biased. Many of these problems could be averted if professors framed discussions so that the boundaries of acceptable responses **were not so narrowly constructed**. This would give students permission to drop the air of perspectivelessness, to stand within their own identity, and to **critique the doctrine or rule directly. Yet instructors** often **fail to broaden the parameters of the discussion**, perhaps believing that to do so would legitimize the inclusion of racial perspectives where none had existed before. Some may assert that since white students do not feel the need to fall back on personal, racialized views of the world, neither should minorities. This belief, however, is predicated on an erroneous view that white students-and indeed the instructors themselves-are not also reflecting racialized views when they frame and discuss issues. **They accept the absence of an explicitly racial referent as evidence that the** doctrinal or **substantive framework being discussed is objective and race-**neutral. However, majority as well as minority students view the world through a **consciousness constructed in part through race**. The appearance of perspectivelessness is simply the illusion by which the **dominant perspective is made to appear neutral**, ordinary, **and beyond question**. As a result, while the perspectives of minority students are often identified as racial, the perspectives of their majority classmates are not. Moreover, when the instructor presents as a "given" the perspectivelessness of a particular rule or value, then many decisions that effectively burden minority group members will **appear to both the instructor and most students to be the result of an unbiased, objective** legal **analysis. As long as other perspectives are obscured by the illusion of objectivity, the fact that** courts are making **choices** that **privilege the perspectives and interests of some groups over others will go unrecognized**.

#### They create debate as a “view from nowhere.” That creates perspectivelessness, privileging normative structures of white supremacy and creating intense alienation

**Crenshaw, JD, 94**

(Kimberle Williams, Acting Professor of Law, University of California, Los Angeles, B.A., Cornell University, 1981; J.D., Harvard Law School, 1984; L.L.M., University of Wisconsin, 1985.. "Foreword: Toward a Race-Conscious Pedagogy in Legal Education." S. Cal. Rev. L. & Women's Stud. 4 (1994): 33.)

Minority students across the country have waged a series of protests to draw attention to problems of diversity in the nation's law schools.1 Although the students' bottom line demand is often for the recruitment of more minority faculty and students, the anger and frustration apparent in these protests indicate that the disappointment is not simply over the lack of "color" in the hallways.2 **The dissatisfaction goes much deeper-to the** substantive **dynamics of the classroom and their** particular **impact on minority students**.3 In many instances, minority students' values, beliefs, and experiences clash not only with those of their classmates but also with those of their professors.4 Yet **because of the** dominant **view in academe that** legal **analysis can be taught without directly addressing conflicts of individual** values, **experiences**, and world views, **these conflicts seldom**, if ever, **reach the surface of the classroom discussion**. Dominant **beliefs in the objectivity of legal discourse serve to suppress the conflict** by discounting the relevance of any particular perspective in legal analysis and by positing an analytical stance that has no specific cultural, political, or class characteristics. I call this dominant mode "**perspectivelessness**."

This norm of perspectivelessness is problematic in general, and particularly burdensome on minority students. While it seems relatively straightforward that objects, issues, and other phenomena are interpreted from the vantage point of the observer, many law classes are conducted as though it is possible to create, weigh, and evaluate rules and arguments in ways **that neither reflect nor privilege any particular perspective or world view. Thus**, law **school discourse proceeds with the expectation that students will learn to perform the standard mode of** legal **reasoning and embrace its presumption of perspectivelessness**. When this expectation is combined with the fact that **what is understood as objective or neutral is** often **the embodiment of a white middle-class world view, minority students are placed in a difficult situation**. To assume the air of perspectivelessness that is expected in the classroom, **minority students must participate in the discussion as though they were not African-American or Latino, but colorless** legal **analysts**.5 The consequence of adopting this colorless mode is that when the discussion involves racial minorities, minority students are expected to stand apart from their history, their identity, and sometimes their own immediate circumstances and discuss issues without making reference to the reality that the "they" or "them" being discussed is from their perspective "we" or "us." Conversely, on the few occasions when minority students are invited to incorporate their racial identity and experiences into their comments, they often feel as though they have been put on the spot. Moreover, **their comments are frequently disregarded** by other students who believe that since race figures prominently in such comments, the minority students-unlike themselves-are expressing biased, selfinterested, or subjective opinions. **The result is that minority students can seldom ground their analysis in their own** racial **experiences without risking** some kind of formal or informal **sanction**. Minority students escape the twin problems of objectification and subjectification in discussions when minority experiences are deemed to be completely irrelevant, or are **obscured by the centering of the discussion elsewhere. The price** of this sometimes welcomed invisibility, however, **can be intense alienation**. I will elaborate on these dilemmas below.

### Policy Making Bad

#### Their model of debate divorces students from their lived experience. Belief in “objective” policy making is flawed

Reid-Brinkley, PhD, 08

(Shanara, THE HARSH REALITIES OF “ACTING BLACK”: HOW AFRICAN-AMERICAN POLICY DEBATERS NEGOTIATE REPRESENTATION THROUGH RACIAL PERFORMANCE AND STYLE https://getd.libs.uga.edu/pdfs/reid-brinkley\_shanara\_r\_200805\_phd.pdf)

Genre Violation Four: Policymaker as Impersonal and the Rhetoric of Personal Experience. Debate is a competitive game. 112 It requires that its participants take on the positions of state actors (at least when they are affirming the resolution). Debate resolutions normally call for federal action in some area of domestic or foreign policy. Affirmative teams must support the resolution, while the negative negates it. The debate then becomes a “laboratory” within which debaters may test policies. 113 Argumentation scholar Gordon Mitchell notes that “Although they may research and track public argument as it unfolds outside the confines of the laboratory for research purposes, in this approach students witness argumentation beyond the walls of the academy as spectators, with little or no apparent recourse to directly participate or alter the course of events.” 114 Although debaters spend a great deal of time discussing and researching government action and articulating arguments relevant to such action, what happens in debate rounds has limited or no real impact on contemporary governmental policy making. And participation does not result in the majority of the debate community engaging in activism around the issues they research. Mitchell observes that the stance of the policymaker in debate comes with a “sense of detachment associated with the spectator posture.” 115 In other words, its participants are able to engage in debates where they are able to distance themselves from the events that are the subjects of debates. Debaters can throw around terms like torture, terrorism, genocide and nuclear war without blinking. Debate simulations can only serve to distance the debaters from real world participation in the political contexts they debate about. As William Shanahan remarks: …the topic established a relationship through interpellation that inhered irrespective of what the particular political affinities of the debaters were. The relationship was both political and ethical, and needed to be debated as such. When we blithely call for United States Federal Government policymaking, we are not immune to the colonialist legacy that establishes our place on this continent. We cannot wish away the horrific atrocities perpetrated everyday in our name simply by refusing to acknowledge these implications” (emphasis in original). 116 The “objective” stance of the policymaker is an impersonal or imperialist persona. The policymaker relies upon “acceptable” forms of evidence, engaging in logical discussion, producing rational thoughts. As Shanahan, and the Louisville debaters’ note, such a stance is integrally linked to the normative, historical and contemporary practices of power that produce and maintain varying networks of oppression. In other words, the discursive practices of policyoriented debate are developed within, through and from systems of power and privilege. Thus, these practices are critically implicated in the maintenance of hegemony. So, rather than seeing themselves as government or state actors, Jones and Green choose to perform themselves in debate, violating the more “objective” stance of the “policymaker” and require their opponents to do the same.(117-9)