# Reparations – Wake RKS 2017

# AFF

## 1ac’s

### 1ac – Black Boys

#### The racial stereotypes of black men from the plantation still exist today marking black boys as dangerous.

**Carter 14** (Prudence Carter, Russell Skiba, Mariella Arredondo, & Mica Pollock, Education Policy Researchers, 2014, You Can’t Fix What You Don’t Look At: Acknowledging Race in Addressing Racial Discipline Disparities)

Like other indicators of inequality in education, racial disproportionality in discipline, suspensions, and expulsions did not simply emerge full blown in recent years. **Racial discipline disparities are a consequence of U.S. history, of the biases and stereotypes created by that history, and of the still-strong divi- sions in lived experience** between groups that we call “races.” It is **impossible to tell the full story of racial discipline disparities without considering the full range of racial- ized historical and current factors that shape school life in the United States. The ravages of slavery and Jim Crow, forced migration, and policies that enforced unequal treatment placed African Americans and most people of color at an economic and social disad- vantage that persists to this day.** Some of our most disadvantaged schools, more often than not populated by black and brown skinned youth, keenly show the effects of poverty within their walls, engendering frustrations students and between teachers and students. Regrettably, our history also left us with per- vasive and false ideas about “races” that have shaped our perceptions of who is valued and who is not, who is capable and who is not, and who is “safe” and who is “dangerous.” Racial disparities are not easy for Americans to confront, in large part because of a long- standing reluctance to talk about issues of race and ethnicity frankly and openly. Thus, in addressing race when we confront racial disparities. This brief focuses on how our nation’s history has left us with ideas about “race” that still prompt exclusionary and dis- parate disciplinary practices and segregated, to confront racial issues, even as those issues continue to play out in our everyday interac- tions. The paper concludes with recommen- dations for a race-conscious approach to in- tervention, as a way of beginning to frankly discuss and directly address racial disparities, including discipline disparities. If we are to undo the racial inequities that continue to talk about them and intervene constructively and consciously to end them**. *“Race” is a consequence of slavery and con- quest.* The racial groups we currently recog- nize are not based on substantive biological or genetic differences but rather are social constructs that were created and reinforced across hundreds of years.In the United States, the origins of inequality began with slavery and gave us many of the racial stereo- types that retain much of their power today in schools and society.** Over the course of subsequent centuries, Asian Americans, Afri- can Americans, Latinos, and Native Ameri- cans, were all judged by European settlers and their descendants as inferior to Whites. Popular authors and scientists produced and circulated data purporting to demonstrate the inferiority of non-Europeans to reinforce those stereotypes. **These corrosive stereo- types fueled unequal treatment, and continue to do so even today. While a number of social groups racialized as the “Other” have faced dehumanizing experiences, perhaps one of the most deeply entrenched—and the most pertinent to today’s discipline disparities, as well as the controversial killings across the nation headlining our media—is the corro- sive stereotype of the dangerous Black male** stereotypes linked to Black males for a numlience of recent killings of Black male youth in the last year, and the ensuing outrage over their criminalization and dehumanization (conditions that we argue here are historical- ly rooted). Second, because as other papers in our series have shown, **Black males face the most glaring disproportionality in discipline in schools, compared to all other groups. *Slavery and the notion of the dangerous Black male.* Like many of the racial stereotypes that re- main embedded in our consciousness, the notion of the dangerous Black male grew di- rectly out of slavery and its aftermath. Key to the institution of slavery was the need to “dis- cipline” and control those enslaved**. **Slave codes enacted beginning in the 17th Century made it illegal for slaves to congregate**, mar- ry, travel without their masters’ permission, or **even learn to read**. **For Black slaves then, *any attempt to engage in normal human ac- tivity made one a criminal****.* The “dangerous Black man” stereotype, which framed Black men as aggressors and “sexual predators,” was seeded and spread as improvishments for Black men. For instance, out of fear of the slave revolts of the early 19th Cen- tury, slaveholders spread the notion that run- away slaves were not escaping victims, but dangerous criminals who would rape White women if they had the chance.Although such incidents were rare or unheard of at that time, a law introduced in 1700 in Pennsylva- nia by William Penn mandated death or cas- tration should a Black man attempt to rape a White woman;the mere fact of the legisla- tion helped plant perceptions of the African American man as a potential danger. By the early 20th century, **the stereotype of the dangerous Black predator had become deeply entrenched in the U.S. American psyche,** endorsed by popular culture, politicians, and academics. That fear in turn led to a cruel epidemic perpetrated on Black men: Between 1889 and 1918, more than 2,500 Blacks were lynched in the United States, primarily for minor grievances like disputing with a White man, attempting to register to vote, asking a White woman’s hand in marriage, or peep- ing in a window. For Black women, the conditions were no better; slave owners often denigrated their bodies through rape, forced procreation or “breeding” with other slaves, and sold their children into slavery. Over time, other stereotypes emerged for Black women, who were frequently depicted as hypersexual, promiscuous, and less virtuous than White women. Long after slavery’s end, a racial worldview stressing the inferiority of Blacks and other people of color supported continuing segre- gation, unequal opportunity, and the race- based hierarchy of Jim Crow, enforced by law, custom, and the terror of bombings and lynchings. To escape outright oppression, Southern Blacks moved north in search of in- creased social and economic opportunity, yet still encountered attitudes and policies that reinforced segregation and stereotypes, and limited economic opportunity. For nearly a century after the Civil War, laws and practices enforcing inferior schools for Blacks, Native Americans, Asians, and Mexican Ameicans and significantly better educational access, housing, and jobs for Whites led to economic and social cumulative ad- vantage for Whites and growing disadvan- tage for people of color. Today our nation’s academic and discipline gaps can be seen as our nation’s “educational debt”—the direct results of compounded economic, social, and political inequalities that have plagued the United States for centuries. *The effects of stereotypes today.* Stereotypes rooted in our national consciousness for centuries—including the “dangerous Black male” stereotype—continue to play them- selves out today. TV and other media play a role in reinforcing such biases in our brains: the social action group Color of Change only recently succeeded in getting Fox to cancelations of minds with images of Black people spread-eagled or running from police. Stereotypes developed through these centuries of oppression and discrimination contribute to lowered expectations for many children of color’s academic abilities and potential. Percent of Black and White subjects endorsed at least one stereotypical view of difference in inborn ability. As recent research on im- plicit bias shows, those stereotypes are still widespread, perhaps the norm, in U.S. cul- ture. Research studies on implicit, even un- conscious associations have found that U.S. study participants even associate Black faces with negative words like “poison” or “can- cer.” Pertinent to both policing and school discipline, research shows that study partici- pants often implicitly associate Blacks and apes, increasing participants’ endorsement of violence against Black suspects.

#### Hyper-criminalization of Black men is engrained in our society, it is now a youth control complex where we hold young Black men captive. Your political reform doesn’t changed the criminality marked on Black men.

**Rios 06** [Victor M. Rios,  Professor. Ph.D. UC Berkeley, 2006, The Hyper-Criminalization of Black and Latino Male Youth in the Era of MassIncarceration, Souls: A Critical Journal of Black Politics, Culture, and Society, 8:2] arc

From a young age, poor urban Black and Latino male youth face stigmatizing and punitive interactions in various settings in their communities. As often well intentioned probation officers, teachers, community center workers, and police officers attempt to grapple with the deviance and risks that youth have, they adopt ideas and practices that further render young males of color suspicious and criminal. This in turn contributes to youth committing more deviance and crime. While most adults in the community attempt to support youth they have little programmatic or financial resources to provide deviant youth successful alternatives that might allow them to reform. However, reform and rehabilitation programs have continued to decline and instead, at the end of the 20th century and the beginning of the 21st century, the public and politicians continue to call for punitive policies that treat juveniles as adults. In a time when crime control seems to calm anxiety in the public, a punitive carceral system of managing the poor has developed (see, for example, Castells, 1997; Parenti, 2000; Wacquant, 2001). This system is inexpensive, easy to implement, and at first appearance successful—it is a system of allencompassing criminalization that manages youth as criminal risks in order to calm adult anxieties in the community. Non-violent youth offenders, the majority of deviant youth, are criminalized and managed as if they were serious criminal risks. In the era of mass incarceration solidarity in society has formed around the notion that young adults who commit small acts of deviance will inevitably return and commit a severe maybe even violent act. This leads many community members including teachers, youth development workers, and probation officers to treat all deviant youth as criminal suspects. Even some parents have demonstrated this ideology. A mother of a sixteenyear- old Latino youth I interviewed explained her perspective: Right now they are getting him [her son] for whatever little thing like marijuana and for stealing at the store but one day they are going to get him for robbing or shooting someone. This child is out of control . . . I think they need to incarcerate him for some time . . . until he learns to be good.13 Even those adults in the community who are well-meaning seem to, often unintentionally, align themselves with racist ideologues and politicians who continue to systematically call for containment and “incapacitation” of youth of color. William Bennet and John J. Dilulio are prime examples of influential ideologues who have generated mass hysteria and influenced punitive juvenile justice policies having a detrimental impact on youth of color. In the mid-1990s John J. Dilulio , a fellow at the right-wing conservative think-tank, The Manhattan Institute (later becoming President George W. Bush’s Dirctor of Faith Based Initiatives), coined the term the “Superpredator,” claiming that poor, urban youth of color were an emerging violent and criminal risk to society and that serious punitive policies had to be created to “deter” and “incapacitate” them at as early an age as possible: Try as we might, there is ultimately very little that we can do to alter the early lifeexperiences that make some boys criminally “at risk.” Neither can we do much to rehabilitate them once they have crossed the prison gates. Let us, therefore, do what we can to deter them by means of strict criminal sanctions, and, where deterrence fails, to incapacitate them. Let the government Leviathan lock them up and, when prudence dictates, throw away the key. (Dilulio 1995: 3) William Bennett, former Education Secretary under Ronald Reagan and former Director of Drug Control Policy under George Bush Sr., helped Dilulio develop and dessiminate the “superpredator” thesis leading to punitive juvenile justice reform throughout the nation. Together they wrote, *Body Count: Moral Poverty . . . and How to Win America’s War Against Crime and Drugs* (1996), a book that extended their argument for increased punitive measures against crime; in particular, juvenile crime. As if influencing a punitive shift in the juvenile justice system and a national racist hate for youth of color in the late 1990s was not enough Bennett continues to attack and degrade Black youth. On September 28, 2005, he made the following statement: But I do know that it’s true that if you wanted to reduce crime, you could, if that were your sole purpose, you could abort every black baby in this country, and your crime rate would go down . . . [this is] an impossible, ridiculous and morally reprehensible thing to do, but your crime rate would go down. (Caufield, 2005) While this grotesque and genocidal ideology may seem extreme to some, youth of color are used to being treated by many through these assumptions. Moreover, the findings in this study suggest that this racist ideology is not only embedded in the mind of some influential white males but also in the everyday perceptions of everyday people responsible for the everyday well-being of children of color. That William Bennett has managed to influence punitive criminal justice policy and state-imposed racial violence unto communities of color is disturbing; that policy makers, the public, and the criminal justice system apply Bennett’s thinking to action is even more disturbing. However, the most disheartening finding in this study is that those institutions traditionally responsible for protecting and nurturing children and youth—the school, community centers, and the family—have begun to construct and treat deviant youth as criminal threats, mimicking the punitive grip of the criminal justice system. It seems that one of the most brutal yet unexamined collateral consequences of punitive criminal justice policies and mass imprisonment is that of the non-criminal justice institution being penetrated and influenced by the detrimental effects of the criminal justice system. Youth of color are hypercriminalized because they encounter criminalization in all the settings they navigate. While most of the adults in the community care about the youth they interact with, most are uncritical of how their epistemology shapes the way in which they treat and criminalize the youth they are attempting to support. I observed mothers asking their kids when they would be arrested again, teachers calling police officers to report spit ball incidents, and community center staff actively collaborating with probation departments. It was not only the field of the dejure policing and surveillance that affected these youth but also the field of de facto criminalization at school, home, and community centers that impacted them at an everyday level. As the penal state expands to control and manage poor racialized bodies, a new unintended system of interconnected institutions has formed to brand, further degradate, and contain youth of color. This youth control complex, as an ecology of interlinked institutional arrangements that manages and controls the everyday lives of inner city youth of color, has taken a devastating grip on the lives of many male youth of color in the inner city. Youth experience and explain this massive structure that surrounds them as a unified and uniform criminalizing system whether in school, at home, or on the street. If we are to support poor youth of color in the era of mass incarceration and the decline of the welfare state, adult allies should be critical of their interactions with criminalized youth. Otherwise, we may be perpetuating the very force we are attempting to dismantle—the hypercriminalization of our youth. In a new era where poor racialized bodies are managed as criminal risks instead of provided with social services to recuperate from social misery, youth of color face a coming of age crisis. Historically facing a coming of age crisis for youth of color in the midst of racial violence is nothing new. A little over twenty years after the Emancipation Proclamation, as a student at Fisk College (1885–1888), W.E.B. DuBois marched into the “hills of Tennesse” to teach Black children. He noticed that Black children played a different role in the new post-slavery social landscape. While, in the legal discourse, they were no longer violently forced to labor the land for no compensation, their role was undefined in post-Emancipation America. Black youth remained in a state of limbo. DuBois observed that the youth did not expect to work for nothing but that they had few alternatives. They lived in a state of identity crisis. What should their role be in this new society? The mass of those to whom slavery was a dim recollection of childhood found the world a puzzling thing: it asked little of them, and they answered with little, and yet it ridiculed their offering. Such a paradox they could not understand, and therefore sank into listless indifference, or shiftlessness, or reckless bravado. . . . Ill could they be content, born without and beyond the World. And their weak wings beat against their barriers,—barriers of caste, of youth, of life; at last, in dangerous moments, against everything that opposed even a whim. (1899: 101) Today’s urban Black and Latino youth live in “dangerous moments.” Their role in the post-industrial mass-incarceration era is undefined. And in this limbo the punitive society is finding a place for poor youth of color: hyper-criminalization and mass incarceration.

#### The criminalization of Black youth is inside the classroom and the students home environment. Society is built on a youth control complex where we feel the need to discipline black student’s every move. This leads to a governing through crime, where crime is becoming the central tool for governing the everyday citizen.

**Rios 06** [Victor M. Rios,  Professor. Ph.D. UC Berkeley, 2006, The Hyper-Criminalization of Black and Latino Male Youth in the Era of MassIncarceration, Souls: A Critical Journal of Black Politics, Culture, and Society, 8:2, 43-45] arc

If social structures are visible and identifiable through the everyday “common sense” expressions and interactions that individuals in society have with one another (Garfinkel, 1967), then, the “youth control complex” became visible to me as I interviewed and observed my subjects in their everyday interactions and conversations about criminalization. However, beyond simply examining my subjects as agents whose behavioral patterns I could observe in order to understand larger social structures, I took seriously the experience and thinking that youth brought to the table. Taking the voice of youth seriously allowed me to conduct my research “from the ground up.” From this perspective, I followed the logic and structure of the social worlds they inhabited. This approach led me to understand how the interactions that youth had with individuals who criminalized them were used to make sense of their social world. The findings show that youth not only felt the direct effects of incarceration and police repression but they also experience what Jonathan Simon (1997) calls “governance through crime.” That is, the everyday impact that citizens experience from encounters with a society obsessed with surveillance, security, and punitive penal practices. For Simon, in a society that over the past 30 years has increased its prison population over five-fold and that continues to generate draconian punitive sentencing, it is not only the criminal that suffers from the hyper-punitiveness but also the everyday law-abiding citizen. He argues that in today’s society, politicians have heavily “governed through crime.” For Simon, crime has become the central tool for governing the everyday citizen, even if they have never committed crime. Crime and punishment have been prioritized in the U.S. to influence the actions of the everyday citizen. It is not that the U.S. has a crisis of crime in its inner cities but rather, it is a crisis of “governance,” both in the public and private sphere. This crisis of governance stems not from an increase in crime but from the failure of traditional institutions of governance like the welfare state, labor market, and the education system and from the states inability to provide social and economic security (Simon, 1997). The youth in this study are youth that have been affected by the decline of the welfare state and the expansion of the criminal justice system. As the youth attempted to deal with this social dislocation—this disorientation, where they could not expect any help or support from the government, where the government had become an abusive step-parent figure, beating its children, throwing them in a room with no windows nor doors—they began to lose hope in the government and in themselves. The youth felt that on an everyday level, their lives were being defined and controlled through discourses and practices of crime and policies related to crime even when they were not committing crime. As I continued to interview and observe them I realized that even if they did not want to commit crime, be seen as delinquent, or act like “thugs,” they were already rendered as suspects by many in the community. Because of this, they developed identities that they often wished they could renounce. They began to resist and as they resisted they began to embrace their own criminalization. Many of the youth in the study talked about being criminalized in multidimensional layers and in multiple social settings**.** Beyond the criminal justice system and its bureaucrats they experienced the effects of criminalization in other significant spaces: the street, school, businesses, and even their home. They compared encounters with police, probation, and prosecutors with interactions they had with school administrators and teachers who placed them in detention rooms, community centers that attempted to exorcise their criminality, and even parents who felt ashamed or dishonored and relinquished their relationship with their own children all together. For the youth, their experience in each of these institutional settings had one thing in common: being treated as a criminal. While there are many institutions that criminalize inner city youth, I observed the ones that youth themselves suggested. On the criminal justice side I studied how the youth interacted with probation officers. On the youth development side I examined the family and the community center. I chose to look at these institutions because preliminary interviews informed me that community centers and families were a central concern for youth in terms of being criminalized. In addition, these two institutions have traditionally been settings where nurturing has taken place. In their own accounts, it was these institutions that held a firm grip on their life chances. Often their choices were limited by the attitudes and policies that the institutions had towards them. While it was not surprising to hear that probation officers had participated in criminalizing youth in damaging ways—what I call hyper-criminalization—it was shocking to discover that youth felt criminalized in damaging ways by community centers and even their own families. It seemed, in the accounts of the youth, that these three aforementioned institutions were collaborating to form a system that degraded and dishonored them at an everyday level. To understand this process of hyper-criminalization, the lives of the youth I studied had to be examined. What follows are in-depth accounts of youth who represent the experiences of most of the youth I studied Jose Jose is a 17-year-old gang-involved youth from Berkeley that I have worked with since he was 13. He has been in and out of trouble since 6th grade and has been to juvenile hall four times. From an early age Jose has experienced policing and surveillance from both criminal justice and non-criminal justice institutions. Over time, Jose has come to understand this combined effect of being criminalized from multiple directions as a single system out to dehumanize him. He explains, Man, it’s like everyday teachers gotta’ sweat me, police gotta pocket check me, mom’s gotta’ trip on me, and my P.O.’s gotta stress me. . . . It’s like having a zookeeper watching us at all times. We walk home and we see them [probation officers and police], we shoot some hoops and we see them, we take a shit at school, and we see them. . . .5 Jose is describing an all too common phenomenon where penal practices, traditionally carried on by probation and police officers, have entered other social and private spaces including recreation (community centers), schools, and even the family. Jose comes from a poor, single-mother household. He has a vivid memory of deviance he saw committed around him and that he committed as early as age 9. He remembers seeing fights on the way from school to home at least once a week. When asked how many crimes, of all types, he remembers seeing on a daily basis, he responds: Shit! I can’t even count. Crime, I see it everyday, all day. It’s like if you try to hide from it, it will find you anyway . . .6 Jose remembers his first act of deviance: The first time I was in third grade. I had set the bathroom garbage can on fire. We ran away, and they caught us and handcuffed us. . . . I was just trying to do something funny. Police came and arrested me and my friends. They only had a pair of handcuffs and they handcuffed me and my friend together. This is the first time I got arrested. I also flunked that year.7 Jose and 26 out of 30 previously arrested youth I interviewed report that teachers at school have direct contact with the school officer and his probation officer. After school, when Jose attends the local youth development community center to participate in leisure activities, he meets with his probation officer who is also stationed at the community center. His mother is forced to deal with the probation officer since he maintains direct contact with her and begins to influence the way she parents. Jose explains: My moms started trippin’ on me like never before, you feel me? She started telling me to not wear baggy pants and to stop talking the way I did. I asked her who told her these things since she never tripped before and she told me that my probation officer had told her to tell me this stuff. . . . I got mad and I left and went to kick it at BYA [the community center]. When I got there my PO was there hanging out. I was mad at him so I left. I went to the park and the police were there trying to fuck with me too.8 For Jose and most of the other youth, their experience of being watched, managed, and treated as a criminal began at a young age and became exacerbated after their first offense, in most cases a misdemeanor. Their minor transgression had branded them with a seal that would make their one-time criminal act into a permanent criminal identity. For example, a few weeks after his first arrest for carrying a $10 bag of marijuana, Jose began to realize that everyone in the community knew about his arrest and probation. Beginning at home and ending at the local community program, adults now treated him differently. Jose began to feel watched, police began to randomly stop and search him, his teachers would threaten him with calling his probation officer if he disobeyed at school, his mother constantly reminded him that he would end up in jail if he misbehaved. After their first offense, most of the youth in the study were labeled and treated as criminals not only by police, courts, and probation but also by teachers, community centers, and even parents. The permanent “criminal” signifier began when the youth was assigned a probation officer. The officer served the role of informing the entire community that the youth had permutated into a risk. He was now to be monitored and controlled by an authority figure assigned by the state: the probation officer.

#### Schools need to send black boys to prisons to preserve a “safe” environment, reinforcing social death

**Rose 17 (Ebony Rose, Urban Studies in Educational Policy, PhD student, University of Illinois, 2017,** Politics of Life and Death in the Schooling of Black Youth**)**

The first critical aggression that contributes to the crisis in Black Education is the micro interactions between the student and the teacher within the context of macro relationships of power. If we are to understand the thought logics that guide and shape the micro interactions between teacher and student, the school and community to the larger macro relationships between Black student as an individual, the classroom, **we cannot “misrecognize” practices that dehumanize Black youth as an aberration or an outlier in our otherwise healthy system but is integral to the systems to survive.** I argue that the disproportionality of the Black students’ exposure of social death and the politics of death as defined by Orlando Patterson in his book Slavery and **Social Death is a form of “anti-life” that began in slavery as “one of the most extreme forms of the relation of domination, approaching the limits of total power from the viewpoint of the master, and of total powerlessness from the viewpoint of the slave**”co-exist with its contradiction social life and the politics of life. The killing of black bodies and spirits is both an actual program, practiced by our culture that results in the ending of their physical life. **This social death and social life is what structures the micro interactions between black students and their teachers that is situated within the overall society.** The second critical aggression that contributes to the crisis in Black Education is the objective reality that our **educational system is innately designed to reproduce the unequal and oppressive society guided and operated in the behaviors of a state embedded in a anti-black racist methodology**. With this being the case, Tyson E. Lewis coins necroschooling to describe a form “of education that is more concerned with abandonment than with social investment, protection, etc.”iv In addition to necroschooling, he terms necropedagogy as a pedagogical ideology for black and brown students as they are constructed “a racialized other as deficit is not simply a body that is abnormal (and thus capable of normalization) but a discounted body exposed to necropower as a power over whose life can and cannot be educated”v. As a consequence, **the practice of pushing students out or repeatedly suspending Black students out of school leads to the social death of those who are no longer apart of the pedagogical life of the school and society. But this technique in the teacher’s brain leads to the preservation of pedagogical, social and civic life for not only the Black students who are in the class but the entire society.** This is because our society see this as a positive to no longer spend “scarce” resources on undesirable and surplus populations. The students who are most vulnerable in our society (low-income Black students), are remade as redundant surplus and disposable by the schools they attend. The third critical aggression that contributes to the crisis in Black Education is the continued exploitation of black bodies through capitalism. The most popular scholarship published currently neglects the methods and technologies schools engage in to exterminate the black subject while maintaining the body for continued exploration, plunder, dispossession and accumulation. Not only does this erasure ensure the survival of capitalism but also its more important quest is to secure the prolongation, persistence and continuation of a white supremacist racial domination hegemonic projectvi. A racial project utilizes consent and domination to meet the requirements of profit and the maximization of production through the plunder of black bodies. Or, simply put, the collaboration between the state and micro practices of life and death. For example, schools eradicate black existence by conditioning low-income Black students for low-wage labor or the prisonvii. Black children live in a racialized capitalist society that abandons them en masse as their blackness is what disqualifies them from both “citizenship and the category of human” viiior what Fanon argues the “double negation” of the ontological impossibility for black civil existence within the paradigm of civil societyix.These racialized black bodies are ejected from the active life of the citizen subject—a body that ironically is forced to survive as a social corpse neither inside nor outside our democratic society. **Therefore black bodies ejection from schooling allows them to be stored in surpluss to be used later for prison labor, low-wage menial labor work, or soldiers in the military industrial complexx**. The fourth and final critical aggression that contributes to the crisis in Black Education is the securitizing of schools and the criminalization of Black youth. The Nixon presidency was the beginning of the era of racially targeted “law and order” policies and that racially skewed mass imprisonmentxi. **In the reigning public image of the criminal, young African American men from the intercity became black monsters more over African American men have come to personify the explosive mix of moral degeneracy and mayhem** xii. In addition, Black males are represented in our society as criminal, and “at risk” academically, this occurs through media representations by journalist, Hollywood portrayals of inner city black youth as culturally different, or deficientxiii. **Schools serve as sites for the reproduction of these negative racial representations of black boys by the practices of their teachers and administrators**. One factor in the treatment of poor inner-city youth as prison inmates hinges on the proposition that their teachers see these students as unsalvageablexv. Implicit in this mode of thinking rest two recognizable structural realities that both administrators and teachers are consciously aware of: 1) that prison looms over the future of African American youth who fail in school 2) schools have to sacrifice students who are troublesome so teach those who are more deserving or promising because of the lack of resource sxvi.

#### The impact is collateral consequences and a perpetuation of the neoliberal state via the school-to-prison pipeline and the prison-industrial complex

Heitzeg 09(Nancy A. Heitzeg, Ph.D., 2009, “Criminalizing Education: Zero Tolerance Policies, Police in the Hallways and The School to Prison Pipeline”)

During the past 40 years there has been a dramatic escalation the U.S. prison population, a ten-fold increase since 1970. The increased rate of incarceration can be traced to the War on Drugs and the rise of lengthy mandatory minimum prison sentences for drug crimes and other felonies. **These policies have proliferated, not in response to crime rates or any empirical data that indicates their effectiveness, but in response to the aforementioned media depictions of both crime and criminals** and new found sources of profit for prisons (Davis 2003) **The United States currently has the highest incarceration rate in the world.** Over 2.2 million persons are in state or federal prisons and jails - a rate of 751 out of every 100,000 (Jones and Mauer, 2013). Another 5 million are under some sort of correctional supervision such as probation or parole (PEW 2008). **These harsh policies - mandatory minimums for drug violations, “three strikes”, increased use of imprisonment as a sentencing option, lengthy prison terms - disproportionately affect people of color**. As Michelle Alexander (2010) observes in The New Jim Crow, these policies and their differential enforcement have, in effect, re-inscribed a racial caste system in the United States. A brief glimpse into the statistics immediately reveals both the magnitude of these policy changes as well as their racial dynamic. Despite no statistical differences in rates of offending, the poor, the under-educated, and people of color, particularly African Americans, are over-represented in these statistics at every phase of the criminal justice system. (Walker, Spohn & DeLone 2012) While 1 in 35 adults is under correctional supervision and 1 in every 100 adults is in prison, 1 in every 36 Latino adults , one in every 15 black men, 1 in every 100 black women, and 1 in 9 black men ages 20 to 34 are incarceration (Pew 2008 ). Approximately 50% of all prisoners are black, 30% are white and 1/6 Latino, **with Blacks being imprisoned at more than 9 times the rate of whites**. (Bureau of Justice Statistics 2012). To complicate matters, punitive policies extend beyond prison time served. . In addition to the direct impact of mass criminalization and incarceration, there is plethora of, what Mauer and Chesney-Lind (2002) refer to as “**invisible punishments**”. These additional collateral consequences further decimate communities of color politically, economically and socially. **The current expansion of criminalization and mass incarceration is accompanied by legislation that further limits the political and economic opportunities of convicted felons and former inmates. “Collateral consequences” are now attached to many felony convictions and include voter disenfranchisement, denial of Federal welfare, medical, housing or educational benefits, accelerated time-lines for loss of parental rights and exclusion from any number of employment opportunities. Collateral consequences are particularly harsh for drug felons who represent the bulk of the bulk of the recently incarcerated. Drug felons are permanently barred from receiving public assistance such as TANF, Medicaid, food stamps or SSI, federal financial aid for education, and federal housing assistance. These policies dramatically reduce the successful re- integration of former inmates, increases the likelihood of recidivism and return to prison**. One of the most insidious aspects of this project in mass incarceration is its’ connection to the profit motive (Davis 2003). Once solely a burden on tax payers, the so-called “prison – industrial complex” is now a source of corporate profit, governmental agency funding, cheap neo-slave labor, and employment for economically depressed regions. “The prison industrial complex is not a conspiracy, but a confluence of special interests that include politicians who exploit crime to win votes, private companies that make millions by running or supplying prisonsand small town officials who have turned to prisons as a method of economic development.” (Silverstein 2003) This complex now includes over 3,300 jails, over 1,500 state prisons, and 100 Federal prisons in the US. Nearly 300 of these are private for-profit prisons (ACLU, 2011). Over 30 of these institutions are super-maximum facilities, not including the super-maximum units located in most other prisons As Brewer and Heitzeg (2008 ) observe: “**the prison industrial complex is a self- perpetuating machine where the vast profits and perceived political benefits to policies that are additionally designed to insure an endless supply of “clients” for the criminal justice system**”. Profits are generated via corporate contracts for cheap inmate labor, private and public supply and construction contracts, job creation for criminal justice professionals, and continued media profits from exaggerated crime reporting and the use of crime/punishment as ratings grabbing news and entertainment. **The perceived political benefits include reduced unemployment rates due to both job creation and imprisonment of the poor and unemployed, “get tough on crime” and public safety rhetoric, funding increases for police as well as criminal justice system agencies and professionals. And these policies - enhanced police presence in poor neighborhoods and communities of color; racial profiling; mandatory minimum and “three-strikes” sentencing; draconian conditions of incarceration and a reduction of prison services that contribute to the likelihood of “recidivism”; and “collateral consequences” that nearly guarantee continued participation in “crime” and return to the prison industrial complex following initial release – have major implications for youth of color.** A similarly repressive trend has emerged in the juvenile justice system. The juvenile justice system shifted sharply from its’ original rehabilitative, therapeutic and reform goals. While the initial Supreme Court rulings of the 1960s – Kent, in re Gault and Winship – sought to offer juveniles some legal protections in what was in fact a legal system, **more recent changes have turned the juvenile justice system into a “second-class criminal court that provides youth with neither therapy or justice.”** (Feld 2007) **Throughout the 1990s, nearly all states and the federal government enacted a series of legislation that criminalized a host of “gang-related activities”, made it easier (and in some cases mandatory) to try juveniles as adults, lowered the age at which juveniles could be referred to adult court, and widened the net of juvenile justice with blended sentencing options that included sentences in both the juvenile and adult systems** (Griffin 2008; Heitzeg 2008; Podkopacz and Feld 2001;Walker, Spohn and DeLone 2007). The super-predator youth and rampant media coverage of youth violence provided the alleged justification for this legislation as well as for additional federal legislation such as Consequences for Juvenile Offenders Act of 2002 (first proposed in 1996) and The Gun-Free Schools Act of 1994, which **provides the impetus for zero tolerance policies in schools and the school to prison pipeline,** the subject of later detailed discussion**. The racial disparities are even greater for youth. African Americans, while representing 17% of the youth population, account for 45% of all juvenile arrests.** (NAACP 2005) **Black youth are 2 times more likely than white youth to be arrested, to be referred to juvenile court, to be formally processed and adjudicated as delinquent or referred to the adult criminal justice system, and they are 3 times more likely than white youth to be sentenced to out-of –home residential** placement (Panel on Justice 2001; Walker, Spohn and Delone 2012). Nationally, 1 in 3 Black and 1 in 6 Latino boys born in 2001 are at risk of imprisonment during their lifetime. While boys are five times as likely to be incarcerated as girls, girls are at increasing risk. This rate of incarceration is endangering children at younger and younger ages (Children’s Defense Fund 2007). In addition, black youth at additional risk due to the high rates of imprisonment for African American adults. Black youth are increasingly likely to have a parent in prison -- among those born in 1990, one in four black children had a father in prison by age 14. Risk is concentrated among black children whose parents are high-school dropouts; 50% of those children had a father in prison (Wildeman 2009). African American youth are at increasing risk of out-of-home placement due the incarceration of parents. While young black children are about 17 percent of the nation’s youth, they are now account for more than 50% of the children in foster care. **This explosion in foster care has been fueled by the destabilization of families and the mass incarceration of Black men and women** (Roberts 2004; Brewer 2007; Bernstein 2005; Wildeman 2009). **It is youth of color who are being tracked into the prison pipeline via media stereotyping, a punishment-oriented juvenile justice system, and educational practices such as zero-tolerance. All are designed, by intent or default, to insure an endless stream of future bodies into the prison industrial complex.** As Donzinger (1996, 87) aptly notes “Companies that service the criminal justice system need sufficient quantities of raw materials to guarantee long term growth in the criminal justice field, the raw material is prisoners...The industry will do what it must to guarantee a steady supply. For the supply of **prisoners to grow, criminal justice policies must insure a sufficient number of incarcerated Americans whether crime is rising or the incarceration is necessary.”**While media coverage was instrumental in **creating the climate of fear, the policy shifts that resulted were consistent with larger trends in criminal justice. Critics of these policy changes charge that this is no mere coincidence. The proliferation of mandatory minimum sentences, punitive measures in juvenile justice and attendant collateral consequences serve to incarcerate and re-incarcerate current generations, but it is the school to prison pipeline and related educational policies/practices that shapes the “client pool” for future generations of the incarcerated. While Advanced Placement and vocational tracks prepare students for their respective positions in the workforce, it is the “schoolhouse to jailhouse track” that prepares students for their futures as inmate neo-slave laborers in the political-economy of the prison industrial complex. The age of mass incarceration and the prison industrial complex calls for the continual replenishment of the ranks of the imprisoned, and it is youth of color that are most often selected to fill that onerous role.**

#### Black lives matter, but we can’t forget the dead. We must move from sacrifice to anger, pain, and radical protest

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How then might we move beyond notions of democratic sacrifice to begin to conceive forms of black activism that are more appropriate for a context defined by racial terror, state depredation of poor black communities, mass incarceration, racial profiling, excessive use of force by the police, disparities in sentencing, and lack of accountability of law enforcement?41 As Angela Davis has observed, **U.S. democracy has been shaped by practices of subjection** that can be traced back to slavery; given contemporary forms of mass incarceration, she suggests that the prison has become the new site for the “civic death” that used to be associated with slavery.42 **Connecting this analysis to the disproportionate state repression of Black Lives Matter protests from Ferguson to Baltimore, one of the reasons that protesters exercising their constitutional rights could be criminalized is that by virtue of being mostly black they were already viewed as criminals or soon-to-be criminals undeserving of the normal protections of citizens. In a society defined by mass incarceration, the dynamic that governs interactions between the police/ criminal justice system and “criminals” inevitably bleeds over into other encounters between the state and “law-abiding” citizens. Democracies defined by the deployment of moral panics around crime to manage dispensable populations are uneven democracies, where large populations have only marginal access to the rights of citizenship, and where the standing of those who do is defined precisely in light of the denial of such rights to others.** As Davis observes, in the United States, “There are multiple figurations of the enemy (including the immigrant and the terrorist), but the prisoner, imagined as murderer and rapist, looms large as a menace to security.”43 **The Black Lives Matter protests have, to a certain extent, rendered continued willful white ignorance about how the dehumanization of black life begins prior to incarceration more difficult to sustain.**44 Disregard for black life antecedes fatal encounters with the police; it has its origins in the development of urban ghettos as a specific aim and consequence of state policy and in the criminalization of entire communities in order to make them subject to predatory looting by corrupt iterations of the state.45 **A conception of acceptable black politics that emphasizes further sacrifice in the form of peaceful acquiescence to democratic loss appears both inadequate and counter-productive** in such a context. In fact, the failure of the victories gained by the civil rights movement to eliminate structural disparities in wealth and the criminal justice system raise important questions about the limited ability of liberal democracy to truly address racial justice. **Descriptive black political representation**, for example, **has not transformed the racialized character of the state**, just as the presence of black police officers does not appear to prevent violence toward black citizens. **That is because white supremacy produces a racial state that exceeds mere demography or phenotype.**46 In Ferguson, for example, while some of the problems clearly stem from a predominantly white political structure and administrative apparatus ruling over a predominantly black citizenry, the election of more black office-holders or infusion of more black police officers will not solve the economic shortfalls that have led it and other municipalities to criminalize the daily lives of their poorest citizens in order to fund their operations. But if blacks are condemned to be perpetual losers in U.S. democracy, how can democratic theory account for this specific form of racialized democratic loss? How do we conceive forms of black politics that do not prioritize democratic repair over racial justice? **If formulations of black politics as democratic sacrifice create a trap whereby any deviation from submission, respectability, and non-violence serves to render black grievances illegitimate, perhaps we should instead consider** instances of “rioting” as a form of democratic redress for black citizens, even if in and of themselves they cannot transform the prevailing racial order. These instances of violence, which are often viewed as self-destructive, might be productive for black citizens because they allow for **the expression of black anger and pain, which is otherwise precluded by expectations of black sacrifice and forgiveness.** In the case of Baltimore, for example, the events of 2015 echoed those of 1968, over whose meaning there was a similar tug of war. For many outside onlookers, using the term uprising was an attempt to endow with political meaning random violence directed at “innocent” targets such as retail establishments, when in reality the violence in the wake of Freddie Gray’s killing was simply self-destructive behavior that placed added burdens on the community (by making necessary goods inaccessible, for example). Participants, however, framed the events differently. In their view, so-called rioting performed a certain kind of civic work. It provided an outlet for responses to the losses generated by white supremacy that they were otherwise precluded from expressing in public, visible ways that could not be easily ignored or bypassed by their fellow citizens. As one participant in the 1968 protests explained, “I felt at that point people had such grief and sense of loss and anger that they had to express it somehow.”47 Riots (for lack of a better term) might thus constitute a form of democratic repair for African Americans, not because they are a solution to structural problems and institutionalized injustices, but because they allow black citizens to express their pain and make their losses visible to a racial order that demands that they sacrifice both by not expressing anger and grief at said losses, and also by peacefully acquiescing to them. **In contrast to notions of democratic sacrifice, certain strands of black political thought allow us to begin to develop such a fugitive reading of black activism and of more radical democratic subjectivities.** Frederick Douglass, for example, who is usually viewed as a thinker firmly situated within the assimilationist tradition in African American thought, also advocated a revolutionary understanding of black freedom that required a subversive approach to the law. In “What to the Slave is the Fourth of July,” Douglass interpreted the U.S. founding as an anti-colonial, revolutionary event in which the rule of law was flouted in the name of higher moral and political principles, suggesting that in the pre-civil war era it was unruly abolitionists and fugitive exslaves who were displaying exemplary civic virtue. In his autobiographies, Douglass also suggested that slaves were forced to develop a different relationship to the law: “Slaveholders made it almost impossible for the slave to commit any crime, known either to the laws of God or the laws of man. If he stole, he but took his own; if he killed his master, he only imitated the heroes of the revolution.”48 This **fugitive tradition within black political thought could** thus **be reclaimed to rescue contemporary black politics from the strategic dead-ends produced by the enshrinement of a romantic narrative of the civil rights movement as an exemplary moment when racial progress was achieved via political activism that fully acquiesced to liberal democratic norms.** As Davis has suggested, black liberation must entail “ways of contesting the absolute authority of the law,” because the law can and does act to reproduce injustice and inequality.49 Black politics must thus actively resist the reproduction of mass incarceration and the looting of black communities by the state via the criminalization of black lives, in addition to exposing and condemning police violence. **The rejection of the politics of respectability** and insistence that “all black lives matter” by the Black Lives Matter protesters, for example, **point toward a more radical critique of the carceral state that rejects the distinction between law-abiding middle-class black citizens and always-already criminalized black “thugs” in urban ghettos. The seemingly endless litany of dead black bodies needing to be named, mourned, and remembered**—Jamar Clark, Samuel Dubose, Walter Scott, Natasha McKenna, Bettie Jones, and on and on and on—**coupled with hostile responses to the Black Lives Matter protests, make it difficult, if not impossible, to engage in naïve exercises of democratic hope.** Indeed, one useful lesson from the backlash against the Black Lives Matter protests is the imperative to revisit arguments about black sacrifice as political exemplarity. **Certain strands of fugitive black political thought can help us to theorize instead how engaging in a politics of active resistance that does not fit easily within the bounds of liberal democracy might be absolutely crucial to achieving racial justice.** Perhaps, envisioning different democratic futures requires ceasing to expect black citizens to be political heroes. Taking seriously the idea of riots as a form of democratic repair for black citizens means recognizing that responsibility for racial justice does not lie primarily with those who have already suffered the lion’s share of the losses inflicted by racism. **In the wake of Ferguson, Baltimore, Charleston, and the numerous other instances where it has become necessary to affirm that black lives matter, even in death, black politics must move beyond peaceful acquiescence to loss. Democratic sacrifice is no longer enough.**

#### Thus, we some people of the United States affirm Black rage and protest for reparations for the criminalization of Black youth in schools. Democracy has failed to solve structural violence, leaving no alternative to protest

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**Since** August 2014, when the **protests sparked by the killing of Michael Brown** that erupted in Ferguson, Missouri, **were met with disproportionate police repression against citizen protesters, very little has changed in the United States. The list of unarmed black persons**—men, women, and children, queer, straight, trans, from New York City, to Baltimore, to St. Louis, to Chicago, to Texas—**killed by violent, predominantly white police officers only continues to grow.** From Eric Garner to Akai Gurley to Tamir Rice to Aiyana Stanley-Jones to Rekia Boyd to Sandra Bland to John Crawford to Laquan MacDonald . . . **there is no discernible end to the tragic parade of the unarmed black dead.**1 **Perhaps the only difference is that now some of us, their fellow citizens,** though certainly not all, **make a point of saying their names and asserting that black lives matter.** In this essay, I try to make sense of the complex response to contemporary protests against police violence, particularly the demonization of those who have taken to the streets to protest the routine killing of black persons with impunity across the United States for minor, if not imagined, offenses by representatives of the state, and the ensuing debate about how to understand their actions. In a clear example of the racialized politics of solidarity, protesters and their critics have viewed the same events through very different lenses. This was exemplified by the dueling twitter hashtags that arose in the wake of the protests over the killing of Freddie Gray in Baltimore. **Where some saw unlawful “riots,” others participated in justified “uprisings.” These dueling frames raise deeper questions about the forms of politics that black citizens, who are experiencing a defining moment of racial terror in the United States in the twenty-first century, can and should pursue.** What are the costs of enacting “appropriate” democratic politics in the face of systematic racial violence? As Melvin Rogers has observed, “Two ideas mingle together in Ferguson, Missouri: the absence of [political] reciprocity where Blacks are concerned and the disposability of Black lives . . . [Blacks] are perpetually losers in American democracy.”2 **Democratic sacrifice is supposed to be equally distributed, as is care and concern over the losses suffered by fellow citizens. The absence of reciprocity thus calls into question not only the integrity of U.S. democracy, but also the kinds of democratic obligations that can be fairly placed upon black citizens as a result.** **When other citizens and state institutions betray a pervasive lack of concern for black suffering (which in turn makes it impossible for those wrongs to be redressed), is it fair to ask blacks to make further sacrifices on behalf of the polity?** **Taking as its starting point the status of blacks as perpetual losers in U.S. democracy,** this essay explores whether **the display of exemplary citizenship by blacks in the face of** such **unequal bargains constitutes an unjust form of democratic suffering.** Relatedly, if the answer to this question is yes, should we think about “riots” (whether or not we agree with the designation of citizens’ actions in Ferguson and Baltimore as such) as inadequate, but necessary, forms of democratic repair for black citizens in the face of racial terror?3 I explore these questions by turning to analyses of the problem of democratic loss, specifically Danielle Allen and Ralph Ellison’s meditations on democratic sacrifice. Allen and Ellison’s **transmutation of black sacrifice into political exemplarity has profound consequences for how we conceive black political praxis.** On one reading, for example, **the radical disregard for and antipathy to black life revealed by negative responses to the Black Lives Matter protests is not indicative of a crisis of U.S. democracy, but rather politics as usual in the racial state.**4 **If this is the case, we are forced to consider** not only whether (echoing James Baldwin) inclusion is worth “the price of the ticket,” but **if there is** also **a conceptual trap in historical narratives of black politics that recast peaceful acquiescence to loss as a form of democratic exemplarity in the face of democratic losses that are seemingly not repairable within the constraints of traditional liberal politics (including norms of “civility”).** Such romantic narratives of racial progress and reconciliation make it plausible to suggest, as some have done, that civil rights icon Rev. Martin Luther King Jr. would be “appalled” by the Black Lives Matter movement, or to demand immediate black forgiveness after horrific losses such as those suffered in Charleston, South Carolina, at the hands of an avowed white supremacist shooter.5 I challenge this transmutation of undue democratic sacrifice by subordinated racial groups into democratic exemplarity via an interrogation of the unwarranted assumptions of liberal democratic progress and perfectability that undergird it. In particular, the essay contests three key theoretical and historical assumptions of the conceptualization of black politics as democratic sacrifice. One problematic historical assumption is the reduction of a long history of black activism (and a broad intellectual tradition of black political thought) to a specific, sanitized version of the civil rights movement of the 1960s that then sets the terms for what are considered legitimate forms of black politics. A second theoretical misunderstanding is a mistaken account of white moral psychology that overstates the efficacy of peaceful acquiescence to loss on the part of subordinated groups in bringing about transformations in the ethical orientations of dominant groups. Finally, I suggest that readings of nonviolent protest as acquiescence or sacrifice obviate the self-understanding of black activists (both in the 1960s and today) who understood themselves as engaging in acts of defiance. **The limits of liberal democracy’s ability as an institution to deal with certain types of injustice, particularly systematic racial violence and terror that is (implicitly or explicitly) sanctioned by other citizens and carried out by the state, raises key questions about our expectations of black citizens. In particular, it forces us to confront the inability of dominant approaches in liberal democratic theory to accept black anger as a legitimate response to racial terror and violence. If anger at injustice is politically productive and even necessary, we need to contemplate**, paraphrasing Audre Lorde, **the “uses of [black] anger” in order to make sense of events like the Baltimore uprising and so-called disruptive actions by the Black Lives Matter protest movement.**6 Since the era of slavery, black thinkers have grappled with the problem that **the struggle for black life and black freedom often requires acting outside the strictly legal, beginning with those fugitive slaves who gained their freedom by committing the crime of “stealing” themselves.** The essay thus ends by considering how we might draw on insurgent strands of black political thought to conceive and enact more radical democratic subjectivities. **Black fugitive thought**, I suggest, **points away from democratic sacrifice and toward other forms of politics that blacks might productively enact in the face of racial terror.** The essay is thus less concerned with salvaging democracy, and rather with thinking about the paradoxes of black politics produced by the problematic reification of democratic sacrifice as the paradigmatic example of black political excellence/civic virtue.

#### Engaging in radical dialogue interrogating white privilege and legislative action is key to spiritually healing the black community

SUNDQUIST 2K3 [Christian, Associate at a major New York City law firm. J.D., Georgetown University Law Center, 2002; B.A., Carleton College, 1997. “CRITICAL PRAXIS, **SPIRIT** HEALING, AND COMMUNITY ACTIVISM: PRESERVING A SUBVERSIVE DIALOGUE ON REPARATIONS” 2003]

Black reparations have the potential to decisively create substantive, long-lasting social change for the Black community, and the nation as a whole. A transformative model of Black reparations can eliminate Black discrimination and socio-economic inequality, while healing spiritual injuries and forming a unified community. **The transformative model of reparations** maintains that a simultaneous agenda of **deconstructing white privilege, spiritual healing and community-building can create the conditions necessary for a successful, subversive political movement**. What is truly inevitable is the accession to power of those on the bottom, not the continuance of the dominant structure. [n193](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.685765.080602706&target=results_DocumentContent&returnToKey=20_T26217710908&parent=docview&rand=1499351788492&reloadEntirePage=true" \l "n193)Black reparations cannot be an isolated event. Rather, it must be perpetual in nature, continuing to deconstruct privileging structures until white privilege no longer exists and Black inequality and subordination is conquered. The first step of deconstructing white privilege is to make privilege visible. [n194](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.685765.080602706&target=results_DocumentContent&returnToKey=20_T26217710908&parent=docview&rand=1499351788492&reloadEntirePage=true" \l "n194) The entire national community and its constituent communities - white, Black, Latino, Asian, Native American and Other - must confront the phenomenon of white privilege and challenge the dominant paradigm's viewpoints on white innocence, individualism, and equal opportunity. The development of a subversive and critical dialogue on Black reparations and privilege is necessary to the project of deconstructing privilege. A subversive dialogue can be achieved through four concurrent strategies: legal action, legislative action, political protest, and broad, grass-roots education programs. Within each strategy an educational component critiquing privilege and inviting discussion must attach. Federal and state legal action, as Eric Yamamoto correctly notes, serve as "generators of 'cultural performances' and as vehicles for providing outsiders an institutional public forum." [n195](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.685765.080602706&target=results_DocumentContent&returnToKey=20_T26217710908&parent=docview&rand=1499351788492&reloadEntirePage=true" \l "n195) However, the legal suits should not strive to achieve a modicum of success - however unlikely - by drafting narrow claims within the individual rights paradigm. Rather, the legal claims must be broadly drafted to encompass all of the concerns critical to the transformative model. Although these legal suits may be vulnerable to dismissal for failing to state a legally cognizable claim, current and past legal cases that sought to fit within the individual rights paradigm have met with similar fates. [n196](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.685765.080602706&target=results_DocumentContent&returnToKey=20_T26217710908&parent=docview&rand=1499351788492&reloadEntirePage=true" \l "n196) Since the primary goal of the legal attack is to generate dialogue and awareness, critically drafted claims make the most sense. Concurrently with the spate of legal attacks, legislative efforts to develop a Black reparations bill must be strengthened and modified to critique white privilege. Specifically, John Conyers's proposal must be modified to reflect a critique on white privilege. [n197](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.685765.080602706&target=results_DocumentContent&returnToKey=20_T26217710908&parent=docview&rand=1499351788492&reloadEntirePage=true" \l "n197) This must be combined with political protest outside the halls of Congress [\*695] to make privilege visible. Indeed, "protest is a sign that the opportunity structure is flexible and vulnerable to the political assaults of excluded groups." [n198](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.685765.080602706&target=results_DocumentContent&returnToKey=20_T26217710908&parent=docview&rand=1499351788492&reloadEntirePage=true" \l "n198) Protest will not only expand political opportunities, but aid the construction of a subversive dialogue on reparations. Finally, **grass-roots activism is vital to making privilege visible. Utilizing our institutions and social organizations to educate people about white privilege is of utmost importance.** Of course, the The development of a unified community of social activists is promoted by the expanded political opportunities provided by the on-going project of deconstructing white privilege. However, social institutions and organizations within the Black community must be strong in order to be capable of taking advantage of political opportunities to resist. Developing awareness of the necessity of reparations specifically, and the pervasiveness of white privilege generally, is critical to encouraging member participation. Mobilization for participation in a Black reparations movement, however, is dependent on the social integration of the community. [n199](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.685765.080602706&target=results_DocumentContent&returnToKey=20_T26217710908&parent=docview&rand=1499351788492&reloadEntirePage=true" \l "n199) Accordingly, it is vital that the reparations movement seek to improve the conditions for all Black people in America, and not solely those Black Americans that are able to establish a historical connection to American slavery. The potential for free-rider problems diminish to the extent that movement participation is defined "as synonymous with organizational membership." [n200](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.685765.080602706&target=results_DocumentContent&returnToKey=20_T26217710908&parent=docview&rand=1499351788492&reloadEntirePage=true" \l "n200) In effect, to become a member of a Black reparations organization - such as N'COBRA [n201](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.685765.080602706&target=results_DocumentContent&returnToKey=20_T26217710908&parent=docview&rand=1499351788492&reloadEntirePage=true" \l "n201) - is to also participate in the movement for Black reparations. N'COBRA, however, provides a limited organizational framework through which to pursue Black reparations. The establishment and support of African-American reparations organizations must be coupled with the integration of African-American reparation initiatives in other Black institutions [\*696] such as the NAACP, Black churches, and social activist organizations. Rememory, the process of remembering our cultural past, is necessary to begin to heal the spiritual wounds of the Black community. Additionally, making white privilege visible is an integral component of overcoming the **spirit**-injuries of slavery, discrimination and continuing racism. Furthermore, **strong Black organizations and institutions are needed in order to** support the rememory project, as well as to provide **the critical outlet for social insurgency**. As such, the plan to achieve spiritual healing is simply to include historical education within the broader educational strategy outlined in Part IV.A. Finally, it is important for the Black reparations movement to maintain an international component. Ultimately, Black reparations must seek to undermine white privilege and Black subordination on a global scale utilizing, in part, a Pan-African consciousness. [n202](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.685765.080602706&target=results_DocumentContent&returnToKey=20_T26217710908&parent=docview&rand=1499351788492&reloadEntirePage=true" \l "n202) It is simplistic to believe that the deleterious effects of slavery, racism and economic oppression are isolated to Black Americans. Furthermore, it is clear that the myth of Black inferiority is supported by the global oppression of Black people. [n203](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.685765.080602706&target=results_DocumentContent&returnToKey=20_T26217710908&parent=docview&rand=1499351788492&reloadEntirePage=true" \l "n203) **The benefit of a Black reparations movement will lie primarily in the dialogue itself**, as represented by the deconstruction of white privilege, **spirit-healing and community-building.** However, I acknowledge that the concept of "dialogue" may be a poor vehicle for generating community participation and activism in the Black reparations movement. Furthermore, the broadly-drafted legal and legislative actions which comprise a part of the overall strategy of deconstructing privilege must have identifiable goals, rather than mere assertions. A better vehicle for community protest may thus be the identification of white privilege coupled with an economic and political divestiture of the gains afforded by such privilege. The first step may be recognition of the estimated trillions of dollars that America owes Black Americans for unpaid labor and [\*697] unjust enrichment during slavery. [n204](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.685765.080602706&target=results_DocumentContent&returnToKey=20_T26217710908&parent=docview&rand=1499351788492&reloadEntirePage=true" \l "n204) I believe identification of the benefit that America has accrued due to white privilege can be helpful. Remaining steps must identify and claim as unjust enrichment [n205](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.685765.080602706&target=results_DocumentContent&returnToKey=20_T26217710908&parent=docview&rand=1499351788492&reloadEntirePage=true" \l "n205) those economic and political benefits provided by white privilege. The actual financial debt, when one considers not only unpaid labor, but also wealth effects and all other political and economic benefit from racial discrimination, would likely be too immense for repayment, much less comprehensive calculation. However, existing financial models provide some insight into aspects of the debt owed. [n206](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.685765.080602706&target=results_DocumentContent&returnToKey=20_T26217710908&parent=docview&rand=1499351788492&reloadEntirePage=true" \l "n206) We must be wary of identifying specific injuries performed by specific actors lest we fall back into the individual rights dilemma. In addition, the risk of commodification seems greater when discussing economic injury than generalized social oppression. Nonetheless, I feel that financial information estimating the economic extent of white privilege can play an integral role in making privilege visible, healing the **spirit** and fostering community activism. Discussion of a monetary debt makes the goals of Black reparations seem tangible and concrete. Furthermore, identification of a monetary debt highlights the "need for Black economic independence from societal discrimination." [n207](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.685765.080602706&target=results_DocumentContent&returnToKey=20_T26217710908&parent=docview&rand=1499351788492&reloadEntirePage=true" \l "n207) The primary way to avoid the commodification problem and transcend the individual rights paradigm, while utilizing economic data, is to emphasize the perpetual and group nature of the remedies. Pursuing remedies that are pseudo-perpetual in nature - that do not end until all vestiges of white privilege are eliminated - avoids the risk of transforming Black subordination into a discrete commodity. Furthermore, pursuing group restitution places the dialogue outside of the individual rights paradigm. The quest for Black reparations must address white privilege, internal **spirit** repair and community-building in order to achieve substantive change. **Black reparations has the potential to eliminate racial subordination** and future patterns of Black inequality. In order to achieve substantive change, however, it is necessary to preserve a subversive dialogue on the concept of Black reparations. The discussion on Black reparations must include an awareness of white privilege, community unity, as well as an outsider understanding of historical events having the potential to heal the **spirit**-injuries of the Black community. The transformative benefit of Black reparations thus lies in the simultaneous pursuit of cognitive liberation, community unity and making privilege visible. The Black reparations dialogue may well lead us to pursue a unitary conception of the legal system: one which recognizes group rights and reflects the interdependence of all human beings. Black reparations thus has the potential to not only eliminate white privilege and end Black subordination, but also to truly transform the legal structure of America.

#### Reparations are more than a “handout”—it is the start to the reimagination of a new country that leads to a spiritual renewal of past injustices

TA-NEHISI COATES, June 2014, Ta-Nehisi Coates is a national correspondent for The Atlantic, where he writes about culture, politics, and social issues., “The Case for Reparations”, The Atlantic, <https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631/>

And so we must imagine a new country. Reparations—by which I mean the full acceptance of our collective biography and its consequences—is the price we must pay to see ourselves squarely. The recovering alcoholic may well have to live with his illness for the rest of his life. But at least he is not living a drunken lie. Reparations beckons us to reject the intoxication of hubris and see America as it is—the work of fallible humans. Won’t reparations divide us? Not any more than we are already divided. The wealth gap merely puts a number on something we feel but cannot say—that American prosperity was ill-gotten and selective in its distribution. What is needed is an airing of family secrets, a settling with old ghosts. What is needed is a healing of the American psyche and the banishment of white guilt. What I’m talking about is more than recompense for past injustices—more than a handout, a payoff, hush money, or a reluctant bribe. What I’m talking about is a national reckoning that would lead to spiritual renewal. Reparations would mean the end of scarfing hot dogs on the Fourth of July while denying the facts of our heritage. Reparations would mean the end of yelling “patriotism” while waving a Confederate flag. Reparations would mean a revolution of the American consciousness, a reconciling of our self-image as the great democratizer with the facts of our history.

#### Questioning the wrong doings of America through the movement for reparations is more important than the specific answers that are produced

TA-NEHISI COATES, June 2014, Ta-Nehisi Coates is a national correspondent for The Atlantic, where he writes about culture, politics, and social issues., “The Case for Reparations”, The Atlantic, <https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631/>

Something more than moral pressure calls America to reparations. We cannot escape our history. All of our solutions to the great problems of health care, education, housing, and economic inequality are troubled by what must go unspoken. “The reason black people are so far behind now is not because of now,” Clyde Ross told me. “It’s because of then.” In the early 2000s, Charles Ogletree went to Tulsa, Oklahoma, to meet with the survivors of the 1921 race riot that had devastated “Black Wall Street.” The past was not the past to them. “It was amazing seeing these black women and men who were crippled, blind, in wheelchairs,” Ogletree told me. “I had no idea who they were and why they wanted to see me. They said, ‘We want you to represent us in this lawsuit.’ ” A commission authorized by the Oklahoma legislature produced a report affirming that the riot, the knowledge of which had been suppressed for years, had happened. But the lawsuit ultimately failed, in 2004. Similar suits pushed against corporations such as Aetna (which insured slaves) and Lehman Brothers (whose co-founding partner owned them) also have thus far failed. These results are dispiriting, but the crime with which reparations activists charge the country implicates more than just a few towns or corporations. The crime indicts the American people themselves, at every level, and in nearly every configuration. A crime that implicates the entire American people deserves its hearing in the legislative body that represents them. John Conyers’s HR 40 is the vehicle for that hearing. No one can know what would come out of such a debate. Perhaps no number can fully capture the multi-century plunder of black people in America. Perhaps the number is so large that it can’t be imagined, let alone calculated and dispensed. But I believe that wrestling publicly with these questions matters as much as—if not more than—the specific answers that might be produced. An America that asks what it owes its most vulnerable citizens is improved and humane. An America that looks away is ignoring not just the sins of the past but the sins of the present and the certain sins of the future. More important than any single check cut to any African American, the payment of reparations would represent America’s maturation out of the childhood myth of its innocence into a wisdom worthy of its founders.

#### Healing is itself a political act – their conception of materiality and institutions crowds out black organizations. Suffering is our uniqueness question since healing as a collective struggle works to radically ameliorate trauma instantiated by policies

Chavez-Diaz and Lee 15 (Mara, MA/PhD Candidate at UC Berkeley Graduate School of Education, Nicole, Executive Director of Urban Peace Movement in Oakland California, Published in 2015, Published by Urban Peace Movement, “A CONCEPTUAL MAPPING OF HEALING CENTERED YOUTH ORGANIZING: BUILDING A CASE FOR HEALING JUSTICE”, <http://urbanpeacemovement.org/wp-content/uploads/2014/02/HealingMapping_FINALVERSION.pdf>) RR Jr

The second principle of healing centered organizing is that healing is a political act. From a social justice perspective, healing justice organizers understand that their approach to social justice work must contend with both 1) systemic inequality and oppression, and 2) the trauma (that is the emotional, spiritual, and psychological harm) caused by oppression. Trauma is a both a byproduct of systemic oppression as well as a barrier to achieving just, equitable, and thriving communities. Consequently, the act of helping communities to heal from the trauma of systemic oppression and inequality is a political act. In this context, healing justice organizers understand the importance of healing work and they understand that the healing of both individuals and groups of people is tied to the collective struggle for liberation for entire communities. This collective way of understanding healing departs from conventional modalities of well-being and mental health, which have tended to focus on individuals. Additionally, through adding the dimension of healing, healing justice organizers transcend conventional approaches to systems-change work, which tend to focus only on policy change, direct action, and the like. Nicole Lee, Executive Director of Urban Peace Movement (UPM), an organization that fosters youth leadership in Oakland to transform the culture and the conditions that lead to urban violence, shared, “If trauma and harm are the manifestations of our oppression, then healing is part of our liberation.” For Jackie Byers, from BOP, healing necessitates a commitment to addressing and responding to the needs of your staff and members: “We have members who are formerly incarcerated, who have been through foster care systems, and who have been through systems, and who are deeply traumatized.” Similarly, for George Galvis, Founding Executive Director of Communities United for Restorative Youth Justice (CURYJ), an organization dedicated to interrupting the cycles of violence and poverty through community healing and developing youth leadership to transform criminal justice policy, it is important to not ignore the need to create healing spaces to address the collective trauma that activists bring with them: You know 80% of the movement is us fighting among ourselves because a lot of people bring all their “carga” all their baggage into the circles. So there are a lot of wounded people in the social justice movement. That’s why they are passionate about justice because they have been wounded. They are trying to stand up for justice but they still haven’t healed up and they are bringing it and they are projecting it and there is a lot of internal division. Jackie Byers and George Galvis’ comments suggest that creating spaces to heal the collective and generational trauma that exists within communities of color and that is held within activist circles is, itself, a political act. This is especially important when one considers the ways in which many people of color have internalized racism and self-hate as a consequence of living in an unequal society. Ultimately, the activists with whom we spoke aim to disrupt cycles of violence and pain by healing themselves and by creating spaces to facilitate healing for others with the hope that this healing will have a ripple effect on generations to come. To this point, Mario Ozuña, a Senior Program and Training Specialist at the National Compadres Network shared: My healing is never going to stop; it’s my journey for the rest of my life. My hope is that my kids don’t have the same pain I had because that’s where the true healing happens […] when you don’t pass it to the next generations. By explicitly positing healing as political, these healing justice organizers make a departure from conventional political change methodologies that typically measure and define change only in terms of political or material gain. Instead, healing justice organizers acknowledge the harm that has been caused by political and economic inequality and they, consequently, emphasize the importance of healing in their strategies to bring about a more just and more whole society.

#### A reconstruction of black politics is needed to fight racial violence—only by returning to the Civil Rights Era progressive movements can solve

MICHAEL C. DAWSON, January 01, 2012, Michael C. Dawson is John D. MacArthur Professor of Political Science at the University of Chicago and author of Blacks In and Out of the Left., “The Future of Black Politics”, Boston Review, http://bostonreview.net/forum/future-black-politics-dawson

People who live at the bottom of the social order, especially at the bottom of more than one of its hierarchies, are frequently condemned to a life of crippling disadvantage. The existence of such mutually reinforcing power hierarchies calls the social order itself into question as a matter of justice. Political movements need to disrupt these hierarchies to overcome injustice. In the United States, a healthy black politics is indispensable to that task. Black politics—African Americans’ ability to mobilize, inﬂuence policy, demand accountability from government officials, participate in American political discourse, and ultimately offer a democratic alternative to the status quo—have at times formed the leading edge of American democratic and progressive movements; black visions were some of the more robust, egalitarian, and expansive American democratic visions. This status has been lost. The decline of progressive black politics is apparent in the Occupy actions that have swept the country to protest economic injustice. There has been black participation, and in some areas, such as Chicago, black efforts to mobilize communities have been aided by the presence of a local Occupy movement. But, for the most part, Occupy has been divorced from black politics. Yet both today’s black communities and black political traditions have much to offer Occupy and progressives at large. Blacks are more supportive than any other group of Americans of state action to redistribute wealth and bring about a more equal and just society. A National Journal poll released last October found that 84 percent of blacks support a surtax on people earning more than $1 million per year, compared to 68 percent support overall. They are also the strongest opponents of U.S. military intervention: blacks opposed the 2003 intervention in Iraq at far higher rates than did any other group, including Democrats. Black progressive traditions have long offered a more just and democratic vision than is usually found in American political discourse. Ida B. Wells, Marcus Garvey, William Monroe Trotter, Hubert Harrison, A. Philip Randolph, Cyril Briggs, and W. E. B. Du Bois are just a few of the many activist-theoreticians (they tended to be both) who led movements dedicated to fighting for racial justice and in most cases offered a broad vision of social and economic justice as well. Today there is a disconnect between black organizing and other mobilizations on behalf of labor, suffrage, and radical economic reform. Even worse, the black civil society that in the past supported flourishing black activism is today weaker than it was for most of the twentieth century. Without a mobilized black politics, American democracy is even more vulnerable to internal attacks by those who have been openly suspicious of mass democratic movements for decades. The lack of a black political movement also feeds into the view, popular among some Americans, that we live in a post-racial society. But our apparent post-racial order, signiﬁed by President Obama’s election and inauguration, is an illusion. The black poor, if anything, ﬁnd themselves in conditions of greater deprivation now than at any time in the recent past. Racial inequality remains a brute fact of life in this country. The interracial political unity that is supposed to herald a truly post-racial society also does not exist. Blacks and whites remain bitterly divided in their political beliefs. This political division has led to desperation and anger in many black communities. And that anger and throttling despair have replaced the insurgent forces of the civil rights era—insurgent because the change these forces sought was nothing less than transformative. Rebuilding black progressive movements requires recovering the spirit and politics of the militant Martin Luther King Jr. of 1967–68, the King of Where Do We Go from Here. This King was anti-war and anti-imperialist, a severe critic of both the totalitarian impulses of Leninism and the savage denigration of poor people inherent in the logics of unregulated capitalism. This was the King who explained, “Black Power, in its broad and positive meaning, is a call to black people to amass the political and economic strength to achieve their legitimate goals.” Among the many still-relevant lessons of Where Do We Go From Here is that blacks need to ﬁght both for black power and against the ravages of capitalism on behalf of all who are disadvantaged. We need to reconstruct black politics. We need not and should not copy the movements of earlier generations but should instead follow their lead by building movements based on our own realities. However, we can learn from earlier movements’ understanding that the quests for racial and economic justice for all are intertwined, from their uncompromising spirit, and from their realization that building a better society means mobilizing an entire community.

### 1ac – Mills

#### We some people of the United States of American do ordain and establish reparations as educational funding for the disenfranchisement of black people

#### A way to frame arguments in debate

#### White supremacy is the un-named political system that governs status-quo politics. We pass policies to satisfy a “social contract” that is inherently racist. The omission of any mention of this system is not accidental but a coordinated condition of the system.

**Mills 97** [Dr. Charles W. Mills is the Distinguished Professor of Philosophy @ the City University of New York. He has previously taught as the John Evans Professor of Moral and Intellectual Philosophy at Northwestern University (2007-August 2016), Professor of Philosophy at the University of Oklahoma (1987-1990), and Professor of Philosophy at the University of Illinois at Chicago (1990-2007). His first book, The Racial Contract (1997), won a Gustavus Myers Outstanding Book Award for the study of bigotry and human rights in America. It has been adopted widely in hundreds of courses across the United States, not just in philosophy, but also in political science, sociology, anthropology, literature, African-American, American Studies, and other subjects. *The Racial Contract*, Cornell University Press, 1997, pp. 1-3]

White Supremacy is the unnamed political system that has made the modern world what it is today. You will not find this term in introductory, or even advanced, texts **in** political theory**.** A **standard undergraduate** philosophy course will start off with Plato and Aristotle, perhaps say something about Augustine, Aquinas, and Machiavelli, move on to Hobbes, Locke, Mill and Marx, and then wind up with Rawls and Nozick. It will introduce you to notions of aristocracy, democracy, absolutism, liberalism, representative government, socialism, welfare capitalism, and libertarianism. But though it covers more than two thousand years of Western political thought and runs the ostensible gamut of political systems, there will be no mention of the basic political system that has shaped the world for the past several hundred years. And this omission is not accidental. Rather, it reflects the fact that standard textbooks and courses have for the most part been written and designed by whites who take their racial privilege so much for granted that they do not even see it as political, as a form of domination. Ironically, the most important political system of recent global history- the system of domination by which white people have historically ruled over and, in certain important ways, continue to rule over nonwhite people-is not seen as a political system at all. It is just taken for granted, it is the background against which other systems, which we are to see as political are highlighted**.** This book is an attempt to redirect your vision, to make you see what, in a sense, has been there all along. Philosophy has remained remarkably untouched by the debates over multiculturalism, cannon reform, and ethnic diversity racking the academy; both demographically and conceptually, it is one of the “whitest” of the humanities**.** Blacks, for example, constitute only about 1 percent of philosophers in North American universities-a hundred or so people out of more than ten thousand-and there are even fewer Latino, Asian American, and Native American philosophers. Surely this underrepresentation itself stands in need of an explanation, and in my opinion it can be traced in part to a conceptual array and a standard repertoire of concerns whose abstractness typically elides, rather than genuinely includes, the experience of racial minorities. Since (white) women have the demographic advantage of numbers, there are of course far more female philosophers in the profession than nonwhite philosophers (though still not proportionate to women’s percentage of the population), and they have made far greater progress in developing alternative conceptualizations. Those African American philosophers who do work in moral and political theory tend either to produce general work indistinguishable from that of their white peers or to focus on local issues (**affirmative action, the black “underclass”)** or historical figures (W.E.B Du Bois, Alain Locke) in a way that does not aggressively engage the broader debate. What is needed is a global theoretical framework for situating discussions of race and white racism, and thereby challenging the assumptions of white political philosophy, which would correspond to feminist theorists’ articulation of the centrality of gender, patriarchy, and sexism to traditional moral and political theory. What is needed, in other words, is a recognition that racism (**or, as I will argue,** global white supremacy) is itself a political system, a particular power structure of formal or informal rule, socioeconomic privilege, and norms for the differential distribution of material wealth and opportunities, benefits and burdens , rights and duties. The notion of the Racial Contract is, I suggest, one possible way of making this connection with mainstream theory, since it uses the vocabulary and apparatus already developed for contractarianism to map this unacknowledged system. Contract talk is, after all, the political lingua franca of our times.

#### Our failure to ask certain questions allows the “Racial Contract” to write itself out of formal existence. To accept the premise of debate leaves no topical way to address the RACIAL CONTRACT. Millions starving and in poverty become unfortunate events and detached from the HISTORY of racial exploitation.

**Mills 97** [Dr. Charles W. Mills is the Distinguished Professor of Philosophy @ the City University of New York. He has previously taught as the John Evans Professor of Moral and Intellectual Philosophy at Northwestern University (2007-August 2016), Professor of Philosophy at the University of Oklahoma (1987-1990), and Professor of Philosophy at the University of Illinois at Chicago (1990-2007). His first book, The Racial Contract (1997), won a Gustavus Myers Outstanding Book Award for the study of bigotry and human rights in America. It has been adopted widely in hundreds of courses across the United States, not just in philosophy, but also in political science, sociology, anthropology, literature, African-American, American Studies, and other subjects. *The Racial Contract*, Cornell University Press, 1997, pp. 72-78]

**The Racial Contract**, therefore, **underwrites the social contract,** is **a visible or hidden operator that restricts and modifies the scope of its prescriptions.** But since there is both synchronic and diachronic variation, **there are many different versions or local instantiations of the Racial Contract, and they evolve over time, so that the effective force of the social contract itself changes, and the kind of cognitive dissonance between the two alters.** (This change has implications for the moral psychology of the white signatories and their characteristic patterns of insight and blindness.) **The social contract is** (in its historical version) **a specific discrete event that founds society**, even if (through, e.g., Lockean theories of tacit consent) subsequent generations continue to ratify it on an ongoing basis. **By contrast** the Racial Contract is *continually being rewritten* to create different forms of the racial polity. **A global periodization, a timeline overview of the evolution of the Racial Contract, would highlight first of all the crucial division between the time before and the time after the institutionalization of global white supremacy.** (Thus Janet AbuLughod’s book about the thirteenth-century/fourteenth century medieval world system is titled *Before European Hegemony*.) **The time after would then be further subdivided into the period of formal, juridical white supremacy** (the epoch of European conquest, African slavery, and European colonialism, overt white racial self-identification, and the largely undisputed hegemony of racist theories) **and the present period of de facto white supremacy, when whites’ dominance is, for the most part, no longer constitutionally and juridically enshrined but rather a matter of social, political, cultural, and economic privilege based on the legacy of the conquest. In the first period,** the period of de jure white supremacy, **the Racial Contract was explicit**, the characteristic instantiations-the expropriation contract, the slave contract, the colonial contract-making it clear that whites were the privileged race and the egalitarian social contract applied only to them. (Cognitively, then, this period had the great virtue of social transparency: **white supremacy was *openly* proclaimed.** One didn’t have to look for a *sub*text, because it was there in the text itself.) In the second period, on the other hand, the Racial Contract has written itself out of formal existence. The scope of the terms in the social contract has been formally extended to apply to everyone, so that “persons” is no longer coextensive with “whites.” What characterizes *this* period (which is, of course, the present) is tension between continuing de facto white privilege and this *formal* extension of rights. **The Racial Contract continues to manifest itself, of course, in unofficial local agreements of various kinds** (restrictive covenants, employment discrimination contracts, political decisions about resource allocation, etc.). **But** even apart from these, a crucial manifestation is simply the failure to ask certain questions, taking for granted as a status quo and baseline the existing color-coded configurations of wealth, poverty, property, and opportunities, the pretence that formal, juridical equality is sufficient to remedy inequities created on a foundation of several hundred years of racial privilege, and that challenging that foundation is a transgression of the terms of the social contract. (Though actually-in a sense-it *is*, insofar as the Racial Contract is the real meaning of the social contract.) ***Globally*, the Racial Contract effects a final paradoxical norming and racing of space, a *writing* *out* of polity of certain spaces as conceptually and historically irrelevant to European and Euro-world development, so that these raced spaces are categorized as disjoined from the path of civilization** (i.e., the European project). Fredric Jameson writes: “Colonialism means that a significant structural segment of the economic system as a whole is now located elsewhere, beyond the metropolis, outside of the daily life and existential experience of the home country…. **Such spatial disjunction has as its immediate consequence the inability to grasp the way the system functions as a whole.”** By the social contract’s decision to remain in the space of the European nation-state, the connection between the development of this space’s industry, culture, civilization, and **the material and cultural contributions of Afro-Asia** and the Americas **is denied**, so it seems as if this space and its denizens are peculiarly rational and industrious, differentially endowed with qualities that have enabled them to dominate the world. One then speaks of the “European miracle” in a way that conceives this once marginal region as sui generis, conceptually severing it from the web of spatial connections that made its development possible. *This* space actually comes to have the character it does because of the pumping exploitative causality established between it and those *other* conceptually invisible spaces. But by remaining within the boundaries of the European space of the abstract contract, it is valorized as unique, inimitable, autonomous. **Other parts of the world** then **disappear from the white contractarian history, subsumed under the general category of risible non-European space, the “Third World,” where for reasons of local folly and geographical blight the inspiring model of the self-sufficient white social contract cannot be followed. *Nationally*, within these racial polities, the Racial Contract manifests itself in white resistance to anything more than the *formal* extension of the terms of the abstract social contract** (and often to that also). **Whereas before it was denied that nonwhites *were* equal persons, it is now pretended that nonwhites *are* equal abstract persons who can be fully included in the polity merely by extending the scope of the moral operator, without any fundamental change in the arrangements that have resulted from the previous system of explicit de jure racial privilege.** Sometimes the new forms taken by the Racial Contract are transparently exploitative, for example, the “jim crow” contract, whose claim of “separate but equal” was patently ludicrous. But others-the job discrimination contract, the restrictive covenant-are harder to prove. Employment agencies use subterfuges of various kinds: “In 1990, for example, two former employees of one of New York City’s largest employment agencies divulged that discrimination was routinely practiced against black applicants, though concealed behind a number of code words. Clients who did not want to hire blacks would indicate their preference for applicants who were ‘All American.’ For its part the agency would signal that an applicant was black by reversing the initials of the placement counselor.” Similarly, a study of how “American apartheid” is maintained points out that whereas in the past realtors would have simply refused to sell to blacks, now blacks “are met by a realtor with a smiling face who, through a series of ruses, lies, and deceptions, makes it hard for them to learn about, inspect, rent, or purchase homes in white neighborhoods….Because the discrimination is latent, however, it is usually unobservable, even to the person experiencing it. One never knows for sure.” **Nonwhites** then **find that race is, paradoxically, both everywhere and nowhere, structuring their lives but not formally recognized in political/moral theory. But in a racially structured polity, the only people who can find it psychologically possible to deny the centrality of race are those who are racially privileged, for whom race is invisible precisely because the world is structured around them, whiteness as the ground against which the figures of other races**-those who, unlike us, are raced-**appear.** The fish does not see the water, and whites do not see the racial nature of white polity because it is natural to them, the element in which they move. As Toni Morrison points out, there are contexts in which claiming racelessness is itself a racial act. Contemporary debates between nonwhites and whites about the centrality or peripherality of race can thus be seen as attempts respectively to point out, and deny, the existence of the Racial Contract that underpins the social contract. The frustrating problem nonwhites have always had, and continue to have, with mainstream political theory is not with abstraction *itself* (after all, the “Racial Contract” is itself an abstraction) but with an *idealizing* abstraction that abstracts away from the crucial realities of the racial polity. **The shift to the hypothetical, ideal contract encourages and facilitates this abstraction**, since the eminently *non*ideal features of the real world are not part of the apparatus. **There is then, in a sense, no conceptual point-of-entry to start talking about the fundamental way in which** (as all nonwhites know) **race structures one’s life and affects one’s life chances.** The black law professor Patricia Williams complains about **an ostensible neutrality that is really “racism in drag,” a system of “racism as status quo” which is “deep, angry, eradicated from view” but continues to make people “avoid the phantom as they did the substance,” “defer[ring] to the unseen shape of things.”** The black philosophy professor Bill Lawson comments on the deficiencies of the conceptual apparatus of traditional liberalism, which has no room for the peculiar post-Emancipation status of blacks, simultaneously citizens and noncitizens. The black philosopher of law Anita Allen remarks on the irony of standard American philosophy of law texts, which describe a universe in which “all humans are paradigm rightsholders” and see no need to point out that the actual U.S. record is somewhat different. The retreat of mainstream normative moral and political theory into an “ideal” theory that ignores race merely rescripts the Racial Contract **as the invisible writing between the lines.** So John Rawls, an American working in the late twentieth century, writes a book on justice widely credited with reviving postwar political philosophy in which not a single reference to American slavery and its legacy can be found, and Robert Nozick creates a theory of justice in holdings predicated on legitimate acquisition and transfer without more than two or three sentences acknowledging the utter divergence of U.S. history from this ideal. **The silence of mainstream moral and political philosophy on issues of race is a sign of the continuing power of the Contract over its signatories, an illusory color blindness that actually entrenches white privilege. A genuine transcendence of its terms would require, as a preliminary, the acknowledgement of past and present existence and the social, political economic, psychological, and moral implications it has had both for its contractors and its victims.** By treating the present as a somehow neutral baseline, with its given configuration of wealth, property, social standing, and psychological willingness to sacrifice, the idealized social contract renders permanent the legacy of the Racial Contract. The ever-deepening abyss between the First World and the Third World, where millions-largely nonwhite-die of starvation each year and many more hundreds of millions-also largely nonwhite-live in wretched poverty, is seen as unfortunate(calling, certainly, for the occasional charitable contribution) but unrelated to the history of transcontinental and intracontinental racial exploitation. Finally, the Racial Contract evolves not merely by altering the relations between whites and nonwhites but by shifting the criteria for who *counts* as white and nonwhite. (So it is not merely that relations between the respective populations change but that the population boundaries themselves change also.) Thus-at least in my preferred account of the Racial Contract (again, other accounts are possible)-race is *debiologized,* making explicit its political foundation. *In a sense, the Racial Contract constructs its signatories as much as they construct it*. The overall trend is toward a limited expansion of the privileged human population through the “whitening: of the previously excluded group in question, though there may be local reversals.

#### Throughout history black bodies have been targeted for exclusionary pedagogical practices. From slavery to the Jim Crow era education for blacks has always been an impossibility

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The Laws of Ignorance Although the African Black populations were typically illiterate, this does not mean they were unintelligent. Rather, they had been educated in skills, crafts, and traditions which were often lost during centuries of slavery. This was not a haphazard occurrence but a deliberately sought goal, for the Black who had lost his roots in Africa could be more easily molded into the docile and conforming worker here, Ignorance was the major control instrument of slavery. every master realized that he had to know almost everything, and the slaves had to know almost nothing. An educated Black might realize how horribly he was treated and revolt. Slavery was always more successful on the large rice or cotton plantations where the Blacks could be isolated from outside influence. City s;aves had more contacts with free Blacks, and at the beginning of the Civil War there were more free Blacks in the South than in the North. The simple goals and tribal organizations of the African Blacks could not withstand the worldwide demand for slaves. West Africa alone lost 6.2 million persons in the Eighteenth Century. Children were preferred by many ship's masters as they were more tractable and required less food and space. Having had little time to learn the tribal crafts and traditions, they soon lost these values completely. Far more young men than women were transported, and they were just the ones most likely to disdain any family beliefs and practices. In the American (North, Latin, or South) colonies, the slave lost his identity as a valued member of a local community. Often captives or different tribes, languages, homelands, and religions, would be grouped and sold together to lessen the likelihood of cooperation and resistance. Valued for his muscles rather than his brains, he might be taught a few skills, but no more than necessary. South Carolina adopted the first compulsory ignorance law in America in 1740: And whereas the having of slaves taught to write, or suffering them to be employed in writing, may be attended with great inconveniences: Be it enacted, that all and every person or persons whatsoever, who shall hereafter teach, or shall use or employ any slave as a scribe in any manner of writing whatsolver, hereafter taught to write, every such persons or persons shall, for each offense, forfeit the sum of one hundred pounds current money. Eventually each state had similar laws, nevertheless, some Blacks did achieve an education. That great Black orator and writer, Frederick Douglas, was taught to read and write by his Southern mistress. Some large Southern cities has "secret schools," and instances are known in which slaves and free Blacks attended school together, a highly dangerous practice. The Deep South enforced the most severe restrictions upon Black learning. No records have been found that anyone in Alabama or Mississippi ever violated the laws by teaching Blacks to read. Douglas simply claimed that no slave was ever able to offer a bribe large enough to make the risk worthwhile. At some times and in some localities, free Blacks were almost as restricted as slaves. In both the North and the South, public schools, secret and other private schools, informal apprenticeships to other Blacks, and special treaty requirements provided the rudiments of an education to a few motivated free Blacks. The first compulsory education laws were not passed until 1865, with the last coming in 1918. It is certain that many whites as well as Blacks were illiterate until fairly recent times. A few stories are known like that of Myrtilla Miner, a young New Yorker, who went to Mississippi to teach the daughters of planters in Wilkinson county. After she proposed to teach slaves in her free time, she was directed to go home if she wished to teach "riggers." Later she did return north and in 1851 founded the District of Columbia Normal School for Colored Girls. When her neighbors protested, she quieted them by purchasing a large dog and training herself to be an expert with a gun. The potential for literacy training was ignored by Sabbath schools at first. reading was considered to be purely a religious activity. Turner's Rebellion in 1831 threw such a scare into the population that the District excluded Blacks from Sabbath schools after that. Some "blab" schooling was carried on the "brush" churches, but this was neither effective or extensive. The early colonists simply instituted the type of apprenticeship training they had known in Europe. During the Eighteenth Century Virginia required that apprentices should be taught the three it's. Other states had similar laws. For a time, this made apprenticeship the favored route to an education for free Blacks, but in 1804 the legislature outlawed such practices. In a few states, such as Delaware, the master was required to pay the Black apprentice a stipend in lieu of schooling at the end of his period. the white apprentice was to be provided with "...reasonable education in reading and writing, to wit ----- years and ----- months schooling during his apprenticeship." Some craftsmen, such as barbers, might be expected to talk on issues of the day, but whites agreed that literate free printers and those who could influence others had to be closely watched. At the onset of the Civil War, there were approximately 250,000 free Blacks in Dixie and perhaps 250,000 in the North. In the North they tended to live in organized communities, not in rural areas. Their physical mobility and the communication facilities encouraged the growth of community feeling. The Black or abolitionist newspapers (which could not be circulated by the postal service in the South) promoted this spirit. While Philadelphia had the largest Black population, it was inhospitable to Negroes. They were excluded from the public schools and forced to set up schools and other institutions of their own. William Lloyd Garrison identified more than fifty such associations established for their moral and intellectual development. By 1790, Connecticut accounted for more than two-thirds of the slaves in New England. The states with the lowest numbers of Blacks tended to be the most sympathetic towards them. The ambivalent feelings of Northern whites toward free Blacks and slaves may be gauged by the inconsistent education laws. After the Revolutionary War, some Blacks built their own schools, aided by a few abolitionists. It is said that in Ohio the whites burned Black schools as fast as they could be built. During the 1820's and the 1830's, increasing numbers of Blacks attended public schools. In 1819 Ohio excluded Negro children from the public schools, yet in Cleveland, such children were admitted contrary to an explicit prohibition in the 1835 city charter. In 1937 an Ohio School Fund was created to provide $84,000 for forty schools. Soon, the legislature was petitioned for public support. Within eleven years, the law provided that twenty Negro children constituted a school district with its own school director and paid for by taxes on Black residents. If there were fewer than twenty children, they could attend the white school provided no parent or district citizen protested. Obviously, a few Black children were ever admitted. While the law was soon amended to omit any reference to numbers, this had little meaning as Negroes were disenfranchised in 1838 and therefore not entitled to the same rights as other citizens, including schooling. Yet a few Negro schools still operated. (The writer remembers that in 1955 he personally visited segregated public schools in southern Illinois. Similar schools existed in other near-South states.) The few Black children who did attend schools in the North suffered prejudice, harassment, and poor treatment from their teachers. Negro parents objected strongly to segregated schools. Inadequate as the non-segregated schools were likely to be, they were still better than the all-Black institutions. Often local antislavery societies and the miniscule educated and propertied Black caste would team up to pressure the power structure. Long ago Congress had demonstrated its concern for education through the Northwest (territories north of the Ohio River) Ordinance which reserved one township out of every 36 for the perpetual support of schools. Prior to the Civil War, five new Southern states received a total of 4.5 million acres of land for their common schools, but actually only a token amount of the income was used for white public schools, none at all for Blacks. The situation was not much better in the North. In 1850, for example, the Indiana Supreme Court declared that the land grants were not for the support of the Black schools. Free Blacks, then, were paying school taxes to support the education of white children. The few laws providing for the education of Black children were usually ignored. In 1829, Ohio ordered that Black schools must be funded only by school taxes paid for by Blacks. Even the low amounts thus collected were diverted to white schools. The courts simply supported the prevailing custom. It occasionally happened that the will of a slave owner directed that a certain Black should be educated. Such provisions were found to be too vague and indefinite to be enforced. Up to recent times, Blacks were sent to distant schools or excluded entirely if this enabled white children to enroll at closer ones. Many a Black grandparent today remembers walking to school and being passed by a school bus carrying white children. The greatest impetus to Black education came during and immediately after the Civil War. So many Blacks left the plantations to follow the Union armies that their generals were often overwhelmed. Schools were set up for Blacks of all ages, taught by chaplains and volunteer enlisted men. Thousands of slaves and free Blacks received the elements of an education. In 1862 forty women and twelve men began instructing the South Carolina Sea Island Blacks. Soon, at least twenty church denominations and thirty secular organizations were providing millions of dollars and innumerable teachers for the South. The teachers were often caricatures of schoolmarms. yet they were all that were able and passed for educated and cultured persons. They offered education to white children as well as to Blacks, but few whites accepted. The result was that in some communities more Black children than white were being educated. The Freedmen's Bureau supported education during its short life. Often it built schools which were used as churches on Sundays. To this day in many small communities, the Black pastor is also a teacher or principal in the local school. Sometimes the denominations quarreled over doctrinal differences. Many wished to use the schools only as missionary outposts. It is not generally known that by 1867 one-third of the 2087 teachers in the Freedmen's schools were themselves Blacks, and about 400 Southern whites were also employed. the proportion of men is variously estimated from one-tenth to one-third. Salaries were in the neighborhood of $20 to $50 per month, but several; teachers refused to accept any salary at all. Now the long journey to equal access to schooling for Blacks began. As all the new Southern state constitutions after the Civil War provided for universal education, the past seemed smooth enough. Within a generation, however, Jim Crow mandates began to nibble away at the more enlightened laws, until by 1922 eighty-five percent of all Black school children were concentrated in the first four grades. Improvements came slowly after that, but not until the Supreme Court declared in 1954 that segregated schools were inherently unequal, could Blacks begin to hope to equal access to educational programs throughout all the states.

#### In the midst of continual rejection, schooling has and continues to be a site of Black suffering where Black people were once killed and punished to be educated, forcing kids to be desegregated causes more suffering. The moment is now where we reject the future and create a new one.

Dumas 17 (Michael J. Dumas is assistant professor in the Graduate School of Education and African American Studies Department at the University of California, Berkeley, “Things Are Gonna Get Easier: Refusing Schooling as a Site of Black Suffering”, <http://www.huffingtonpost.com/michael-j-dumas/schooling-a-site-black-suffering_b_9205914.html>)

When the Detroit teachers’ union and several parents’ groups recently filed a lawsuit against the Detroit Public Schools, their complaint highlighted dangerous and unhealthy learning conditions for children: infestations of rats and roaches, freezing classrooms, exposed electrical wiring, and falling debris. “That floor’s been like that for at least four years,” parent Christopher Robinson complained, referring to the growing mold in one school. “Our children deserve better,” said Shoniqua Kemp, parent of two children in Detroit schools, and one of the plaintiffs in the lawsuit. “They’re going to get better, one way or another.” Nearly 83% of Detroit residents are Black, and a slightly higher percentage of children in Detroit schools are Black. Although the problems in Detroit schools are also related to a host of issues that might be seen as having nothing to do with race—state disinvestment in public education, the bungled and ill-advised state takeover of the district, the effects of a number of economic factors—it is important to name that these horrors are being experienced disproportionately by Black children. And we must understand that, largely, the broader public is just fine with that. In fact, our nation has been just fine with not providing educational opportunities for Black people since the very beginning. During the years of chattel slavery, it was illegal in many places to teach a Black person to read or write, and countless Black people were killed, or had their fingers chopped off as punishment for learning anyway. When Black people began to build schools, white people often burned them to the ground. And for the past 100 years, federal and state legislators, local officials, and predominantly white citizens’ groups have used various strategies to ensure that Black children are deprived of equitable education funding, and do not gain access to the more highly resourced public schools their children attend. Beyond the systemic, intentional, and conniving efforts to deprive Black people of education, Black children, parents, and teachers have long been subject to anti-Black violence and harassment in schools. Of course, we can all recall the images from the 1950s-1970s of terrorizing white hordes in both Southern and Northern cities threatening, cursing, and spitting on Black children as they attempted to enter segregated white schools. But this kind of anti-Black sentiment takes more subtle forms now: research demonstrates that Black students are more likely to be punished than other students for the same infractions, and punished more harshly; Black students are less likely to be considered for gifted and talented programs; curricula used to teach Black children are unlikely to adequately or appropriately reflect Black history and cultural contributions. Even so, the overt forms of anti-Black violence in schools are with us still. Just last fall, a white sheriff’s deputy in a South Carolina high school threw a Black girl from her desk onto the floor and dragged her across the room in front of her classmates, after she refused to put her cell phone away. Taken together—the inequitable distribution of educational resources and the continued mistreatment of Black children in schools—serve as painful evidence that schooling is a site of Black suffering. It is not that schooling is only a site of Black suffering. However, I argue that it is the suffering of Black children—much like the rodents and decay in Detroit schools—that we are least likely to acknowledge, and worse, the most likely to defend, either as what Black children deserve, or more kindly, as an unfortunate, innocent consequence of racial and class inequality in the US. Black suffering in schools is one manifestation of the anti-Blackness of our society, in which Black people are viewed with disgust and disdain, as non-humans worthy of violence and death. In schools, this anti-Blackness reveals itself first, in the deep-seated, but most often unconscious belief that Black children are uneducable—that is, either biologically or culturally unable to be educated. This might seem an outrageous claim, but it makes more sense when you consider that research reveals that, in an anti-Black world, Black children are more likely to be associated with primates—monkeys—than are other groups of children, and thus Black children are viewed as more violent, more uncontrollable, and least able to grasp complex ideas. Uneducable. A problem. A waste of time and unworthy of resources. Only as Black children and young people, and Black families and communities begin to talk amongst themselves about their collective suffering in schools, and come to understand it as connected to a long tradition of anti-Black violence, do they come to realize, as Shoniqua Kemp in Detroit, that something has to change, “one way or another.” Lawsuits are one way, but history suggests we are going to need more than that. Students are also leading walkouts to protest various forms of Black suffering in schools. And before too long, we may all need to lay our bodies in front of school buildings, at school board meetings, and in fancy ballrooms at professional meetings of education researchers and policy makers. Just as Black Lives Matter protestors have closed bridges, and disrupted holiday shopping, we may need to “shut shit down” for Black children in schools. In their 1970 song, “O-o-h Child,” the Five Stairsteps sing of a time when “things are gonna get easier,” when we “get it together and we get it all done.” This future, they insist repeatedly, at the end of the song, is “right now.” Thus, Black futurity, our imagination of a time when “the world is much brighter” is about what we do right now, in the midst of persistent Black suffering, to insist on our humanity, and to demand that others understand that we will do whatever it takes to be treated as human beings. In his own take on “O-o-h Child,” Tupac Shakur reminds Black people: “We ain’t meant to survive/cause it’s a setup/And even though you’re fed up/Huh, ya got to keep your head up.” Indeed, Black suffering in schools is a setup, and we are not, and were never meant to survive. However, it is in our movement for Black lives that we refuse this future and create another. Right now.

#### We affirm our plan through Performative Revolutionary Fiat

#### Reparations are a radical transformation of society. Lack of federal involvement has lead to centuries of failed policies such as segregation that perpetuate white domination. Only the act of dreaming and being involved in the fight for reparations can we attempt to eliminate violence’s such as rampant poverty from black communities

Robin D. G. Kelley, Published in 2002, Robin is a frequent contributor to The New York Times, is a professor of history and Africana studies at New York University. “Freedom Dreams”, pg 129-134

If we think of reparations as part of a broad strategy to radically transform society—redistributing wealth, creating a democratic and caring public culture, exposing the ways capitalism and slavery produced massive inequality—then the ongoing struggle for reparations holds enormous promise for revitalizing movements for social justice. Consider the context: For at least the last quarter century we have witnessed a general backlash against the black community. As I argued in Yo’ Mama’s Disfunktional! (1997), Republican and Democratic administrations dismantled most state protections for poor people of color, expanded the urban police state, virtually eliminated affirmative action and welfare as we knew it, and significantly weakened institutions and laws created to protect civil rights. All these cutbacks were justified by a discourse that blamed black behavior for contemporary urban poverty and turned what were once called “rights” (i.e., welfare) into “privileges.” The argument for reparations not only recasts these measures as rights but as payback. It shows how more than two centuries of U.S. policy facilitated accumulation among white property owners while further impoverishing African Americans. Thus federal assistance to black people in any form is not a gift but a down payment for centuries of unpaid labor, violence, and exploitation. We need not go all the way back to slavery to make the case. We can point to more than a century of discrimination to explain the myriad ways U.S. policies have enriched upper- and middle-class whites at the expense of black people and other people of color (and we’ve already looked at housing policies). Let us take just one example: education. During Reconstruction, African Americans led the fight for free universal public education in the United States, not just for themselves but for everyone. After being barred from reading and writing while in bondage, newly freed people regarded education as one of the most basic rights and privileges of citizenship. Education was so important, in fact, that they were willing to pay for public schools or start their own. In South Carolina, for example, freed people contributed nearly thirteen thousand dollars to keep twenty-three schools running, schools that had been established by the Freedmen’s Bureau. Indeed, between 1866 and 1870, newly freed people contributed more than three-quarters of a million dollars in cash to sustain their own schools. Once African Americans won the franchise, they made it possible for universal compulsory education to be written into state constitutions throughout the South. They also elected black legislators who succeeded in establishing boards of education and requiring compulsory education with “no distinction to be made in favor of any class of persons.” In South Carolina in 1868, black and progressive white legislators made sure textbooks were provided free of charge, and within two years close to sixteen thousand black children and eleven thousand white children attended public schools. As soon as the federal government withdrew its support for Reconstruction and the Southern planter class and New South industrialists imposed formal segregation, black students were relegated to inferior schools and denied full attendance. Rural schools for blacks, for example, often operated only a few weeks out of the year. And yet black wage earners continued to pay taxes to support public education. In the Jim Crow South it was not unusual for African Americans to contribute 40 percent of the school budget but attend schools that received 10 percent of the expenditures. One study conducted by researchers at Atlanta University in 1901 concluded that black taxpayers were actually subsidizing white schools. More recently, two years after the Supreme Court ordered desegregation of schools in 1954, the state of Virginia introduced publicly funded school vouchers to help white families send their children to private schools rather than endure integration. The vouchers were eventually deemed unconstitutional, but during that short period of time African American taxes were being used to help pay for white children’s private-school tuition. In light of how our separate and unequal education has benefited whites and cost African Americans, claims that affirmative action is “reverse discrimination” or a “special privilege” ring hollow at best. The reparations movement exposes the history of white privilege and helps us all understand how wealth and poverty are made under capitalism—particularly a capitalism shaped immeasurably by slavery and racism. It stresses the fact that labor— not CEOs, not scientists and technicians, not the magic of the socalled free market—creates wealth. The reparations movement provides an analysis of our situation that challenges victim-blaming explanations, explaining that exploitation and regressive policies create poverty, not bad behavior. It ought to compel us to pay attention to the centrality of racism in the U.S. political economy, because one of the consequences of racial differentials in income and economic opportunity is downward pressure on wages for all working people, irrespective of color. It should also make us look at gender, because men and women did not experience exploitation in the same manner. We need to consider things like women’s unpaid labor (see chapter 5), reproduction, sexual abuse, and ways to make restitution for these distinctive forms of exploitation. At the very least, the reparations movement ought to clarify issues like what constitutes a “family” if payments are to be made to such units, or how we might imagine remaking relationships between men and women, boys and girls, adults and children. If radical transformation of society is one of the goals of the reparations movement, then these questions cannot be ignored. Unfortunately, most arguments in support of reparations scarcely mention gender. In the end, a successful reparations campaign has the potential to benefit the entire nation, not just the black community. Since most plans emphasize investments in institutions rather than individual payments, the result would bring a massive infusion of capital for infrastructure, housing, schools, and related institutions in communities with large black populations. Monies would also be made available to support civic organizations and help establish a strong civil society among people of African descent, which in turn would strengthen civil society as a whole. Presumably, social ills such as crime, drug use, and violence would be reduced considerably and thus alter the world’s image of black people. Furthermore, the historically black ghetto communities to which substantial investments would be made also house other poor people of color: Latinos, Afro-Caribbeans, Native Americans, Asian Americans (namely Filipinos, Samoans, South Asians, Koreans, etc.). They, too, would benefit from improved schools, homes, public life, and a politically strengthened black community. Given the relationship of slavery and racism to the global economy, this outcome makes perfect sense. Many of these poor immigrant groups are themselves products of centuries of imperialism—slavery’s handmaiden, if you will—or descendants of slaves, as in the case of many Caribbean and Latin American immigrants. Finally, it should be stressed that reparations for one group will not harm working-class whites. As Robert Westley argued in a recent Boston College Law Review article on reparations: Racist exploitation has contributed to the persistence of poverty among Blacks and the unjust privilege of whites. Redressing these harms through Black reparations would help to alleviate part of the problem of persistent poverty. To the extent that poverty remains a problem among nonBlacks and Blacks alike, it is both just and consistent with the equality principle to demand adequate social welfare, equal educational opportunity and access to jobs. Other national goals, like space exploration or defense, may need to be downsized in order to fulfill the moral obligation of social justice. Of course, we do not yet live in a society where social justice takes precedence over national defense. This is why the reparations campaign, despite its potential contribution to eliminating racism and remaking the world, can never be an end in itself. Movement leaders have known this all along. The hard work of changing our values and reorganizing social life requires political engagement, community involvement, education, debate and discussion, and dreaming. Money and resources are always important, but a new vision and new values cannot be bought. And without at least a rudimentary critique of the capitalist culture that consumes us, even reparations can have disastrous consequences. Imagine if reparations were treated as start-up capital for black entrepreneurs who merely want to mirror the dominant society. What would really change? Again, we have to return to Detroit, this time to veteran radical Grace Lee Boggs. For decades she has been making this very point, insisting that we stop begging for inclusion in a corrupt system, take responsibility for transforming our culture, and remake ourselves as human beings. I hope that all of us who believe freedom is worth pursuing will heed her words and recognize the power we already possess: What we need to do . . . is encourage groups of all kinds and all ages to participate in creating a vision of the future that will enlarge the humanity of all of us and then, in devising concrete programs on which they can work together, if only in a small way, to move toward their vision. In this unique interim time between historical epochs, this is how we can elicit the hope that is essential to the building of a movement and unleash the energies that in the absence of hope are turned against other people or even against oneself. . . . When people come together voluntarily to create their own vision, they begin wishing it to come into being with such passion that they begin creating an active path leading to it from the present. The spirit and the way to make the spirit live coalesce. Instead of seeing ourselves only as victims, we begin to see ourselves as part of a continuing struggle of human beings, not only to survive but to evolve into more human human beings.

\*NOTE\* if they ask about def of family. The family is defined by black bodies outside of the western conception. The point of the reparations movement is to question this, and we since this movement hasn’t occurred yet we cannot give you a complete answer.

\*Note\* Concedes that it would tradeoff with national secutiry and that o/w. It also says that youhave to have a K of capitalism or else reparations will fail

#### Educational reparations allow for adequate funding to improve black lives—works to undo centuries of discrimination

Melanye Price, December 14, 2016, Melanye is an assistant professor of Africana studies and political science at Rutgers University., “Reparations Can and Should Be Done in a Powerful Way”, The New York Times, https://www.nytimes.com/roomfordebate/2014/06/08/are-reparations-due-to-african-americans/reparations-can-and-should-be-done-in-a-powerful-way?register=google

People are often opposed to reparations because they imagine a scenario like the one depicted on Dave Chappelle’s show. They see blacks getting checks akin to welfare and spending it frivolously. Though the point of reparations is solely about recompense, Americans tend to focus on the choices victims make, not the injury. Continuing residential and educational segregation along with discriminatory economic policy means that we can still identify neighborhoods, schools, and other community institutions that, with the provision of resources, can improve many African-Americans lives. Reparative policies can be implemented quickly and to great effect. Education and health are particularly important because of the depth of the problems and the fact that preventive intervention can essentially eradicate these disparities. According to the federal Centers for Disease Control and Prevention, African Americans have the highest death rates from heart disease and the highest HIV infection rates. The average black high school graduate is four years behind their white counterpart. Many schools in African-American communities fail to meet basic academic standards because their schools lack the technology and physical facilities necessary to prepare students for success. Equalizing funding in these schools and bringing urban education infrastructure into the new millennium would be an immediate boon to the lives of black children and families and ultimately the nation. Historically black colleges and universities were developed as a direct result of racial discrimination. Today, those same colleges continue to be the top producers of African-American graduates with degrees in science and technology fields and of public school teachers. These schools do this work with a fraction of the funding of other publicly funded colleges; remedying these disparities, like K-12 schools, would immediately improve black prospects and work to undo centuries of discrimination. Implementing health initiatives in black communities would diminish well-documented health inequities. Problems like hypertension, heart disease asthma and obesity, which adversely impacts blacks at higher rates, could be effectively treated and prevented with greater health care access. My research on black attitudes on diversity suggests that blacks are firmly committed to personal responsibility, but they are also keenly aware of how institutionalized racism constricts their life choices. These are steps towards reparative justice for past laws, policies and customs that created current disparities. There is no doubt it can be done. All that’s missing is the will to do it.

#### Reparations are more than a “handout”—it is the start to the reimagination of a new country that leads to a spiritual renewal of past injustices

TA-NEHISI COATES, June 2014, Ta-Nehisi Coates is a national correspondent for The Atlantic, where he writes about culture, politics, and social issues., “The Case for Reparations”, The Atlantic, <https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631/>

And so we must imagine a new country. Reparations—by which I mean the full acceptance of our collective biography and its consequences—is the price we must pay to see ourselves squarely. The recovering alcoholic may well have to live with his illness for the rest of his life. But at least he is not living a drunken lie. Reparations beckons us to reject the intoxication of hubris and see America as it is—the work of fallible humans. Won’t reparations divide us? Not any more than we are already divided. The wealth gap merely puts a number on something we feel but cannot say—that American prosperity was ill-gotten and selective in its distribution. What is needed is an airing of family secrets, a settling with old ghosts. What is needed is a healing of the American psyche and the banishment of white guilt. What I’m talking about is more than recompense for past injustices—more than a handout, a payoff, hush money, or a reluctant bribe. What I’m talking about is a national reckoning that would lead to spiritual renewal. Reparations would mean the end of scarfing hot dogs on the Fourth of July while denying the facts of our heritage. Reparations would mean the end of yelling “patriotism” while waving a Confederate flag. Reparations would mean a revolution of the American consciousness, a reconciling of our self-image as the great democratizer with the facts of our history.

#### Questioning the wrong doings of America through the movement for reparations is more important than the specific answers that are produced

TA-NEHISI COATES, June 2014, Ta-Nehisi Coates is a national correspondent for The Atlantic, where he writes about culture, politics, and social issues., “The Case for Reparations”, The Atlantic, <https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631/>

Something more than moral pressure calls America to reparations. We cannot escape our history. All of our solutions to the great problems of health care, education, housing, and economic inequality are troubled by what must go unspoken. “The reason black people are so far behind now is not because of now,” Clyde Ross told me. “It’s because of then.” In the early 2000s, Charles Ogletree went to Tulsa, Oklahoma, to meet with the survivors of the 1921 race riot that had devastated “Black Wall Street.” The past was not the past to them. “It was amazing seeing these black women and men who were crippled, blind, in wheelchairs,” Ogletree told me. “I had no idea who they were and why they wanted to see me. They said, ‘We want you to represent us in this lawsuit.’ ” A commission authorized by the Oklahoma legislature produced a report affirming that the riot, the knowledge of which had been suppressed for years, had happened. But the lawsuit ultimately failed, in 2004. Similar suits pushed against corporations such as Aetna (which insured slaves) and Lehman Brothers (whose co-founding partner owned them) also have thus far failed. These results are dispiriting, but the crime with which reparations activists charge the country implicates more than just a few towns or corporations. The crime indicts the American people themselves, at every level, and in nearly every configuration. A crime that implicates the entire American people deserves its hearing in the legislative body that represents them. John Conyers’s HR 40 is the vehicle for that hearing. No one can know what would come out of such a debate. Perhaps no number can fully capture the multi-century plunder of black people in America. Perhaps the number is so large that it can’t be imagined, let alone calculated and dispensed. But I believe that wrestling publicly with these questions matters as much as—if not more than—the specific answers that might be produced. An America that asks what it owes its most vulnerable citizens is improved and humane. An America that looks away is ignoring not just the sins of the past but the sins of the present and the certain sins of the future. More important than any single check cut to any African American, the payment of reparations would represent America’s maturation out of the childhood myth of its innocence into a wisdom worthy of its founders.

#### You should prioritize incremental victories that begin in the imagination. Even if we don’t end all discrimination, hope is valuable as it can lead to successful progress

Solnit 16 (Rebecca, Master's degree in journalism from the University of California, Berkeley, Published March 15th 2016, “Hope in the Dark: Untold Histories, Wild Possibilities”, pg 137-142//nm)

This book was written for something—for the encouragement of activists who share some of my dreams and values. We are all activists in some way or another, because our actions (and inactions) have impact. And it was written against something—a defeatist, dismissive frame of mind that is far too widespread. We talk about politics as though they were a purely rational exercise in the world of deeds and powers, but how we view that world and act in it has its roots in identities and emotions. There is, in other words, an inner life to politics, and I wanted to get at it, to plant and to weed there. I went on the road from 2003 onward, talking about hope, change, civil society movements, and the power of stories. I met with joyous embrace of the ideas I was talking about from people who’d already arrived at their own versions of these ideas independently, and from people who wanted encouragement or alternative views. Often, I also encountered bitterness, defeatism, and sometimes rage. It was, at first, surprising that talking about hope made some people furious. Some had the sense that they were protectors of knowledge that might otherwise be lost, about injustices and wrongs and injuries, and they saw those as the stories that need to be told. I had a different sense, that we need stories that don’t gloss over the ugly damage out there but that don’t portray it as all there is either. The mainstream media don’t tell much about the dank underside of our institutions and the damage they do, but they won’t tell you much about populist insurrections, grassroots victories, or beautiful alternatives either. Both matter; because the former are so well attended to, I’ve taken the latter as my beat. The despairing were deeply attached to their despair, so much so I came to refer to my project as stealing the teddy bear of despair from the loving arms of the left. What did it give that particular sector of the left? It got them off the hook, for one thing. If the world is totally doomed no matter what, little or nothing is demanded of you in response. You can go be bitter and idle on your sofa if you’re already comfortable and safe. It was striking that the people with the most at stake were often the most hopeful. And that those who were active were often hopeful, though it may be the other way around: some of those who are hopeful are active. Yet the range of the hopeful extends beyond that, and you can find hope in surprising corners. Early in my hope tours, I gave a talk to a roomful of people of color in Washington State. Some had memories of the civil rights movement, some identified with their fellow Mexicans who’d risen up as the Zapatistas, and a small, elegant Asian woman about my age said, in a voice of bell-like clarity, “I think that is right. If I had not hoped, I would not have struggled. And if I had not struggled, I would not have survived Pol Pot.” It was a stunning statement, by a Cambodian immigrant whose hope must have been small and narrow at the time—just to survive. I am often amazed at the lack of bitterness on the part of many of those who have most right to it, though I’ve seen exhaustion, physical, emotional, and moral, among frontline activists. For the desperate, the alternative to hope—and the struggle to realize that hope—is death or privation or torture or a grim future or no future for their children. They are motivated. From afar I’ve watched the Coalition of Immokalee Workers, the mostly undocumented Haitian, Latino, and Mayan Indian immigrants who fought for farmworkers’ rights with panache, brilliance, and creativity for the last decade. Realizing they couldn’t extract a living wage from farmers, they went after the buyers and brought gigantic corporations—McDonald’s, Walmart, Burger King, Taco Bell, Whole Foods—into line with their fair-price terms for tomato pickers. Along the way they were cheerful, spirited, and hopeful. It seemed in part to be a cultural style. There’s a romantic idealism in Latin American politics, a sense of possibility for the world and heroic engagement for the self. It may come from recent memories of death squads and beautiful insurrections and from turbulent national histories, from a sense that everything can change suddenly, for the better or the worse. That it’s not a problem of the English language is evident in the beautiful spirit of many Black movements past and present, some of them faith-based, some of them energized by hip-hop. And then there were my people, middle-class white people. It was as though many of us didn’t know how to be this other kind of person, this person who could speak of big dreams, of high ideals, of deep emotions, as though something more small-scale and sarcastic was the reduced version of self that remained to us. I’ve had great visionary companions the past dozen years from many places and races, but I’ve met so many of my kind who are attached for various reasons to their limits and their misery. A friend born in the 1950s reminds me that his generation in their youth really expected a revolution—the old kind where people march with weapons and overthrow the government and establish a utopia—and were permanently disappointed that it hadn’t come to pass. When I was young, people still jestingly said, “After the revolution,” but the catchphrase came from the idea that regime change was how to change everything, and that nothing short of regime change mattered. Though everything had changed—not enough on many fronts, but tremendously. And everything matters. My friend’s different from many of his peers, and we talked about the more profound revolutions that had unfolded in our lifetimes, around race, gender, sexuality, food, economics, and so much more, the slow incremental victories that begin in the imagination and change the rules. But seeing those revolutions requires looking for something very different than armed cadres. It also requires being able to recognize the shades of gray between black and white or maybe to see the world in full color. Much has changed; much needs to change; being able to celebrate or at least recognize milestones and victories and keep working is what the times require of us. Instead, a lot of people seem to be looking for trouble, the trouble that reinforces their dismal worldview. Everything that’s not perfect is failed, disappointing, a betrayal. There’s idealism in there, but also unrealistic expectations, ones that cannot meet with anything but disappointment. Perfectionists often position themselves on the sidelines, from which they point out that nothing is good enough. The idea that something is flawed, doomed, fatally compromised, or just no good frequently arises from what I call naïve cynicism. It often comes out of less information and less responsibility for results than deeply engaged activists have. I’ve often seen, say, a landmark piece of climate legislation hailed as a victory and celebrated by people working hardest on the issue, but dismissed and disparaged by those who are doing little or nothing for the cause in question. They don’t actually know what work went into producing the legislation, what it will achieve, and what odds were overcome to get it. Criticizing it seems to be a way of reinforcing an identity, but that criticism is often vague and ill informed when it comes to the facts. And the question arises about that identity too: is it attached to losing? Nevertheless, such dismissive critiques are often presented as worldliness, as knowledge and experience, even when they draw from neither. The naively cynical measure a piece of legislation, a victory, a milestone not against the past or the limits of the possible but against their ideas of perfection, and as this book reminds you, perfection is a yardstick by which everything falls short. They may fear that celebrating anything means undermining the dissatisfaction that drives us—if dissatisfaction drives us rather than parks us in the parking lot of the disconsolate. The business of how we get from bad to good, from dying to surviving and maybe to thriving, isn’t their responsibility. The deeply engaged well know that the particular bit of legislation under discussion isn’t everything we hope for, doesn’t get us all the way there, and also know that it can be a step forward from which further steps can and must be taken, and that change is often made incrementally, not by a great leap from evil to pure goodness. Maybe an underlying problem is that despair isn’t even an ideological position but a habit and a reflex. I have found, during my adventures in squandering time on social media, that a lot of people respond to almost any achievement, positive development, or outright victory with “yes but.” Naysaying becomes a habit. Yes, this completely glorious thing had just happened, but the entity that achieved it had done something bad at another point in history. Yes, the anguish of this group was ended, but somewhere some other perhaps unrelated group was suffering hideously. It boiled down to: we can’t talk about good things until there are no more bad things. Which, given that the supply of bad things is inexhaustible, and more bad things are always arising, means that we can’t talk about good things at all. Ever. Sometimes it seemed to come out of a concern that we would abandon the unfinished work if we celebrated, a sense that victories or even joy and confidence are dangerous. That celebrating or just actively fomenting change is dangerous. The young activist Yotam Marom, who came of age as an activist at Occupy Wall Street, contemplated this state of affairs in the essay “Undoing the Politics of Powerlessness.” He wrote: Today, when I think about the politics of powerlessness, it feels clear as day to me that the source of all of it is fear. Fear of leaders, of the enemy, of the possibility of having to govern, of the stakes of winning and losing, of each other, of ourselves. And it’s all pretty understandable. We call each other out and push one another out of the movement, because we are desperate to cling to the little slivers of belonging we’ve found in the movement, and are full of scarcity — convinced that there isn’t enough of anything to go around (money, people, power, even love). We eat ourselves alive and attack our own leaders because we’ve been hurt and misled all our lives and can’t bear for it to happen again on our watch … And perhaps most importantly: Our tendency to make enemies of each other is driven by a deep fear of the real enemy, a paralyzing hopelessness about our possibilities of winning. After all, whether we admit it or not, we spend quite a lot of our time not believing we can really win. And if we’re not going to win, we might as well just be awesome instead. If we’re not going to win, we’re better off creating spaces that suit our cultural and political tastes, building relationships that validate our non-conformist aesthetic, surrendering the struggle over the future in exchange for a small island over which we can reign. How do we get back to the struggle over the future? I think you have to hope, and hope in this sense is not a prize or a gift, but something you earn through study, through resisting the ease of despair, and through digging tunnels, cutting windows, opening doors, or finding the people who do these things. They exist. “You gotta give them hope,” said Harvey Milk long ago, and then he did exactly that. I believe that you can talk about both the terrible things we should engage with and the losses behind us, as well as the wins and achievements that give us the confidence to endeavor to keep pursuing the possibilities. I write to give aid and comfort to people who feel overwhelmed by the defeatist perspective, to encourage people to stand up and participate, to look forward at what we can do and back at what we have done. This book was always for them. And if you’ve read this far, for you.

### 1ac – Policy

#### WIP: Thus the plan: The USFG should substantially increase funding of black schools as a form of reparations.

#### There is an obligatory duty to make up for injuries that have been done in the past.

Dr. Jan Garrett, 2004, *A Simple and Usable (Although Incomplete) Ethical Theory Based on the Ethics of W. D. Ross,* Western Kentucky University, July 18, 2017, [http://people.wku.edu/jan.garrett/ethics/rossethc.htm - app](http://people.wku.edu/jan.garrett/ethics/rossethc.htm#app), Dr. Jan Garrett received their PhD in Philosophy from the university of Minnesota-Twin Cities and was a Professor Of Philosophy at Western Kentucky University for nearly 30 years

According to W. D. Ross (1877-1971), there are several prima facie duties that we can use to determine what, concretely, we ought to do. A prima facie duty is a duty that is binding (obligatory) other things equal, that is, unless it is overridden or trumped by another duty or duties. Another way of putting it is that where there is a prima facie duty to do something, there is at least a fairly strong presumption in favor of doing it. An example of a prima facie duty is the duty to keep promises. "Unless stronger moral considerations override, one ought to keep a promise made." By contrast with prima facie duties, our actual or concrete duty is the duty we should perform in the particular situation of choice. Whatever one's actual duty is, one is morally bound to perform it. Prima facie duties relate to actual duties as reasons do to conclusions of reasoning. Note: The term "duty" in "prima facie duty" is slightly misleading. The prima facie duties are understood as guidelines, not rules without exception. If an action does not correspond to a specific guideline, one is not necessarily violating a rule that one ought to follow. However, not following the rule one ought to follow in a particular case is failing to do one's (actual) duty. In such cases it makes sense to talk about violating a rule. The rule might be the same in words as a prima facie duty (minus the phrase "unless other moral considerations override"), but it would no longer be merely a guideline because it describes what one concretely should do. The prima facie duties include 1. Fidelity. Duties of fidelity are duties to keep one�s promises and contracts and not to engage in deception. Ross describes them as "those resting on a promise or what may fairly be called an implicit promise, such as the implicit undertaking not to tell lies which seems to be implied in the act of entering into conversation . . . or of writing books that purport to be history and not fiction" (Ross, 21) 2. Reparation. This is a duty to make up for the injuries one has done to others. Ross describes this duty as "resting on a previous wrongful act" (Ross, ibid.)

#### We have a moral duty to provide reparations for prior wrongful acts.

Ross, 1930, *The Right and the Good*, accessed July 18, 2017, http://spot.colorado.edu/~heathwoo/readings/ross.pdf, pages 20-21, Sir William David Ross had an MA in the classics and was a fellow at Oriel College.

There is nothing arbitrary about these prima facie duties. Each rests on a definite circumstance which cannot seriously be held to be without moral significance. Of prima facie duties I suggest, without claiming completeness or finality for it, the following division,1 (i) Some duties rest on previous acts of my own. These duties seem to include two kinds, (a) those resting on a promise or what may fairly be called an implicit promise, such as the implicit undertaking not to tell lies which seems to be implied in the act of entering into conversation (at any rate by civilized men), or of writing books that purport to be history and not fiction. These may be called the duties of fidelity, (A) Those resting on a previous wrongful act. These may be called the duties of reparation. (2) Some rest on previous acts of other men, ie, services done by them to me. These may be loosely described as the duties of gratitude. (3) Some rest on the fact or possibility of a distribution of pleasure or happiness (or of the means thereto) which is not in accordance with the merit of the persons concerned; in such cases there arises a duty to upset or prevent such a distribution. These are the duties of justice. (4) Some rest on the mere fact that there are other beings in the world whose condition we can make better in respect of virtue, or of intelligence, or of pleasure. These are the duties of beneficence, (y) Some rest on the fact that we can improve our own condition in respect of virtue or of intelligence.

#### The prosperity of America rests on the graves of dead black slaves. In order for America to comes to terms with itself and the values it claims to uphold it must pay reparations towards black people.

TA-NEHISI COATES, June 2014, Ta-Nehisi Coates is a national correspondent for The Atlantic, where he writes about culture, politics, and social issues., “The Case for Reparations”, The Atlantic, <https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631/>

And so we must imagine a new country. Reparations—by which I mean the full acceptance of our collective biography and its consequences—is the price we must pay to see ourselves squarely. The recovering alcoholic may well have to live with his illness for the rest of his life. But at least he is not living a drunken lie. Reparations beckons us to reject the intoxication of hubris and see America as it is—the work of fallible humans. Won’t reparations divide us? Not any more than we are already divided. The wealth gap merely puts a number on something we feel but cannot say—that American prosperity was ill-gotten and selective in its distribution. What is needed is an airing of family secrets, a settling with old ghosts. What is needed is a healing of the American psyche and the banishment of white guilt. What I’m talking about is more than recompense for past injustices—more than a handout, a payoff, hush money, or a reluctant bribe. What I’m talking about is a national reckoning that would lead to spiritual renewal. Reparations would mean the end of scarfing hot dogs on the Fourth of July while denying the facts of our heritage. Reparations would mean the end of yelling “patriotism” while waving a Confederate flag. Reparations would mean a revolution of the American consciousness, a reconciling of our self-image as the great democratizer with the facts of our history.

#### Continuing educational gaps is causing a significant gap in lifetime achievement.

Tom Jacobs, 14, June 19-2014, "Slavery’s Legacy: Race-Based Economic Inequality," Pacific Standard, accessed 7-19-2017, <https://psmag.com/economics/slaverys-legacy-race-based-economic-inequality-83854>, Tom Jacobs is the senior staff writer of Pacific Standard, where he specializes in social science, culture, and learning., MNBF

Thanks largely to the advocacy of Atlantic magazine writer Ta-Nehisi Coates, the idea of paying reparations to African-Americans for slavery and various post-slavery indignities has re-entered the public debate. Inevitably, it has been dismissed by those who view slavery and subsequent Jim Crow laws as an unfortunate legacy, but one that has left no relevant remnants. Contradicting that assumption, two European economists report they have found “a robust and persistent relationship” between slavery and economic inequality between blacks and whites in today’s America. “The legacy of slavery still plays a major role in the U.S. economy and society,” conclude Graziella Bertocchi of the University of Modena in Italy and Arcangelo Dimico of Queen’s University Belfast. "Those U.S. counties that in the past exhibited a higher slave share over population turn out to be still more unequal in the present day." Their study finds that, in economic terms, “those U.S. counties that in the past exhibited a higher slave share over population turn out to be still more unequal in the present day.” The primary reason, they suggest, is a continuing gap in educational attainment between blacks and whites. The study, published in the European Economic Review, uses a sample of U.S. counties to investigate the long-term impact of slavery on economic inequality. The researchers examined counties in 42 states, including 15 slave states, using as a starting point the share of slaves over population in the year 1860. They then compared those figures with current-day economic inequality in those same counties. “We find that slavery has a positive and significant effect on overall inequality,” the researchers write. Further digging into the numbers reveals that this finding is driven almost entirely by racial inequality (they found no significant effect of slavery on inequality within races). What’s driving this continuing correlation? Bertocchi and Dimico cite “the persistence of the racial gap in education,” which is driven in large part by “the legacy of slavery” and “the local nature of education provision and funding.” “The property tax is the main source of funding for locations/counties, and thus for public education support,” they note. “Because of the ‘separate but equal’ educational policies applied in Southern states until the 1960s, local officers could divert state funding for blacks to finance education for whites. As a result, they could impose a lower property tax and spend less on education.” Even after legally mandated school segregation was abolished, those counties “still kept a lower tax rate,” the researchers report, “with negative effects on public school funding and, therefore, education for blacks.” While that may not be the sole reason why blacks continue to lag behind whites economically, the researchers' basic conclusion is clear: “The past use of slave labor persistently affects current inequality." The legacy, sadly, lives on.

#### Reparations could be the single largest economic stimulus package in the modern era. The result is the end the end of the cycle of poverty that African Americans have been trapped in more for two and a half centuries by creating new economic opportunities.

Michael Maiello, 6-4-2014, He worked for ten years at Forbes Media, writing and editing for both Forbes Magazine and Forbes.com and also appeared frequently on CNBC, Fox News, Fox Business News, CNN and MSNBC. "Why reparations for slavery could help boost the economy," Reuters, http://blogs.reuters.com/great-debate/2014/06/04/why-reparations-for-slavery-could-help-boost-the-economy/

In the May 21 issue of The Atlantic, Ta-Nehisi Coates re-opened the question of whether the United States government should pay reparations to African-Americans for the crimes of two and a half centuries of slavery, 60 years of Jim Crow-style segregation and decades more of racist housing policies, zoning and community development. His conclusion — that a great accounting of wrongs must take place, as well as a decision about how to make amends for them– has inevitably sparked disagreement. But set that aside. Imagine we have decided yes, as a society we must pay a price for these injustices, and it must be large. Those payments could well constitute the stimulus that the U.S. economy needs to take it into the next century. To the economy, stimulus is stimulus, as long as it’s done right. Whether it is paid to a group of people based on where they live, their ethnicity or their religion might matter to politics, but to the economy, it doesn’t matter — as long as the money is put to work through either consumption or investment. The reparations-as-stimulus idea gets a short mention from Coates, who writes that: “In the 20th century, the cause of reparations was taken up by a diverse cast that included the Confederate veteran Walter R. Vaughan, who believed that reparations would be a stimulus for the South.” Vaughan, a former confederate soldier turned Idaho politician, recognized that “pensions would financially benefit former slaves and would indeed be a semblance of justice for their years of forced labor,” according to an article in the summer 2010 issue of Prologue magazine, a publication of the National Archives. But the outcome Vaughan looked for involved “ex-slaves spending their pensions in the South in order to give the devastated southern economy a financial boost.” Vaughan’s vision is too simplistic to apply to modern times. Today reparations would affect 44.5 million Americans, most of whom are in a position, or could eventually be in a position, to do far more than spend. The stimulus would lead to both entrepreneurship and investment and potential direct poverty alleviation for 3.2 percent of the total population, assuming that cash-based reparations payments would be large enough to lift even the poorest recipient above the poverty line. This would affect the roughly 27 percent of African-Americans who were below the poverty line in 2012. Put those elements together and there is a prime case for stimulus that would both alleviate poverty directly, and provide payments to people who can either grow their investments or start or expand businesses. Any reasonable program would start with direct cash payments of sufficient largess that it should be able to eliminate any reasonable consumer debts and allow the recipient access to retail banking services (the poor are notoriously under served by financial institutions). This assistance could immediately affect more than 30 percent of the participants in the Temporary Assistance for Needy Families program, boosting them in such a way that they no longer need to receive benefits, according to figures from the Urban Institute. The payments would be a huge boon for the states who administer the block grants behind these programs. Imagine similar reductions in the number of users of food stamps and medical programs. The drawback is that one-time payments are temporary and we do not want to find ourselves, one or two years down the line, back where we started. Coates spends a good part of his essay talking about the development of major cities and how African-American communities developed within them. This is where reparations can have a more lasting effect. All of these historically blighted neighborhoods need to be modernized. Universal broadband and Wi-Fi Internet access is a great start, and should be combined with transferable tax credits to encourage new business formation, particularly if new businesses start with local ownership. By making the tax credits transferable, with some limitations, these programs would encourage outside investment so that these new businesses can expand and more easily access capital markets. Coates has given us a lot to think about. The temptation is to argue about what is ethically “right.” But in doing so, we shouldn’t ignore the also interesting possibility that we could be looking at a pilot program for a new America.

#### The UN urged the US to pay reparations for past injustices that would reconcile human rights issue in the US.

Husna Haq, SEPTEMBER 28, 2016, Husna has been a journalist for 10 years, and has been with National Geographic, BBC, History Channel, the Boston Globe, and Devex. She holds a Master of Science in journalism from Boston University, and a Bachelor’s of Arts in journalism and political science from Syracuse University., “Does the US owe blacks reparations? Yes, says UN panel.”, The Christian Science Montior, https://www.csmonitor.com/USA/2016/0928/Does-the-US-owe-blacks-reparations-Yes-says-UN-panel.

Can reparations reconcile some of the damage done by centuries of slavery, segregation, and discrimination? The topic has always highlighted deep divides, and a recent United Nations report that called the slave trade a crime against humanity and urged the US to pay reparations has reignited the issue. “Past injustices and crimes against African Americans need to be addressed with reparatory justice,” the report said. The recommendation came after 14 years of study and interviews with US officials by the United Nations' Working Group of Experts on People of African Descent, a body of experts and human rights lawyers that reports to the international organization's High Commissioner on Human Rights. The report authors wrote that they were "extremely concerned about the human rights situation of African Americans," and made the case for a link between dark episodes of American history and present injustices, like police shootings.

#### Trump hard stance on UN – undermines UN credibility that proves unilateral US action projects dangerous agendas

Bolton 17 – (Matthew, 2-6-2017, "Trump's UN attacks are dangerous to American foreign policy," TheHill, <http://thehill.com/blogs/pundits-blog/international-affairs/318103-trumps-un-attacks-are-dangerous-to-american-foreign>, SL)

Bashing the United Nations is a popular sport for politicians, presenting a quick way to appear tough. Many American leaders—on both the left and right—dabble in nationalist rhetoric, posing as unconstrained by global norms and institutions. Usually, however, the bipartisan consensus holds firm, as policymakers understand how crucial the U.N. is to American national security and foreign policy priorities. The Trump administration has escalated the bombastic anti-U.N. fringe to new levels. As president-elect, Trump tweeted that the U.N. “is just a club for people to get together, talk and have a good time.” New U.N. ambassador Nikki Haley introduced herself to the diplomatic community by vowing to “show our strength” by “taking names” of those “that don’t have our back.” Leaked draft executive orders—though currently on hold—seek to slash U.S. funding to the U.N., marginalize other international organizations, and withdraw the United States from certain multilateral treaties. If the Trump regime follows through on these threats, it will seriously damage American credibility and capacity. The U.N. is crucial for resolving complex transnational problems, ranging from the refugee crisis to nuclear proliferation and global pandemics like Zika. The U.N. enables international peace and security by providing a forum for communication between states. It helps the United States stabilize insecure regions through the legitimating and cost-sharing systems of peacekeeping, conflict resolution and counter-terrorism cooperation. As we saw so tragically in Iraq, **when the United States goes it alone, there are disastrous consequences**. Global solutions advocated by the United States are more successful when they are endorsed by international institutions. If the United States attacks the U.N., the countries that are part of the U.N. still exist. The United States will still have to deal with them, and not necessarily in more favorable forums. Given the pivotal role played by Americans in establishing the U.N., it is a forum sympathetic to American values of freedom, openness, democracy, and human rights. All these benefits come with a remarkably low price tag. According to the Council on Foreign Relations, U.S. support to the U.N. is less than 0.25 percent of the federal budget. The Pentagon’s budget is about 75 times the size of the U.S. contribution to the U.N. Given the clear benefits of the U.N. to Americans interests, some commentators have dismissed the new regime’s anti-U.N. moves as another case of populist saber-rattling that will eventually defer to Beltway conventional wisdom. This complacency is dangerous. Trump’s moves against the U.N. are part of a broad sweep of executive orders, statements and appointments that threaten to unravel the institutions that enable America to talk to the world, protect its interests, project its values, and maintain relationships with other countries. Trump’s executive order on immigration imperils precisely those people, including interpreters for the U.S. military, who want to cooperate with American foreign policy. Concerns from career U.S. diplomats have been met with contempt from White House spokesman Sean Spicer, who warned that “they should either get with the program or they can go.” Meanwhile, the senior management of the State Department has been cleared out, with no replacements yet named. Trump has also booted the chairman of the Joint Chiefs of Staff, director of National Intelligence and U.N. ambassador from National Security Council leadership, replacing them with his chief ideologue and propagandist Steve Bannon. This is consistent with Trump’s attacks on the intelligence agencies and his claim to know “more about ISIS than the generals do.” Trump supporters claim his dust-up with the foreign policy experts is needed to protect national security. Spicer claimed the immigration order was “about the safety of America.” But even staunch Republicans who served in the George W. Bush administration aren’t buying it. A graduate school professor of mine often warned students not to be distracted by what advocates for a policy claimed it intends to do. Policies that fail at their stated goals may serve unstated interests. We should not dismiss the new regime as bumbling amateurs. Too many people have underestimated Trump. The sophisticated analyst must examine how policy functions and who it benefits. I fear we are seeing blueprints for the systematic gutting of institutions that provide the White House with independent information, professional analysis, and checks and balances. I worry that Trump and his inner circle are scapegoating the U.N., diplomats, intelligence officers, immigrants, soldiers, and the media to score political points with their base while preemptively delegitimizing potential obstacles to their agenda. While **attacking the U.N. and American diplomacy may be in Trump’s interests**, it is not in the national interest, never mind the rest of the world. This **is a dangerous moment for U.S. foreign policy**, a rejection of the vision of America as a beacon for freedom and democracy around the world. Those of us who still believe in that America—across the political spectrum—must lend our solidarity to all those endangered by abandoning the bipartisan foreign policy consensus since 1945.

#### US stance on UN policies lack clear agenda that undermines UN credibility world wide – unpredictable moves threatens UN global cooperation

Siddiqui 7-8-17 (Sabrina, 7-8-2017, "Nikki Haley: global face of Trump administration strikes delicate balance," Guardian, <https://www.theguardian.com/us-news/2017/jul/08/nikki-haley-trump-administration-un-ambassador>, SL)

Taking her [his] place at the dais in an emergency meeting of the United Nations security council this week, Nikki Haley aimed a characteristically stinging rebuke at North Korea over its successful test of an intercontinental ballistic missile – and raised the threat of military retaliation. It was not the first time Haley, the US ambassador to the UN, has led the rhetorical charge against adversaries of the US. While Rex Tillerson has taken an unusually low profile as America’s top diplomat and key posts remain unfilled at the the state department, some have even characterized Haley as the de facto secretary of state. As one of Donald Trump’s most high-profile lieutenants, Haley is the international face of an administration that lacks a clear foreign policy doctrine and is often led astray by the whims of a president who prefers Twitter rants to diplomatic channels. The uncertainty has catapulted Haley into the spotlight as a key US negotiator, but also as the protector of her boss’s “America First” platform in a role that at its very core relies on international cooperation. **US allies have expressed concern** over the Trump administration’s chaotic foreign policy, but last week Haley told the House foreign affairs committee that unpredictability was an advantage. “I deal with 192 [countries] and the overwhelming feeling is that we are unpredictable,” **she said. “They don’t know exactly what we are going to do.** “It has kept them more on alert, of wanting to be there with us, not wanting to get on the wrong side of us.” The comments were typical of Haley, who since assuming the role of UN ambassador earlier this year has set out to downplay Trump’s erratic statements without teetering into outright defiance. Until his speech in Warsaw this week, Trump had repeatedly refused to commit to article five of the Nato charter – the provision requiring members to defend each other from attack. In contrast, Haley used her Senate confirmation hearing in January to stress the importance of Nato as a bedrock of transatlantic relations. And where Trump has repeatedly lavished praise on Vladimir Putin, Haley has maintained an aggressive posture against the Kremlin and declared in her first UN security council address in February: “We cannot trust Russia. We should never trust Russia.” She has condemned human rights violations, while Trump has praised authoritarian rulers such as the Philippines’ Rodrigo Duterte and and even said he would be “honored” to meet with Kim Jong-un. It was Haley who held up portraits of children killed by Bashar al-Assad’s April chemical weapons attack; the UN ambassador has insisted that the Syrian president must go, even as Trump and Tillerson appear resigned to him remaining in power. “I think she is doing something that’s very difficult,” said Elliott Abrams, a senior fellow for Middle Eastern studies at the Council on Foreign Relations. “That is to never contradict the president, but to speak in more traditional Republican tones about foreign policy.” Abrams, who served under Ronald Reagan and George W Bush, said one of the unusual aspects of Haley’s job was how it has seemingly expanded as Tillerson takes a backseat. “In many ways, she’s the main spokesman for the United States on a lot of foreign policy issues,” Abrams said. “She’s not just handling UN affairs in New York, she’s taking charge of American participation in the entire UN system.” But Haley has also lined up behind some of Trump’s more contentious ambitions. She has declared the president as “**putting the UN on notice**” and emphatically defended what even some congressional Republicans have described as “**devastating” cuts** to the UN budget. The US is eying a reduction of its contribution to the peacekeeping budget from 28.5% currently to 25% percent of total costs. The annual cost savings amount to roughly $600m, which is less than the $1bn proposed cut to UN peacekeeping costs outlined by Trump in a budget blueprint earlier this year.But UN officials have pushed back, arguing in May that the proposed cuts would “**simply make it impossible” to maintain some of the body’s most essential work**. Haley cheered the cuts in a tweet last week, writing: “Just 5 months into our time here, we’ve cut over half a billion $$$ from the UN peacekeeping budget & **we’re only getting started**.” Abrams said Haley was navigating an administration “which has very often deprecated international cooperation”. But skeptics say Haley’s balancing act is precarious. Tommy Vietor, a former National Security Council spokesman under Barack Obama, said Haley was hampered by a lack of coordination within the administration. UN security council resolutions on North Korea and Iran under the Obama White House, he noted, were not the undertaking of any one administration official. It was not simply the UN ambassador but also the secretary of state pushing for negotiations and the president himself making phone calls to seal the deal. “I don’t think Nikki Haley even has that as an option,” Vietor said, “and Tillerson doesn’t seem to have a seat at the table in any meaningful way, in terms of shaping policy. “They rarely seem to know what Trump is going to do or say at any given moment.” Haley’s foreign policy experience was questioned this week when she appeared to complain about having to work on the 4 July holiday after the North Korean missile test. “Spending my 4th in meetings all day. #ThanksNorthKorea,” Haley tweeted, prompting a backlash from Twitter users who suggested that a senior administration official should not begrudge working amid a diplomatic crisis. Vietor said Haley, despite lacking the traditional background of a UN ambassador, seemed to understand the importance of building international coalitions,. Her real challenge, he said, was being undermined by Trump. “I’m glad she’s speaking up for human rights when she does,” Vietor said, “but it’s gone when [Trump is] cozying up to Duterte, who’s bragged about killing people.” Haley has also come under significant criticism for her handling of the Israel-Palestine issue in UN institutions. Feted by Israel for her strong support, she was in turn criticized this week by a senior Palestinian politician, Hanan Ashrawi, for conducting a “one-woman crusade” against Palestinians. “Through intimidation and threats, Miss Haley’s crusade does not miss an opportunity to put pressure on anyone that seeks to challenge Israeli impunity,” Ashrawi said. Haley has repeatedly accused UN institutions of “bias” against Israel or of “bullying” the country – words that have won her plaudits from the country’s rightwing prime minister, Benjamin Netanyahu, and its own UN ambassador, Danny Danon. And her words have been matched by her actions. Earlier this year, she delivered a US veto on the nomination of the former Palestinian prime minister Salam Fayyad as UN envoy to Libya – despite the fact that Fayyad was highly regarded by US officials. Explaining her move, Haley said the US did not recognize a Palestinian state “or support the signal” Fayyad’s appointment would have sent. Haley herself expanded her logic later in a speech to the powerful pro-Israel US lobby group Aipac. “We said no and we had him booted out,” she said, as the audience cheered. “That doesn’t mean he wasn’t a nice man. That doesn’t mean he wasn’t good to America. What it means is, until the Palestinian Authority comes to the table, **until the UN responds the way they’re supposed** to, there are no freebies for the Palestinian Authority anymore.” The move drew a strong response from the former US ambassador to Israel Dan Shapiro, who called it “stunningly dumb”. Haley entered the fray again on Friday, asking senior UN officials to oppose a Palestinian effort to get Unesco’s world heritage committee to adopt a resolution declaring Hebron and the Tomb of the Patriarchs as world heritage sites designated as in danger. Haley was overwhelmingly approved by the United States Senate, by a 96-4 vote, in a testament to her national profile as a voice of reason within the Republican party. As governor of South Carolina, she was commended for her response to the racially motivated mass shooting at Emanuel AME church in Charleston in June 2015, which included the decision to remove the Confederate flag from the state capitol grounds. But diplomacy carried unique challenges for anyone representing the Trump administration on the global stage, Vietor warned. “I think Trump’s word is the only one people are listening to,” he said, “because they know a policy is only as good as his most recent tweet.”

#### UN credibility key now to solve structural violence in Syria – current cease fires are questioned

(U.S., 7-8-2017, "UN Says Truce Deal in Southern Syria Will Help Peace Talks," US News & World Report, <https://www.usnews.com/news/world/articles/2017-07-08/un-says-cease-fire-deal-in-south-syria-boost-for-peace-talks>, SL)

DAMASCUS, Syria (AP) — The United Nations on Saturday welcomed the agreement struck between the United States and Russia for a cease-fire in southwest Syria, saying it would support upcoming peace talks. The U.N.'s deputy special envoy to Syria, Ramzy Ramzy, said he hopes the agreement announced a day earlier in Hamburg, Germany **will lead to similar arrangements elsewhere in Syria to reduce the violence**. "The UN is always seeking to reduce tension and escalation in fighting and I think this is a step in the right direction," he told reporters in Damascus. "All this is obviously support for the political process." The cease-fire goes into effect Sunday at noon, Damascus time, with no end date, according to U.S. officials and the Jordanian government, which is also involved in the deal. Russian officials said Russian military police would monitor the new truce, but U.S. officials say the details are still under discussion. Earlier in the week, Syria's military said it was halting combat operations in the southern provinces of Daraa, Quneitra and Sweida for four days, in advance of a new round of Russian-sponsored talks in Kazakhstan. The Syrian government extended the unilateral cease-fire, which is now **set to expire Saturday.** Syrian opposition activists reported low-level violence in Daraa on Saturday, following weeks of intense fighting in the divided province. Nabaa media and the Britain-based Syrian Observatory for Human Rights said a woman was killed when government helicopters dropped barrel bombs on a village in northeastern Daraa. The Observatory said a total of 16 such bombs were dropped in the area, wounding several. **Previous cease-fires in Syria have collapsed or failed to reduce violence for long**, and it was unclear whether the latest deal would fare any better. The deal is separate from an agreement that Russia, Turkey and Iran struck earlier this year to try to establish "de-escalation zones" in Syria. The U.S., wary of Iran's involvement, stayed away from that effort. Follow-up talks this week in Kazakhstan were unable to produce agreement on finalizing a cease-fire in those zones. **A new round of U.N.-sponsored peace talks** is to be held in Geneva on Monday. Those talks, aimed at forming a transitional government and combatting terrorism, have made little progress since they resumed earlier this year.

#### Reparative policies can equalize funding in predominately black schools

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Continuing [residential](http://www.s4.brown.edu/us2010/Data/Report/report0727.pdf) and educational segregation along with discriminatory economic policy means that we can still identify neighborhoods, [schools](http://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/brown-at-60-great-progress-a-long-retreat-and-an-uncertain-future), and other community institutions that, with the provision of resources, can improve many African-Americans lives. Reparative policies can be implemented quickly and to great effect. Education and health are **particularly important** because of the depth of the problems and the fact that **preventive intervention can essentially eradicate these disparities**. According to the federal Centers for Disease Control and Prevention, African Americans have the highest death rates from heart disease and the [highest HIV infection rates](http://www.cdc.gov/minorityhealth/populations/remp/black.html). The average black high school graduate is four years [behind their white counterpart](http://www.princeton.edu/~angelh/Website/Studies/Article%208%20%28Rev%20of%20Blk%20Pol%20Econ%20%2710%29.pdf)**.** Many schools in African-American communities fail to meet basic academic standards because their schools lack the technology and physical facilities necessary to prepare students for success. **Equalizing funding in these schools and bringing urban education infrastructure into the new millennium would be an immediate boon to the lives of black children and families and ultimately the nation**. Historically black colleges and universities were developed as a direct result of racial discrimination. Today, those same colleges continue to be the [top producers](http://www.urban.org/UploadedPDF/412312-Capacity-Building-to-Diversify-STEM.pdf) of African-American graduates with degrees in science and technology fields and of public school teachers. These schools do this work with a fraction of the funding of other publicly funded colleges; remedying these disparities, like K-12 schools,[would immediately improve black prospects](http://www.gse.upenn.edu/pdf/gasman/FundingApproachesHBCUs.pdf) and work to undo centuries of discrimination.

#### Forms of reconstruction in education can be seen as education

[Correa](https://www.ictj.org/about/cristian-correa) 16 [Christian, ICTJ Senior Associate, Reparative Justice Program. “Helping Victims Overcome Human Rights Violations Through Education” https://www.ictj.org/news/education-human-rights-reparations]

Understanding education as a form of both reconstruction and reparations is **essential** for societies in their efforts **to address victims’ rights and help victim**s and their families **overcome the consequences of a painful past**. Education as a form of reparation for families that suffered human rights violations can mean many things, whether offered as one benefit or as part of a set of transitional justice measures. Scholarships for families of those who suffered human rights violations are often one form of reparation. In some cases, reparations programs have included the construction or reconstruction of schools and education facilities. In both cases, naming a scholarship or a building after a victim or in relation an event in their lives or history can also be symbolic and meaningful reparation. In many post-conflict countries, helping victims overcome the consequences of human rights violations, war crimes and crimes against humanity can mean doing both reconstruction and reparations in relation to education. While reconstruction and reparations are distinct efforts, there are also different ways to make them complementary and mutually reinforcing. For example, implementing reparations programs that offer scholarships for survivors or for the families of victims might require a certain level of reconstruction of schools and infrastructure to succeed. At the same time, the reconstruction of schools, community centers and the like would be meaningless for many victims without programs that provide assistance for school fees for children who lost a parent or guardian, so they can benefit from them as well. At the heart of these efforts is the attempt to respond to the educational needs and rights of the entire population entitled to access schools while addressing the needs of specific survivors and family members who might face additional and often ongoing obstacles to accessing education.

#### Those who have suffered from violations of human rights have a moral right to reparations.

[Correa](https://www.ictj.org/about/cristian-correa) 16 [Christian, ICTJ Senior Associate, Reparative Justice Program. “Helping Victims Overcome Human Rights Violations Through Education” https://www.ictj.org/news/education-human-rights-reparations]

Legally, victims of serious human rights violations have a right to reparations from the state and from perpetrators for the harms they suffered. The right to reparation is distinct from social and economic rights, which includes, for instance, access to health care and education. But just as economic and social rights can be fulfilled through ‘progressive realization,’ fulfilling the right to reparation must take into account the capacity and resources of a state. Thus, providing reparations need not always have to compete with fulfilling social and economic rights; governments, especially in developing countries, and victims’ groups can agree on designing reparations programs that can collectively or individually meet the needs of victims while contributing to the fulfill of their social and economic rights. These types of measures address the different consequences that most victims, in general categories, still suffer, which often include persistent psychosocial, physical, and/or socioeconomic effects — which can even be passed down to the next generations. Most reparations policies involve educational programs in some form. But providing education as a form of reparation raises important questions. If free education is already provided to all people in a country, what is the difference between education as reparations and education as a social service? What is the specific reparatory component of education if everybody is equally entitled to it? **The main difference is that education as a form of reparation involves an acknowledgment of wrongdoing and responsibility on the part of the state for past violations, crimes, and failures to protect victims.** In this context, **educational programs as reparations** can be a response to the past, targeted at the specific needs and aspirations of the victims themselves. The children of victims usually have had their studies cut short; and they are more likely to be affected by poverty and other consequences of the violations suffered by their parents. For some survivors the inability to provide for their children’s education — which includes being able to pay fees and purchase school books and uniforms — is what causes them the most pain. Measures could include advance study programs that can help youth receive degrees equivalent to the primary, secondary, or other levels they could not complete due to violations. (A good example is Sierra Leone’s [Complementary Rapid Education for Primary Schools](https://www.norad.no/globalassets/import-2162015-80434-am/www.norad.no-ny/filarkiv/ngo-evaluations/fast-track-to-completion-_-the-complementary-rapid-education-for-primary-schools-creps-and-the-d.pdf).) Another is adult literacy programs or technical or professional training for people who are no longer of schooling age, which is being done in Peru. Changes in the school curricula as well as the teaching of history, especially of marginalized people or of periods or events denied by previous regimes, are also relevant **to discussions of education as a form of reparation.** At the same time, reparations policies that focus on education should not be limited to the most marginal among youth, especially where groups targeted for abuses did not come from the poorest sectors. For example, programs offering university scholarships to victims, or their children, should be made available to all victims with the academic capacity to attend university, and not just a few, as in Peru and Colombia, where victims must compete for scholarships. The need for educational measures as reparations should be addressed as an urgent matter. **Children grow up and the opportunity to significantly improve their lives through education can be missed**. But that does not mean such measures should be part of a single, short-term effort. The need for education for affected individuals continues over time. Even if this is achieved, for many countries the challenge of guaranteeing a quality and accessible education for all will persist. That might not be part of a transitional justice agenda, but it is certainly an important priority for anchoring peace and democracy in the long term.

### 1ac – Performative Revolutionary Fiat

#### Education has never been accessible for black people. This started with slave masters preventing slaves from learning anything so they were unable to revolt. This continued into the Jim Crow era as states like Alabama and Mississippi passed laws that prevented Blacks to read.

Education, Winter 1997, Education is a quarterly journal owned and published by Project Innovation. The journal specializes in the publication of original research and theoretical analysis of subject matter related to innovations in education and teacher preparation. These areas of study and inquiry are applicable to educators across a broad range of teaching, learning and education, The laws of ignorance designed to keep slaves: EBSCOhost," <http://web.a.ebscohost.com/ehost/detail/detail?vid=0&sid=6ca8fcdf-595a-42b9-837d-de431e9fb055%40sessionmgr4008&bdata=JnNpdGU9ZWhvc3QtbGl2ZQ%3d%3d#AN=234330&db=aph>

The Laws of Ignorance Although the African Black populations were typically illiterate, this does not mean they were unintelligent. Rather, they had been educated in skills, crafts, and traditions which were often lost during centuries of slavery. This was not a haphazard occurrence but a deliberately sought goal, for the Black who had lost his roots in Africa could be more easily molded into the docile and conforming worker here, Ignorance was the major control instrument of slavery. every master realized that he had to know almost everything, and the slaves had to know almost nothing. An educated Black might realize how horribly he was treated and revolt. Slavery was always more successful on the large rice or cotton plantations where the Blacks could be isolated from outside influence. City s;aves had more contacts with free Blacks, and at the beginning of the Civil War there were more free Blacks in the South than in the North. The simple goals and tribal organizations of the African Blacks could not withstand the worldwide demand for slaves. West Africa alone lost 6.2 million persons in the Eighteenth Century. Children were preferred by many ship's masters as they were more tractable and required less food and space. Having had little time to learn the tribal crafts and traditions, they soon lost these values completely. Far more young men than women were transported, and they were just the ones most likely to disdain any family beliefs and practices. In the American (North, Latin, or South) colonies, the slave lost his identity as a valued member of a local community. Often captives or different tribes, languages, homelands, and religions, would be grouped and sold together to lessen the likelihood of cooperation and resistance. Valued for his muscles rather than his brains, he might be taught a few skills, but no more than necessary. South Carolina adopted the first compulsory ignorance law in America in 1740: And whereas the having of slaves taught to write, or suffering them to be employed in writing, may be attended with great inconveniences: Be it enacted, that all and every person or persons whatsoever, who shall hereafter teach, or shall use or employ any slave as a scribe in any manner of writing whatsolver, hereafter taught to write, every such persons or persons shall, for each offense, forfeit the sum of one hundred pounds current money. Eventually each state had similar laws, nevertheless, some Blacks did achieve an education. That great Black orator and writer, Frederick Douglas, was taught to read and write by his Southern mistress. Some large Southern cities has "secret schools," and instances are known in which slaves and free Blacks attended school together, a highly dangerous practice. The Deep South enforced the most severe restrictions upon Black learning. No records have been found that anyone in Alabama or Mississippi ever violated the laws by teaching Blacks to read. Douglas simply claimed that no slave was ever able to offer a bribe large enough to make the risk worthwhile. At some times and in some localities, free Blacks were almost as restricted as slaves. In both the North and the South, public schools, secret and other private schools, informal apprenticeships to other Blacks, and special treaty requirements provided the rudiments of an education to a few motivated free Blacks. The first compulsory education laws were not passed until 1865, with the last coming in 1918. It is certain that many whites as well as Blacks were illiterate until fairly recent times. A few stories are known like that of Myrtilla Miner, a young New Yorker, who went to Mississippi to teach the daughters of planters in Wilkinson county. After she proposed to teach slaves in her free time, she was directed to go home if she wished to teach "riggers." Later she did return north and in 1851 founded the District of Columbia Normal School for Colored Girls. When her neighbors protested, she quieted them by purchasing a large dog and training herself to be an expert with a gun. The potential for literacy training was ignored by Sabbath schools at first. reading was considered to be purely a religious activity. Turner's Rebellion in 1831 threw such a scare into the population that the District excluded Blacks from Sabbath schools after that. Some "blab" schooling was carried on the "brush" churches, but this was neither effective or extensive. The early colonists simply instituted the type of apprenticeship training they had known in Europe. During the Eighteenth Century Virginia required that apprentices should be taught the three it's. Other states had similar laws. For a time, this made apprenticeship the favored route to an education for free Blacks, but in 1804 the legislature outlawed such practices. In a few states, such as Delaware, the master was required to pay the Black apprentice a stipend in lieu of schooling at the end of his period. the white apprentice was to be provided with "...reasonable education in reading and writing, to wit ----- years and ----- months schooling during his apprenticeship." Some craftsmen, such as barbers, might be expected to talk on issues of the day, but whites agreed that literate free printers and those who could influence others had to be closely watched. At the onset of the Civil War, there were approximately 250,000 free Blacks in Dixie and perhaps 250,000 in the North. In the North they tended to live in organized communities, not in rural areas. Their physical mobility and the communication facilities encouraged the growth of community feeling. The Black or abolitionist newspapers (which could not be circulated by the postal service in the South) promoted this spirit. While Philadelphia had the largest Black population, it was inhospitable to Negroes. They were excluded from the public schools and forced to set up schools and other institutions of their own. William Lloyd Garrison identified more than fifty such associations established for their moral and intellectual development. By 1790, Connecticut accounted for more than two-thirds of the slaves in New England. The states with the lowest numbers of Blacks tended to be the most sympathetic towards them. The ambivalent feelings of Northern whites toward free Blacks and slaves may be gauged by the inconsistent education laws. After the Revolutionary War, some Blacks built their own schools, aided by a few abolitionists. It is said that in Ohio the whites burned Black schools as fast as they could be built. During the 1820's and the 1830's, increasing numbers of Blacks attended public schools. In 1819 Ohio excluded Negro children from the public schools, yet in Cleveland, such children were admitted contrary to an explicit prohibition in the 1835 city charter. In 1937 an Ohio School Fund was created to provide $84,000 for forty schools. Soon, the legislature was petitioned for public support. Within eleven years, the law provided that twenty Negro children constituted a school district with its own school director and paid for by taxes on Black residents. If there were fewer than twenty children, they could attend the white school provided no parent or district citizen protested. Obviously, a few Black children were ever admitted. While the law was soon amended to omit any reference to numbers, this had little meaning as Negroes were disenfranchised in 1838 and therefore not entitled to the same rights as other citizens, including schooling. Yet a few Negro schools still operated. (The writer remembers that in 1955 he personally visited segregated public schools in southern Illinois. Similar schools existed in other near-South states.) The few Black children who did attend schools in the North suffered prejudice, harassment, and poor treatment from their teachers. Negro parents objected strongly to segregated schools. Inadequate as the non-segregated schools were likely to be, they were still better than the all-Black institutions. Often local antislavery societies and the miniscule educated and propertied Black caste would team up to pressure the power structure. Long ago Congress had demonstrated its concern for education through the Northwest (territories north of the Ohio River) Ordinance which reserved one township out of every 36 for the perpetual support of schools. Prior to the Civil War, five new Southern states received a total of 4.5 million acres of land for their common schools, but actually only a token amount of the income was used for white public schools, none at all for Blacks. The situation was not much better in the North. In 1850, for example, the Indiana Supreme Court declared that the land grants were not for the support of the Black schools. Free Blacks, then, were paying school taxes to support the education of white children. The few laws providing for the education of Black children were usually ignored. In 1829, Ohio ordered that Black schools must be funded only by school taxes paid for by Blacks. Even the low amounts thus collected were diverted to white schools. The courts simply supported the prevailing custom. It occasionally happened that the will of a slave owner directed that a certain Black should be educated. Such provisions were found to be too vague and indefinite to be enforced. Up to recent times, Blacks were sent to distant schools or excluded entirely if this enabled white children to enroll at closer ones. Many a Black grandparent today remembers walking to school and being passed by a school bus carrying white children. The greatest impetus to Black education came during and immediately after the Civil War. So many Blacks left the plantations to follow the Union armies that their generals were often overwhelmed. Schools were set up for Blacks of all ages, taught by chaplains and volunteer enlisted men. Thousands of slaves and free Blacks received the elements of an education. In 1862 forty women and twelve men began instructing the South Carolina Sea Island Blacks. Soon, at least twenty church denominations and thirty secular organizations were providing millions of dollars and innumerable teachers for the South. The teachers were often caricatures of schoolmarms. yet they were all that were able and passed for educated and cultured persons. They offered education to white children as well as to Blacks, but few whites accepted. The result was that in some communities more Black children than white were being educated. The Freedmen's Bureau supported education during its short life. Often it built schools which were used as churches on Sundays. To this day in many small communities, the Black pastor is also a teacher or principal in the local school. Sometimes the denominations quarreled over doctrinal differences. Many wished to use the schools only as missionary outposts. It is not generally known that by 1867 one-third of the 2087 teachers in the Freedmen's schools were themselves Blacks, and about 400 Southern whites were also employed. the proportion of men is variously estimated from one-tenth to one-third. Salaries were in the neighborhood of $20 to $50 per month, but several; teachers refused to accept any salary at all. Now the long journey to equal access to schooling for Blacks began. As all the new Southern state constitutions after the Civil War provided for universal education, the past seemed smooth enough. Within a generation, however, Jim Crow mandates began to nibble away at the more enlightened laws, until by 1922 eighty-five percent of all Black school children were concentrated in the first four grades. Improvements came slowly after that, but not until the Supreme Court declared in 1954 that segregated schools were inherently unequal, could Blacks begin to hope to equal access to educational programs throughout all the states.

#### We thought that Brown v Board would put an end to this disenfranchisement but no, black children were forced to integrate into all white schools were they faced massive amounts of discrimination. Even today the school system is built to discipline black thought. This is persued by denying black culture access into the class, underfunded schools, and high academic standards.

Lurie Daniel Favors, 5-25-2017, Lurie Daniel Favors is an author, attorney and the general counsel at a racial-justice law center in Brooklyn, N.Y., "Why Integrated Schools Don’t Solve Black Student Problems," Afro State of Mind, http://www.afrostateofmind.com/why-integrated-schools-dont-solve-black-student-problems/

I wasn’t surprised to read [New York Daily News reporter Shaun King’s](http://www.nydailynews.com/news/national/king-black-student-la-forced-class-hair-style-article-1.2996742)heartbreaking article about Jaylon Sewell. Jaylon is a Black student who “wasn’t allowed to attend class with dyed hair — ‘when white students with dyed hair were allowed to attend class.’” Nor was I [surprised to read that](http://www.nydailynews.com/news/national/king-black-student-la-forced-class-hair-style-article-1.2996742): “Jaylon and more than 20 other black students at Neville High School have been repeatedly targeted and harassed by school administrators for their hairstyles — including the Odell Beckham style, other colored styles, braids, dreads, and even for hair deemed “too nappy” by administrators…” In fact, the entire incident reminded me of a phrase I’ve used when talking about Black children in integrated schools: The Jewish community does not let Nazis, Nazi sympathizers or systems designed by Nazis, have anything to do with the education of Jewish children. Black people concerned about educating Black children should remember that. Integration: Harsh Realities for Black Children I’ve frequently written about the anti-Black discrimination Black kids face in schools. Whether they face suspension for wearing ethnically Black hair styles to school or if they are reprimanded for insubordination when they show up to school in Black bodies, using Black cultural mannerisms and expressions. I wrote about [Tiana Parker](http://www.afrostateofmind.com/tiana-parker-black-girls-black-hair-under-siege/), a Black student who was kicked out of school for wearing natural hair. I criticized schools like the [Lorain Horizon school, an integrated school which banned Afros and small twisted braids.](http://www.afrostateofmind.com/slanted-eyes-afro-puffs-banned-at-school-aka-black-hair-is-a-civil-right/) And I heavily criticized [HBCUs like Hampton University](http://www.afrostateofmind.com/hampton-hair-policy-meet-the-doll-test/) for supporting anti-Blackness by enforcing a ban against natural hairstyles in their Business School program. But as I wrote in this article about the Black student who was [videotaped as she was tossed like a rag doll by a school safety officer:](http://www.afrostateofmind.com/black-people-your-children-will-soon-be-forgotten/) the Black community lost the integration battle [when we agreed to integrate our children into school systems](https://twitter.com/AfroStateOfMind/status/837699495450271744) designed to enhance the broader society’s hatred of Black babies. “…think about the Black children who were part of the first wave and integration, [like the Little Rock Nine](https://en.wikipedia.org/wiki/Little_Rock_Nine) [and] think about what we gave up in exchange for the right to sit next to White children in school [and have access to their resources]… Think about the angry mob of racist White people those children had to walk past in order to get to the school doors. [What would possibly] make us believe that the teachers inside who would be teaching our kids felt any differently about them than the adults on the outside who threw rocks and racial slurs as they started the school day?” And, yes, Black children like the Little Rock Nine and Ruby Bridges had it bad. But [think about all those Black students who integrated into and attended racially hostile American schools with no guards at all](https://twitter.com/AfroStateOfMind/status/837699495450271744). While talk of integrating schools in places like New York City is the new en vogue conversation in race politics, [it’s important that we question a lot of what we believe about the impact of integration on Black students](https://youtu.be/nh6Q15QHyL4). Public Education: Failing Black Students Today When compared to their White counterparts, by most measures and with few exceptions, the vast majority of Black children in American schools perform at dismal rates academically. They are the [fastest growing group of children](https://www.aclu.org/racial-justice/infographic-school-prison-pipeline) filling jail cells. They are suspended and expelled three times as often as White children, are [subjected to harsher scrutiny](http://newsone.com/2962437/american-psychological-association-black-boys/) and suffer from [lower expectations](http://www.theroot.com/articles/culture/2014/10/study_finds_teachers_expect_less_of_black_and_brown_students.html) from both teachers and authority figures. Equally as significant, are the other systematic factors that follow Black students like an ever-present shadow. Black children face the same racially discriminatory burdens as the rest of the Black community. Their neighborhoods typically face racially skewed economic policies in housing and school funding, disproportionate unemployment, violence and other social ills. As if that weren’t enough, Black children (regardless of social class) also battle with what [Dr. Joy DeGruy calls racist socialization.](http://www.amazon.com/Traumatic-Slave-Syndrome-Angela-Degruy/dp/0985217200/ref=sr_1_1?ie=UTF8&qid=1427321693&sr=8-1&keywords=post+traumatic+slave+syndrome+by+joy+degruy+leary) She defines racist socialization as: the adoption of a white supremacist value system which has its roots in race-based slavery. At this value system’s foundation is the belief that white, and all things associated with whiteness (including intelligence and beauty), are superior; and that black and all things associated with blackness, are inferior. As noted by [educator, consultant and author](http://www.amazon.com/Cant-Teach-What-Dont-Know/dp/0807746657/ref=sr_1_1?ie=UTF8&qid=1427315241&sr=8-1&keywords=we+can%27t+teach+what+we+don%27t+know) Gary Howard, “It is no mere coincidence that the children of certain racial, cultural, linguistic and economic groups—those who have been marginalized by the force of Western White domination—are the same students who are now failing or underachieving at disproportionate rates in our nation’s schools.” The Failed Logic of School Integration: Assimilation When Black students first integrated into White schools, the American education [system was ruled by](http://www.heinz.org/Interior.aspx?id=433&LibraryID=506) assimilation logic. This is the belief that once Black students (and other students of color) “assimilated into White society, academic success would follow.” This logic ignored the fact that for decades, Black educators (with inferior resources) were able to produce brilliant Black thinkers who were dynamic community leaders who used their education to solve Black community issues. This is why segregated schools, with inferior education resources, could produce honor roll students who were also part of the leadership in the Civil Rights Movement. That said, there’s been a ton of [research on the experiences of students of color since integration.](http://www.heinz.org/Interior.aspx?id=433&LibraryID=506) That research shows that that schools still require Black students ([and other students of color](http://www.nbcnews.com/news/latino/can-ethnic-studies-improve-student-achievement-researcher-says-yes-n255131)) to assimilate into Whiteness in order to excel. By doing so, today’s schools [deny students of color access to their own culture](http://www.heinz.org/Interior.aspx?id=433&LibraryID=506), which is “the key resource that they bring to education.” A report by the Heinz Endowment, [Cultural Responsiveness: Racial Identity and Academic Success: A Review of Literature](http://www.heinz.org/Interior.aspx?id=433&LibraryID=506), reviewed more than 2800 studies that examined the connections between culturally responsive education (described more later), racial identity, resilience and achievement. [Researchers found that requiring Black students to assimilate into Whiteness was failing Black students](http://www.heinz.org/Interior.aspx?id=433&LibraryID=506) and students of color. In fact, research shows that students of color “performed best in settings that built on their culture and promoted their racial identities.” A recent study out of [Harvard and University of Pittsburgh](http://onlinelibrary.wiley.com/doi/10.1111/j.1467-8624.2012.01808.x/abstract) found that when Black parents empower their children with positive racial socialization, they perform better academically. In fact, [researchers found that “racial pride”](http://www.clutchmagonline.com/2013/01/new-study-black-students-who-are-taught-racial-pride-do-better-in-school/) was the single most important factor in protecting Black students against racial discrimination. Racial pride had a “direct impact on the students’ grades, future goals, and cognitive engagement.” As poignantly asked by Gary Howard: “How is it possible, with so much research and information available about multicultural issues today, that prospective educators can complete their entire teacher education and certification program without gaining a deeper grasp of social reality?” Indeed. Because despite that promising research, most Black children continue to struggle in an education system that was not designed for them. “Access” to White Resources is Not Everything My husband and I [provide professional development workshops](http://culturallyresponsiveteaching.com/) for educators on racism in school. We once asked a group of educators how racism show up in their students’ education. One well meaning teacher said “well it’s a bit subtle, but the books are written by White authors, the names of the schools are usually White male names, the pictures on the walls are of White people, etc. It’s subtle – but it’s there.” I thanked him for his answer but then pushed back by questioning how “subtle” this racism was: “Let’s imagine,” I told the group, “that a community of White parents arrives to bring their White children to school on the first day of the term. Imagine that the school is named the ‘LaKeisha Renae Jenkins Elementary School’, imagine that the books in all of the classrooms were written by Black authors and imagine that the pictures on the walls are of all Black and Brown faces. Not only are those White parents NOT going to let their kids attend school that day, but they might shut the school down for radical racist indoctrination. Yet we subject Black children to this every single day and expect them to succeed…and blame their parents when they don’t.” Before Black children integrated White schools, White educators used materials that were designed to accommodate the learning needs of White students. That didn’t change when Black students arrived. The books that were used, the authors they studied, the mathematicians, scientists, writers, and philosophers they analyzed, were all White. And they were all considered more valuable than Black thinkers, writers, scientist, just because they were White. White educators were trained to create lesson plans and taught to frame subjects by centering the specific learning needs of White children. White children were born into a system carefully constructed and maintained to provide them with racially-based access to benefits and resources at every turn. White privilege ensures they may never have to wrestle with the fact that their social safety nets were sewn together with the fabric of racism and threads of racist oppression. Their lifetime of privilege born out of the brutality of slavery and protected with the violence of Jim Crow. It should go without saying that the learning needs of White children (i.e. the descendants of the slave holding caste), are very different than the learning needs of Black children (i.e. the descendants of those who were enslaved). Because Black children were born into a manufactured legacy of racial inferiority. A legacy that ensures that [by the age of five they (and their White counterparts) have been thoroughly indoctrinated to believe that Black skin represents a curse](https://www.youtube.com/watch?v=rjy9q8VekmE). An education designed to meet the needs of White children is extremely harmful to the psychological, academic and professional developmental needs of Black children. Sadly, forcing Black children to participate in an educational process designed for those who benefit from the oppression of Black people is directly related to the fact that: [Black children are suspended more often and more harshly than their White counterparts](http://nymag.com/scienceofus/2015/08/white-kids-get-meds-black-kids-get-suspended.html). It is one of the main reasons why Black girls and Black boys are the [primary passengers on the trains driving up and down the school to prison pipeline](https://www.aclu.org/infographic/school-prison-pipeline-infographic). This is why those and other [disparities start as early as preschool](http://www.npr.org/sections/codeswitch/2014/03/21/292456211/black-preschoolers-far-more-likely-to-be-suspended). So, of course, brilliant Black students like Jaylon Sewell, Tiana Parker and all of the other phenomenal Black girls and boys are marginalized in school. Because the schools were designed to maintain their social marginalization. That. Is. Not. Progress. Black children need a culturally responsive education: one that is both culturally competent and designed to meet their specific needs and the needs of the communities in which they live.

#### Changing this system has been impossible since there has not been a collective unified movement for reparations

**Muhammad** Reginald S., (20**’11**) "The movement to secure reparations for blacks in America: an analysis of fragmented models and methodologies". ETD Collection for AUC Robert W. Woodruff Library. Paper 274.

**The current efforts of select organizations and black leaders to secure reparations from the U. S. Government** and targeted multinational corporations **are** perhaps **ineffective**. **The current reparations movement lacks a functional model and methodology that would address its long and short-term objectives, personnel, equipment, funding, and the logistics needed to secure reparations for blacks in America**. Within this context, **the reparations movement does not command serious consideration or attention** by those agencies being charged with various human rights crimes against the masses of black people in America. Moreover, one could make the argument that **the current movement is stagnated or dying, based on a lack of visible movement from reparations organizations, leaders, very little media coverage, and the obvious missing student/youth participation Reparations**, as defined by Webster c Dictionaiy, is “anything paid or done to make up for something else; compensation; specifically, usually plural, compensation by a defeated nation for damage done to civilians and their property in war, payable in money, labor and goods, etc. 2 By most accounts, the term reparations is often used in a political context, and it is generally understood that it will be a political process or struggle, made up of political players, institutions and scientists who will provide the model and methodology to secure reparations. This analysis is based on the premise that **the entire reparations movement remains fragmented, with the lack of a common model or methodology**. Depending on who is questioned or surveyed about the approach, process, model, or method for securing reparations, one generally receives a broad range of responses, which may be comprehensive, sound, reactionary, or incomplete. Furthermore, **the organizations that comprise the movement seem to have individual plans and approaches that are vastly different from one to the other**. Some proponents are demanding an apology and monetary payment. Others are asking for a release of political prisoners, repatriations, support of black institutions, and finally a set aside of states or territories for blacks. Law Professor Alfred L. Brophy offers his critique of the reparations dilemma: Part of the problem with evaluating reparations is that not only are the costs colossal but also we do not know what they would look like. One surprising element is that even one of the most major books on this topic, Ray A. Winbush’s “Should America Pay?” has hundreds of pages of discussion on whether the U. S. government and corporations should pay reparations but **[there is] very little discussion on what the [government] would pay, if they were going to do so, or of the form reparations would take**

#### This constant disenfranchisement has lead to a cycle of black poverty driver by under resourced schools. Inability to access adequate reparations has lead to violence, mass incarceration, unemployment, and even more poverty.

Valerie Strauss, May 31, 2013, Valerie Strauss covers education and runs The Answer Sheet blog, “The way out of the black poverty cycle”, The Washington Post, https://www.washingtonpost.com/news/answer-sheet/wp/2013/05/31/the-way-out-of-the-black-poverty-cycle/?utm\_term=.04bea7c3c3a6

W. E. B. Du Bois ended his account of the establishment of schooling for African-Americans during and immediately after Reconstruction with a paean to what we would today call African-American agency during Jim Crow: Had it not been for the Negro school and college, the Negro would, to all intents and purposes, have been driven back to slavery. His economic foothold in land and capital was too slight in ten years of turmoil to effect any defense or stability … But already, through establishing public schools and private colleges, and by organizing the Negro church, the Negro had acquired enough leadership and knowledge to thwart the worst designs of the new slave drivers. They avoided the mistake of trying to meet force by force. They bent to the storm of beating, lynching and murder, and kept their souls in spite of pubic and private insult of every description; they built an inner culture which the world recognizes in spite of the fact that it is still half-strangled and inarticulate. The achievement Du Bois memorializes was indeed admirable, and, as he said, admired. But today more is needed. The closed gate to education opportunity for black students is not controlled by the black community. It is widely believed that it is the duty of the oppressed to struggle against oppression. Hence the admiration for Spartacus and his successors. But there is no moral law that the struggle against oppression, in whatever realm, must be carried on only by the oppressed, nor any historical analysis that holds that the struggling oppressed, on their own, must succeed in ending their oppression. The direct route to the end of oppression is for the oppressors themselves to work with the oppressed to end it. It is also the moral responsibility of those keeping the gate of educational opportunity closed to join hands with those behind it, to work together to remove that barrier to the fulfillment of the promise of emancipation. It is becoming fashionable to argue that the low education achievement levels of African-Americans and Hispanics are caused by poverty. This is tantamount to an argument that the problem is insolvable, as poverty, especially black poverty, is unlikely to become the focus of governmental action any time soon. In any case, I think that the premise is incorrect. The cycle of black poverty is driven by under-resourced schools and mass incarceration. These underpin a vicious cycle, including high rates of violent felonies, resulting in yet more poverty. The way out is through better schools and an end to mass incarceration. Neither is sufficient in itself. The lack of educational achievement of many black children follows from the extraordinary rates at which their fathers are arrested and incarcerated. Imprisoned men can contribute little or nothing to save their children from lives spent in poverty. Even formerly imprisoned men all too often have little chance of finding work that can support their children above the poverty level, particularly given their own usual lack of effective educational attainment. As housing patterns are strongly associated with household income, the families of incarcerated or formerly incarcerated men, especially if they are African-American, are among the most likely to live in neighborhoods of concentrated poverty. Schools in segregated neighborhoods of concentrated poverty are all-too-often inadequate to their mission. On the other hand, a black student in an integrated suburban school — without regard to that student’s family income — can be as much as six times more likely to graduate on-time and college-ready than a black student in a segregated urban school. Similarly, a black student in a segregated, under-resourced, urban school, even a black student from a middle-class family, is unlikely to receive an education that will graduate him from high school on-time and college- or career-ready. Because of the peculiarities of the drug laws and matters at the level of detail of police officer reward systems and the career patterns of district attorneys, concentrated poverty leads to disproportionately intense police activity and prosecutions in predominately black neighborhoods. Quite apart from this, or, more exactly, in addition to this, neighborhoods and communities of concentrated poverty, black or white, in themselves foster high rates of violent felonies. High rates of incarceration of young black men lead to high rates of concentrated poverty for their neighborhoods, neighborhoods where ineffective schools contribute to high rates of incarceration and poverty, which foster high rates of violent offensives, and so on and on. The combination of these factors put astonishing numbers of young adult black men at risk of incarceration and give another turn to the wheel of disadvantage for their children. Most people, particularly most African-Americans, are familiar with this situation. The question is, then, what is to be done to end disproportionate black poverty? The common response to the question is a resort to the American doctrine of individual responsibility. Issues of culture, community and psychology are, no doubt, important contributors to differing levels of achievement in education as well as to the disparities in incarceration rates. We are told that young black men should pull up their socks (and their trousers) and simply do better in school and act better in the community. Examples of “beating the odds” and “resiliency” are featured by the media, foundations, community groups and inspirational speakers. These responses are ways of blaming the victims of racism and each in their own manner is a way of maintaining the system of racism. On the other hand, institutional policy decisions are clearly causal, definable and quantifiable and, possibly, given the public will, amenable to change. The goal, after all, is not for individuals to beat the odds. The goal is to change the odds, or, rather, to change the game. How is that to be done? Combining programs to improve educational attainment for black male students and to eliminate disparate rates of incarceration for matters such as drug offenses would cause the poverty rate for black children to decline significantly and the income of the black community to increase. As the black community’s income increased, the rate of violent offenses and incarcerations for those would decrease, further increasing the community’s income and educational attainment. Disproportionate black poverty would begin to come to an end.

\*NOTE\* We solve the mass incarceration alt cause because we can try and alleviate the sttp

#### You should prioritize on the ongoing extinctions of black people rather than a singular focused future extinction impact

Omolade 89, [1989, Barbara Omolade is a historian of black women for the past twenty years and an organizer in both the women’s and civil rights/black power movements, “We Speak for the Planet” in “Rocking the ship of state : toward a feminist peace politics”, pp. 172-176]

Recent efforts by Soviet leader Mikhail Gorbachev and President Ronald Reagan to limit nuclear testing, stockpiling, and weaponry, while still protecting their own arsenals and selling arms to countries and factions around the world, vividly demonstrate how "peace" can become an abstract concept within a culture of war. Many peace activists are similarly blind to the constant wars and threats of war being waged against people of color and the planet by those who march for "peace" and by those they march against. These pacifists, like Gorbachev and Reagan, frequently want people of color to fear what they fear and define peace as they define it. They are unmindful that our lands and peoples have already been and are being destroyed as part of the "final solution" of the "color line." It is difficult to persuade the remnants of Native American tribes, the starving of African deserts, and the victims of the Cambodian "killing fields" that nuclear war is the major danger to human life on the planet and that only a nuclear "winter" embodies fear and futurelessness for humanity. The peace movement suffers greatly from its lack of a historical and holistic perspective, practice, and vision that include the voices and experiences of people of color; the movement's goals and messages have therefore been easily coopted and expropriated by world leaders who share the same culture of racial dominance and arrogance. The peace movement's racist blinders have divorced peace from freedom, from feminism, from education reform, from legal rights, from human rights, from international alliances and friendships, from national liberation, from the particular (for example, black female, Native American male) and the general (human being). Nevertheless, social movements such as the civil rights-black power movement in the United States have always demanded peace with justice, with liberation, and with social and economic reconstruction and cultural freedom at home and abroad. The integration of our past and our present holocausts and our struggle to define our own lives and have our basic needs met are at the core of the inseparable struggles for world peace and social betterment. The Achilles heel of the organized peace movement in this country has always been its whiteness. In this multi-racial and racist society, no allwhite movement can have the strength to bring about basic changes. It is axiomatic that basic changes do not occur in any society unless the people who are oppressed move to make them occur. In our society it is people of color who are the most oppressed. Indeed our entire history teaches us that when people of color have organized and struggled-most especially, because of their particular history, Black people-have moved in a more humane direction as a society, toward a better life for all people.1 Western man's whiteness, imagination, enlightened science, and movements toward peace have developed from a culture and history mobilized against women of color. The political advancements of white men have grown directly from the devastation and holocaust of people of color and our lands. This technological and material progress has been in direct proportion to the undevelopment of women of color. Yet the dayto- day survival, political struggles, and rising up of women of color, especially black women in the United States, reveal both complex resistance to holocaust and undevelopment and often conflicted responses to the military and war. The Holocausts Women of color are survivors of and remain casualties of holocausts, and we are direct victims of war-that is, of open armed conflict between countries or between factions within the same country. But women of color were not soldiers, nor did we trade animal pelts or slaves to the white man for guns, nor did we sell or lease our lands to the white man for wealth. Most men and women of color resisted and fought back, were slaughtered, enslaved, and force marched into plantation labor camps to serve the white masters of war and to build their empires and war machines. People of color were and are victims of holocausts-that is, of great and widespread destruction, usually by fire. The world as we knew and created it was destroyed in a continual scorched earth policy of the white man. The experience of Jews and other Europeans under the Nazis can teach us the value of understanding the totality of destructive intent, the extensiveness of torture, and the demonical apparatus of war aimed at the human spirit. A Jewish father pushed his daughter from the lines of certain death at Auschwitz and said, "You will be a remembrance-You tell the story. You survive." She lived. He died. Many have criticized the Jews for forcing non-Jews to remember the 6 million Jews who died under the Nazis and for etching the names Auschwitz and Buchenwald, Terezin and Warsaw in our minds. Yet as women of color, we, too, are "remembrances" of all the holocausts against the people of the world. We must remember the names of concentration camps such as Jesus, Justice, Brotherhood, and Integrity, ships that carried millions of African men, women, and children chained and brutalized across the ocean to the "New World." We must remember the Arawaks, the Taino, the Chickasaw, the Choctaw, the Narragansett, the Montauk, the Delaware, and the other Native American names of thousands of U.S. towns that stand for tribes of people who are no more. We must remember the holocausts visited against the Hawaiians, the aboriginal peoples of Australia, the Pacific Island peoples, and the women and children of Hiroshima and Nagasaki. We must remember the slaughter of men and women at Sharpeville, the children of Soweto, and the men of Attica. We must never, ever, forget the children disfigured, the men maimed, and the women broken in our holocausts-we must remember the names, the numbers, the faces, and the stories and teach them to our children and our children's children so the world can never forget our suffering and our courage. Whereas the particularity of the Jewish holocaust under the Nazis is over, our holocausts continue. We are the madres locos (crazy mothers) in the Argentinian square silently demanding news of our missing kin from the fascists who rule. We are the children of El Salvador who see our mothers and fathers shot in front of our eyes. We are the Palestinian and Lebanese women and children overrun by Israeli, Lebanese, and U.S. soldiers. We are the women and children of the bantustans and refugee camps and the prisoners of Robbin Island. We are the starving in the Sahel, the poor in Brazil, the sterilized in Puerto Rico. We are the brothers and sisters of Grenada who carry the seeds of the New Jewel Movement in our hearts, not daring to speak of it with our lipsyet. Our holocaust is South Africa ruled by men who loved Adolf Hitler, who have developed the Nazi techniques of terror to more sophisticated levels. Passes replace the Nazi badges and stars. Skin color is the ultimate badge of persecution. Forced removals of women, children, and the elderly-the "useless appendages of South Africa"-into barren, arid bantustans without resources for survival have replaced the need for concentration camps. Black sex-segregated barracks and cells attached to work sites achieve two objectives: The work camps destroy black family and community life, a presumed source of resistance, and attempt to create human automatons whose purpose is to serve the South African state's drive toward wealth and hegemony. Like other fascist regimes, South Africa disallows any democratic rights to black people; they are denied the right to vote, to dissent, to peaceful assembly, to free speech, and to political representation. The regime has all the typical Nazi-like political apparatus: house arrests of dissenters such as Winnie Mandela; prison murder of protestors such as Stephen Biko; penal colonies such as Robbin Island. Black people, especially children, are routinely arrested without cause, detained without limits, and confronted with the economic and social disparities of a nation built around racial separation. Legally and economically, South African apartheid is structural and institutionalized racial war. The Organization of African Unity's regional intergovernmental meeting in 1984 in Tanzania was called to review and appraise the achievements of the United Nations Decade for Women. The meeting considered South Africa's racist apartheid regime a peace issue. The "regime is an affront to the dignity of all Africans on the continent and a stark reminder of the absence of equality and peace, representing the worst form of institutionalized oppression and strife." Pacifists such as Martin Luther King, Jr. and Mahatma Gandhi who have used nonviolent resistance charged that those who used violence to obtain justice were just as evil as their oppressors. Yet all successful revolutionary movements have used organized violence. This is especially true of national liberation movements that have obtained state power and reorganized the institutions of their nations for the benefit of the people. If men and women in South Africa do not use organized violence, they could remain in the permanent violent state of the slave. Could it be that pacifism and nonviolence cannot become a way of life for the oppressed? Are they only tactics with specific and limited use for protecting people from further violence? For most people in the developing communities and the developing world consistent nonviolence is a luxury; it presumes that those who have and use nonviolent weapons will refrain from using them long enough for nonviolent resisters to win political battles. To survive, peoples in developing countries must use a varied repertoire of issues, tactics, and approaches. Sometimes arms are needed to defeat apartheid and defend freedom in South Africa; sometimes nonviolent demonstrations for justice are the appropriate strategy for protesting the shooting of black teenagers by a white man, such as happened in New York City. Peace is not merely an absence of 'conflict that enables white middleclass comfort, nor is it simply resistance to nuclear war and war machinery. The litany of "you will be blown up, too" directed by a white man to a black woman obscures the permanency and institutionalization of war, the violence and holocaust that people of color face daily. Unfortunately, the holocaust does not only refer to the mass murder of Jews, Christians, and atheists during the Nazi regime; it also refers to the permanent institutionalization of war that is part of every fascist and racist regime. The holocaust lives. It is a threat to world peace as pervasive and thorough as nuclear war.

#### Reparations are a radical transformation and reimagining of the way the USFG works. Lack of federal involvement has lead to centuries of failed policies such as segregation that perpetuate white domination. Only the act of dreaming and being involved in the fight for reparations can we attempt to eliminate violence’s such as rampant poverty from black communities

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If we think of reparations as part of a broad strategy to radically transform society—redistributing wealth, creating a democratic and caring public culture, exposing the ways capitalism and slavery produced massive inequality—then the ongoing struggle for reparations holds enormous promise for revitalizing movements for social justice. Consider the context: For at least the last quarter century we have witnessed a general backlash against the black community. As I argued in Yo’ Mama’s Disfunktional! (1997), Republican and Democratic administrations dismantled most state protections for poor people of color, expanded the urban police state, virtually eliminated affirmative action and welfare as we knew it, and significantly weakened institutions and laws created to protect civil rights. All these cutbacks were justified by a discourse that blamed black behavior for contemporary urban poverty and turned what were once called “rights” (i.e., welfare) into “privileges.” The argument for reparations not only recasts these measures as rights but as payback. It shows how more than two centuries of U.S. policy facilitated accumulation among white property owners while further impoverishing African Americans. Thus federal assistance to black people in any form is not a gift but a down payment for centuries of unpaid labor, violence, and exploitation. We need not go all the way back to slavery to make the case. We can point to more than a century of discrimination to explain the myriad ways U.S. policies have enriched upper- and middle-class whites at the expense of black people and other people of color (and we’ve already looked at housing policies). Let us take just one example: education. During Reconstruction, African Americans led the fight for free universal public education in the United States, not just for themselves but for everyone. After being barred from reading and writing while in bondage, newly freed people regarded education as one of the most basic rights and privileges of citizenship. Education was so important, in fact, that they were willing to pay for public schools or start their own. In South Carolina, for example, freed people contributed nearly thirteen thousand dollars to keep twenty-three schools running, schools that had been established by the Freedmen’s Bureau. Indeed, between 1866 and 1870, newly freed people contributed more than three-quarters of a million dollars in cash to sustain their own schools. Once African Americans won the franchise, they made it possible for universal compulsory education to be written into state constitutions throughout the South. They also elected black legislators who succeeded in establishing boards of education and requiring compulsory education with “no distinction to be made in favor of any class of persons.” In South Carolina in 1868, black and progressive white legislators made sure textbooks were provided free of charge, and within two years close to sixteen thousand black children and eleven thousand white children attended public schools. As soon as the federal government withdrew its support for Reconstruction and the Southern planter class and New South industrialists imposed formal segregation, black students were relegated to inferior schools and denied full attendance. Rural schools for blacks, for example, often operated only a few weeks out of the year. And yet black wage earners continued to pay taxes to support public education. In the Jim Crow South it was not unusual for African Americans to contribute 40 percent of the school budget but attend schools that received 10 percent of the expenditures. One study conducted by researchers at Atlanta University in 1901 concluded that black taxpayers were actually subsidizing white schools. More recently, two years after the Supreme Court ordered desegregation of schools in 1954, the state of Virginia introduced publicly funded school vouchers to help white families send their children to private schools rather than endure integration. The vouchers were eventually deemed unconstitutional, but during that short period of time African American taxes were being used to help pay for white children’s private-school tuition. In light of how our separate and unequal education has benefited whites and cost African Americans, claims that affirmative action is “reverse discrimination” or a “special privilege” ring hollow at best. The reparations movement exposes the history of white privilege and helps us all understand how wealth and poverty are made under capitalism—particularly a capitalism shaped immeasurably by slavery and racism. It stresses the fact that labor— not CEOs, not scientists and technicians, not the magic of the socalled free market—creates wealth. The reparations movement provides an analysis of our situation that challenges victim-blaming explanations, explaining that exploitation and regressive policies create poverty, not bad behavior. It ought to compel us to pay attention to the centrality of racism in the U.S. political economy, because one of the consequences of racial differentials in income and economic opportunity is downward pressure on wages for all working people, irrespective of color. It should also make us look at gender, because men and women did not experience exploitation in the same manner. We need to consider things like women’s unpaid labor (see chapter 5), reproduction, sexual abuse, and ways to make restitution for these distinctive forms of exploitation. At the very least, the reparations movement ought to clarify issues like what constitutes a “family” if payments are to be made to such units, or how we might imagine remaking relationships between men and women, boys and girls, adults and children. If radical transformation of society is one of the goals of the reparations movement, then these questions cannot be ignored. Unfortunately, most arguments in support of reparations scarcely mention gender. In the end, a successful reparations campaign has the potential to benefit the entire nation, not just the black community. Since most plans emphasize investments in institutions rather than individual payments, the result would bring a massive infusion of capital for infrastructure, housing, schools, and related institutions in communities with large black populations. Monies would also be made available to support civic organizations and help establish a strong civil society among people of African descent, which in turn would strengthen civil society as a whole. Presumably, social ills such as crime, drug use, and violence would be reduced considerably and thus alter the world’s image of black people. Furthermore, the historically black ghetto communities to which substantial investments would be made also house other poor people of color: Latinos, Afro-Caribbeans, Native Americans, Asian Americans (namely Filipinos, Samoans, South Asians, Koreans, etc.). They, too, would benefit from improved schools, homes, public life, and a politically strengthened black community. Given the relationship of slavery and racism to the global economy, this outcome makes perfect sense. Many of these poor immigrant groups are themselves products of centuries of imperialism—slavery’s handmaiden, if you will—or descendants of slaves, as in the case of many Caribbean and Latin American immigrants. Finally, it should be stressed that reparations for one group will not harm working-class whites. As Robert Westley argued in a recent Boston College Law Review article on reparations: Racist exploitation has contributed to the persistence of poverty among Blacks and the unjust privilege of whites. Redressing these harms through Black reparations would help to alleviate part of the problem of persistent poverty. To the extent that poverty remains a problem among nonBlacks and Blacks alike, it is both just and consistent with the equality principle to demand adequate social welfare, equal educational opportunity and access to jobs. Other national goals, like space exploration or defense, may need to be downsized in order to fulfill the moral obligation of social justice. Of course, we do not yet live in a society where social justice takes precedence over national defense. This is why the reparations campaign, despite its potential contribution to eliminating racism and remaking the world, can never be an end in itself. Movement leaders have known this all along. The hard work of changing our values and reorganizing social life requires political engagement, community involvement, education, debate and discussion, and dreaming. Money and resources are always important, but a new vision and new values cannot be bought. And without at least a rudimentary critique of the capitalist culture that consumes us, even reparations can have disastrous consequences. Imagine if reparations were treated as start-up capital for black entrepreneurs who merely want to mirror the dominant society. What would really change? Again, we have to return to Detroit, this time to veteran radical Grace Lee Boggs. For decades she has been making this very point, insisting that we stop begging for inclusion in a corrupt system, take responsibility for transforming our culture, and remake ourselves as human beings. I hope that all of us who believe freedom is worth pursuing will heed her words and recognize the power we already possess: What we need to do . . . is encourage groups of all kinds and all ages to participate in creating a vision of the future that will enlarge the humanity of all of us and then, in devising concrete programs on which they can work together, if only in a small way, to move toward their vision. In this unique interim time between historical epochs, this is how we can elicit the hope that is essential to the building of a movement and unleash the energies that in the absence of hope are turned against other people or even against oneself. . . . When people come together voluntarily to create their own vision, they begin wishing it to come into being with such passion that they begin creating an active path leading to it from the present. The spirit and the way to make the spirit live coalesce. Instead of seeing ourselves only as victims, we begin to see ourselves as part of a continuing struggle of human beings, not only to survive but to evolve into more human human beings.

\*NOTE\* if they ask about def of family. The family is defined by black bodies outside of the western conception. The point of the reparations movement is to question this, and we since this movement hasn’t occurred yet we cannot give you a complete answer.

\*Note\* Concedes that it would tradeoff with national secutiry and that o/w. It also says that youhave to have a K of capitalism or else reparations will fail

#### Thus, We some people of the United States of American do ordain and establish reparations as educational funding for the disenfranchisement of black people.

#### Our performative revolutionary fiat and a demand for educational reparations allow for adequate funding to improve black lives—works to undo centuries of discrimination

Melanye Price, December 14, 2016, Melanye is an assistant professor of Africana studies and political science at Rutgers University., “Reparations Can and Should Be Done in a Powerful Way”, The New York Times, https://www.nytimes.com/roomfordebate/2014/06/08/are-reparations-due-to-african-americans/reparations-can-and-should-be-done-in-a-powerful-way?register=google

People are often opposed to reparations because they imagine a scenario like the one depicted on Dave Chappelle’s show. They see blacks getting checks akin to welfare and spending it frivolously. Though the point of reparations is solely about recompense, Americans tend to focus on the choices victims make, not the injury. Continuing residential and educational segregation along with discriminatory economic policy means that we can still identify neighborhoods, schools, and other community institutions that, with the provision of resources, can improve many African-Americans lives. Reparative policies can be implemented quickly and to great effect. Education and health are particularly important because of the depth of the problems and the fact that preventive intervention can essentially eradicate these disparities. According to the federal Centers for Disease Control and Prevention, African Americans have the highest death rates from heart disease and the highest HIV infection rates. The average black high school graduate is four years behind their white counterpart. Many schools in African-American communities fail to meet basic academic standards because their schools lack the technology and physical facilities necessary to prepare students for success. Equalizing funding in these schools and bringing urban education infrastructure into the new millennium would be an immediate boon to the lives of black children and families and ultimately the nation. Historically black colleges and universities were developed as a direct result of racial discrimination. Today, those same colleges continue to be the top producers of African-American graduates with degrees in science and technology fields and of public school teachers. These schools do this work with a fraction of the funding of other publicly funded colleges; remedying these disparities, like K-12 schools, would immediately improve black prospects and work to undo centuries of discrimination. Implementing health initiatives in black communities would diminish well-documented health inequities. Problems like hypertension, heart disease asthma and obesity, which adversely impacts blacks at higher rates, could be effectively treated and prevented with greater health care access. My research on black attitudes on diversity suggests that blacks are firmly committed to personal responsibility, but they are also keenly aware of how institutionalized racism constricts their life choices. These are steps towards reparative justice for past laws, policies and customs that created current disparities. There is no doubt it can be done. All that’s missing is the will to do it.

#### Reparations are more than a “handout”—it is the start to the reimagination of a new country that leads to a spiritual renewal of past injustices

TA-NEHISI COATES, June 2014, Ta-Nehisi Coates is a national correspondent for The Atlantic, where he writes about culture, politics, and social issues., “The Case for Reparations”, The Atlantic, <https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631/>

And so we must imagine a new country. Reparations—by which I mean the full acceptance of our collective biography and its consequences—is the price we must pay to see ourselves squarely. The recovering alcoholic may well have to live with his illness for the rest of his life. But at least he is not living a drunken lie. Reparations beckons us to reject the intoxication of hubris and see America as it is—the work of fallible humans. Won’t reparations divide us? Not any more than we are already divided. The wealth gap merely puts a number on something we feel but cannot say—that American prosperity was ill-gotten and selective in its distribution. What is needed is an airing of family secrets, a settling with old ghosts. What is needed is a healing of the American psyche and the banishment of white guilt. What I’m talking about is more than recompense for past injustices—more than a handout, a payoff, hush money, or a reluctant bribe. What I’m talking about is a national reckoning that would lead to spiritual renewal. Reparations would mean the end of scarfing hot dogs on the Fourth of July while denying the facts of our heritage. Reparations would mean the end of yelling “patriotism” while waving a Confederate flag. Reparations would mean a revolution of the American consciousness, a reconciling of our self-image as the great democratizer with the facts of our history.

#### Questioning the wrong doings of America through the movement for reparations is more important than the specific answers that are produced

TA-NEHISI COATES, June 2014, Ta-Nehisi Coates is a national correspondent for The Atlantic, where he writes about culture, politics, and social issues., “The Case for Reparations”, The Atlantic, <https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631/>

Something more than moral pressure calls America to reparations. We cannot escape our history. All of our solutions to the great problems of health care, education, housing, and economic inequality are troubled by what must go unspoken. “The reason black people are so far behind now is not because of now,” Clyde Ross told me. “It’s because of then.” In the early 2000s, Charles Ogletree went to Tulsa, Oklahoma, to meet with the survivors of the 1921 race riot that had devastated “Black Wall Street.” The past was not the past to them. “It was amazing seeing these black women and men who were crippled, blind, in wheelchairs,” Ogletree told me. “I had no idea who they were and why they wanted to see me. They said, ‘We want you to represent us in this lawsuit.’ ” A commission authorized by the Oklahoma legislature produced a report affirming that the riot, the knowledge of which had been suppressed for years, had happened. But the lawsuit ultimately failed, in 2004. Similar suits pushed against corporations such as Aetna (which insured slaves) and Lehman Brothers (whose co-founding partner owned them) also have thus far failed. These results are dispiriting, but the crime with which reparations activists charge the country implicates more than just a few towns or corporations. The crime indicts the American people themselves, at every level, and in nearly every configuration. A crime that implicates the entire American people deserves its hearing in the legislative body that represents them. John Conyers’s HR 40 is the vehicle for that hearing. No one can know what would come out of such a debate. Perhaps no number can fully capture the multi-century plunder of black people in America. Perhaps the number is so large that it can’t be imagined, let alone calculated and dispensed. But I believe that wrestling publicly with these questions matters as much as—if not more than—the specific answers that might be produced. An America that asks what it owes its most vulnerable citizens is improved and humane. An America that looks away is ignoring not just the sins of the past but the sins of the present and the certain sins of the future. More important than any single check cut to any African American, the payment of reparations would represent America’s maturation out of the childhood myth of its innocence into a wisdom worthy of its founders.

#### You should prioritize incremental victories that begin in the imagination. Even if we don’t end all discrimination, hope is valuable as it can lead to successful progress

Solnit 16 (Rebecca, Master's degree in journalism from the University of California, Berkeley, Published March 15th 2016, “Hope in the Dark: Untold Histories, Wild Possibilities”, pg 137-142//nm)

This book was written for something—for the encouragement of activists who share some of my dreams and values. We are all activists in some way or another, because our actions (and inactions) have impact. And it was written against something—a defeatist, dismissive frame of mind that is far too widespread. We talk about politics as though they were a purely rational exercise in the world of deeds and powers, but how we view that world and act in it has its roots in identities and emotions. There is, in other words, an inner life to politics, and I wanted to get at it, to plant and to weed there. I went on the road from 2003 onward, talking about hope, change, civil society movements, and the power of stories. I met with joyous embrace of the ideas I was talking about from people who’d already arrived at their own versions of these ideas independently, and from people who wanted encouragement or alternative views. Often, I also encountered bitterness, defeatism, and sometimes rage. It was, at first, surprising that talking about hope made some people furious. Some had the sense that they were protectors of knowledge that might otherwise be lost, about injustices and wrongs and injuries, and they saw those as the stories that need to be told. I had a different sense, that we need stories that don’t gloss over the ugly damage out there but that don’t portray it as all there is either. The mainstream media don’t tell much about the dank underside of our institutions and the damage they do, but they won’t tell you much about populist insurrections, grassroots victories, or beautiful alternatives either. Both matter; because the former are so well attended to, I’ve taken the latter as my beat. The despairing were deeply attached to their despair, so much so I came to refer to my project as stealing the teddy bear of despair from the loving arms of the left. What did it give that particular sector of the left? It got them off the hook, for one thing. If the world is totally doomed no matter what, little or nothing is demanded of you in response. You can go be bitter and idle on your sofa if you’re already comfortable and safe. It was striking that the people with the most at stake were often the most hopeful. And that those who were active were often hopeful, though it may be the other way around: some of those who are hopeful are active. Yet the range of the hopeful extends beyond that, and you can find hope in surprising corners. Early in my hope tours, I gave a talk to a roomful of people of color in Washington State. Some had memories of the civil rights movement, some identified with their fellow Mexicans who’d risen up as the Zapatistas, and a small, elegant Asian woman about my age said, in a voice of bell-like clarity, “I think that is right. If I had not hoped, I would not have struggled. And if I had not struggled, I would not have survived Pol Pot.” It was a stunning statement, by a Cambodian immigrant whose hope must have been small and narrow at the time—just to survive. I am often amazed at the lack of bitterness on the part of many of those who have most right to it, though I’ve seen exhaustion, physical, emotional, and moral, among frontline activists. For the desperate, the alternative to hope—and the struggle to realize that hope—is death or privation or torture or a grim future or no future for their children. They are motivated. From afar I’ve watched the Coalition of Immokalee Workers, the mostly undocumented Haitian, Latino, and Mayan Indian immigrants who fought for farmworkers’ rights with panache, brilliance, and creativity for the last decade. Realizing they couldn’t extract a living wage from farmers, they went after the buyers and brought gigantic corporations—McDonald’s, Walmart, Burger King, Taco Bell, Whole Foods—into line with their fair-price terms for tomato pickers. Along the way they were cheerful, spirited, and hopeful. It seemed in part to be a cultural style. There’s a romantic idealism in Latin American politics, a sense of possibility for the world and heroic engagement for the self. It may come from recent memories of death squads and beautiful insurrections and from turbulent national histories, from a sense that everything can change suddenly, for the better or the worse. That it’s not a problem of the English language is evident in the beautiful spirit of many Black movements past and present, some of them faith-based, some of them energized by hip-hop. And then there were my people, middle-class white people. It was as though many of us didn’t know how to be this other kind of person, this person who could speak of big dreams, of high ideals, of deep emotions, as though something more small-scale and sarcastic was the reduced version of self that remained to us. I’ve had great visionary companions the past dozen years from many places and races, but I’ve met so many of my kind who are attached for various reasons to their limits and their misery. A friend born in the 1950s reminds me that his generation in their youth really expected a revolution—the old kind where people march with weapons and overthrow the government and establish a utopia—and were permanently disappointed that it hadn’t come to pass. When I was young, people still jestingly said, “After the revolution,” but the catchphrase came from the idea that regime change was how to change everything, and that nothing short of regime change mattered. Though everything had changed—not enough on many fronts, but tremendously. And everything matters. My friend’s different from many of his peers, and we talked about the more profound revolutions that had unfolded in our lifetimes, around race, gender, sexuality, food, economics, and so much more, the slow incremental victories that begin in the imagination and change the rules. But seeing those revolutions requires looking for something very different than armed cadres. It also requires being able to recognize the shades of gray between black and white or maybe to see the world in full color. Much has changed; much needs to change; being able to celebrate or at least recognize milestones and victories and keep working is what the times require of us. Instead, a lot of people seem to be looking for trouble, the trouble that reinforces their dismal worldview. Everything that’s not perfect is failed, disappointing, a betrayal. There’s idealism in there, but also unrealistic expectations, ones that cannot meet with anything but disappointment. Perfectionists often position themselves on the sidelines, from which they point out that nothing is good enough. The idea that something is flawed, doomed, fatally compromised, or just no good frequently arises from what I call naïve cynicism. It often comes out of less information and less responsibility for results than deeply engaged activists have. I’ve often seen, say, a landmark piece of climate legislation hailed as a victory and celebrated by people working hardest on the issue, but dismissed and disparaged by those who are doing little or nothing for the cause in question. They don’t actually know what work went into producing the legislation, what it will achieve, and what odds were overcome to get it. Criticizing it seems to be a way of reinforcing an identity, but that criticism is often vague and ill informed when it comes to the facts. And the question arises about that identity too: is it attached to losing? Nevertheless, such dismissive critiques are often presented as worldliness, as knowledge and experience, even when they draw from neither. The naively cynical measure a piece of legislation, a victory, a milestone not against the past or the limits of the possible but against their ideas of perfection, and as this book reminds you, perfection is a yardstick by which everything falls short. They may fear that celebrating anything means undermining the dissatisfaction that drives us—if dissatisfaction drives us rather than parks us in the parking lot of the disconsolate. The business of how we get from bad to good, from dying to surviving and maybe to thriving, isn’t their responsibility. The deeply engaged well know that the particular bit of legislation under discussion isn’t everything we hope for, doesn’t get us all the way there, and also know that it can be a step forward from which further steps can and must be taken, and that change is often made incrementally, not by a great leap from evil to pure goodness. Maybe an underlying problem is that despair isn’t even an ideological position but a habit and a reflex. I have found, during my adventures in squandering time on social media, that a lot of people respond to almost any achievement, positive development, or outright victory with “yes but.” Naysaying becomes a habit. Yes, this completely glorious thing had just happened, but the entity that achieved it had done something bad at another point in history. Yes, the anguish of this group was ended, but somewhere some other perhaps unrelated group was suffering hideously. It boiled down to: we can’t talk about good things until there are no more bad things. Which, given that the supply of bad things is inexhaustible, and more bad things are always arising, means that we can’t talk about good things at all. Ever. Sometimes it seemed to come out of a concern that we would abandon the unfinished work if we celebrated, a sense that victories or even joy and confidence are dangerous. That celebrating or just actively fomenting change is dangerous. The young activist Yotam Marom, who came of age as an activist at Occupy Wall Street, contemplated this state of affairs in the essay “Undoing the Politics of Powerlessness.” He wrote: Today, when I think about the politics of powerlessness, it feels clear as day to me that the source of all of it is fear. Fear of leaders, of the enemy, of the possibility of having to govern, of the stakes of winning and losing, of each other, of ourselves. And it’s all pretty understandable. We call each other out and push one another out of the movement, because we are desperate to cling to the little slivers of belonging we’ve found in the movement, and are full of scarcity — convinced that there isn’t enough of anything to go around (money, people, power, even love). We eat ourselves alive and attack our own leaders because we’ve been hurt and misled all our lives and can’t bear for it to happen again on our watch … And perhaps most importantly: Our tendency to make enemies of each other is driven by a deep fear of the real enemy, a paralyzing hopelessness about our possibilities of winning. After all, whether we admit it or not, we spend quite a lot of our time not believing we can really win. And if we’re not going to win, we might as well just be awesome instead. If we’re not going to win, we’re better off creating spaces that suit our cultural and political tastes, building relationships that validate our non-conformist aesthetic, surrendering the struggle over the future in exchange for a small island over which we can reign. How do we get back to the struggle over the future? I think you have to hope, and hope in this sense is not a prize or a gift, but something you earn through study, through resisting the ease of despair, and through digging tunnels, cutting windows, opening doors, or finding the people who do these things. They exist. “You gotta give them hope,” said Harvey Milk long ago, and then he did exactly that. I believe that you can talk about both the terrible things we should engage with and the losses behind us, as well as the wins and achievements that give us the confidence to endeavor to keep pursuing the possibilities. I write to give aid and comfort to people who feel overwhelmed by the defeatist perspective, to encourage people to stand up and participate, to look forward at what we can do and back at what we have done. This book was always for them. And if you’ve read this far, for you.

## Solvency

### Hope Stuff

Williams 2K6 [Verna L. Associate Professor, University of Cincinnati College of Law; B.S., Georgetown University; J.D., Harvard Law School. “READING, WRITING, AND REPARATIONS: SYSTEMIC REFORM OF PUBLIC SCHOOLS AS A MATTER OF JUSTICE”]

Almost from the beginning, reparations theory has looked beyond the traditional binary approach to race, in part because theorizing about redress for societal harms was invigorated by enactment of the Civil Liberties [\*433] Act of 1988, compensating Japanese Americans for their internment during the Second World War. Consistent with CRT precepts of anti-essentialism, scholars identified lessons to be learned from this experience that could be adapted to the struggles of other groups. Thus, for example, Eric Yamamoto cautions that groups be mindful that reparations do not devolve into a payoff that "assuages white American guilt without guaranteeing changes in mainstream attitudes and the restructuring of institutions." Similarly, he warns of the possibility that reparations may be achieved for the illusory benefit of inclusion at the expense of other oppressed groups. In other words, Yamamoto urges reparations advocates to make certain that the quest for reparations and racial justice does not result in further entrenching of injustice against other groups. Similarly, reparations theory **looks beyond traditional domestic antidiscrimination law for strategies and support**. For example, Yamamoto, Susan Serrano, and Michelle Natividad Rodriguez have argued for using an international human rights framework to frame reparations claims in order to focus the world's attention on the United States and its response to claims for restorative justice. Building upon Bell's interest-convergence theory, these scholars suggest that the war on terror and the government's professed desire to export democracy may make redress politically viable and, indeed, necessary: "the United States may lack the unfettered moral authority and international standing to sustain a preemptive worldwide war on terror unless it fully and fairly redresses the continuing harms of its own long-term government-sponsored terrorizing of a significant segment of its populace." These scholars argue that framing reparations claims in terms of human rights law has the potential to "place American racial justice on trial," which, in turn, will place necessary political pressure on the United States to remedy past wrongs. Additionally, because international human rights law avoids many of the well-known pitfalls of the traditional legal framework, this body of law may provide a greater opportunity for success. [\*434] When viewed in connection with its scholarly antecedents, the reparations movement must be seen as an overt effort to reverse the hegemonic use of the law to legitimate and reinforce race-based subordination. In this sense, **"reparations talk" is a means of public** **education**, not only about "the contributions Blacks have made without compensation or too little compensation;" but also about the nature of discrimination; an important discussion, since the Supreme Court's decisions on affirmative action, with the possible exception of Grutter v. Bollinger, have contributed to the subversion of that term. Thus, **reparations is a vehicle** **for removing the veil from systemic state-sponsored subordination of Blacks** and state collusion in private acts that have furthered the subjugation of African Americans. Additionally, the reparations movement seeks to involve the community at large - the courts, legislatures, and the public - in order to fashion a variety of remedies, including redistribution of wealth, and reckoning with and deconstructing the systemic enforcement of White privilege to improve the material conditions of African Americans and realize the promise of equality embodied in the Constitution.

#### Educating is a vocation of hope

hooks 94[bell, PhD She focus of hooks's writing has been the [intersectionality](https://en.wikipedia.org/wiki/Intersectionality) of [race](https://en.wikipedia.org/wiki/Race_(classification_of_human_beings)), [capitalism](https://en.wikipedia.org/wiki/Capitalism), and [gender](https://en.wikipedia.org/wiki/Gender), and what she describes as their ability to produce and perpetuate systems of [oppression](https://en.wikipedia.org/wiki/Oppression) and class domination. She has published over 30 books and numerous scholarly articles, appeared in [documentary films](https://en.wikipedia.org/wiki/Documentary_film), and participated in public lectures. “Teaching to Transgress”pp8]

By making the personal political, many individuals have experienced major transformations in thought that have led to changing their lives: the white people who worked to become anti-racist, the men who worked to challenge sexism and patriarchy, heterosexists who begin to truly champion sexual freedom. There have been many quiet moments of incredible shifts in thought and action that are radical and revolutionary. To honor and value these moments rightly we must name them even as we continue rigorous critique. Both exercises in recognition, naming the problem but also fully and deeply articulating what we do that works to address and resolve issues, are needed to generate anew and inspire a spirit of ongoing resistance. When we only name the problem, when we state complaint without a constructive focus on resolution, we take away hope. In this way critique can become merely an expression of profound cynicism, which then works to sustain dominator culture. In the last twenty years, educators who have dared to study and learn new ways of thinking and teaching so that the work we do does not reinforce systems of domination, of imperialism, racism, sexism or class elitism have created a pedagogy of hope. Speaking of the necessity to cultivate hope, Brazilian educator Paulo Freire reminds us: “The struggle for hope means the denunciation, in no uncertain terms of **all abuses . . . As we denounce them, we awaken in others and ourselves the need, and also the taste, for hope.”** Hopefulness empowers us to continue our work for justice even as the forces of injustice may gain greater power for a time. As teachers we enter the classroom with hope. Freire contends: “Whatever the perspective through which we appreciate authentic educational practice—its process implies hope.” My hope emerges from those places of struggle where I witness individuals positively transforming their lives and the world around them. Educating is always a vocation rooted in hopefulness. As teachers we believe that learning is possible, that nothing can keep an open mind from seeking after knowledge and finding a way to know. In The Outrageous Pursuit of Hope: Prophetic Dreams for the Twenty-First Century Mary Grey reminds us that we live by hope. She declares: “Hope stretches the limits of what is possible. It is linked with that basic trust in life without which we could not get from one day to the next . . . To live by hope is to believe that it is worth taking the next step: that our actions, our families, and cultures and society have meaning, are worth living and dying for. Living in hope says to us, ‘There is a way out,’ even from the most dangerous and desperate situations . . .” One of the dangers we face in our educational systems is the loss of a feeling of community, not just the loss of closeness among those with whom we work and with our students, but also the loss of a feeling of connection and closeness with the world beyond the academy. Progressive education, education as the practice of freedom, enables us to confront feelings of loss and restore our sense of connection. It teaches us how to create community. In this book I identify much that stands in the way of connectedness even as I identify all the work we do that builds and sustains community. Teaching Community: A Pedagogy of Hope offers practical wisdom about what we do and can continue to do to make the classroom a place that is life-sustaining and mind-expanding, a place of liberating mutuality where teacher and student together work in partnership. Whether writing about love and justice, about white people who transform their lives so they are fundamentally anti-racist at the core of their being, or about the issue of sex and power between teachers and students, or the way we can use the knowledge of death and dying to strengthen our learning process, these pages are meant to stand as a testament of hope. In them I work to recover our collective awareness of the spirit of community that is always present when we are truly teaching and learning.

### Spiritual Healing

#### Engaging in radical dialogue interrogating white privilege and legislative action is key to spiritually healing the black community

SUNDQUIST 2K3 [Christian, Associate at a major New York City law firm. J.D., Georgetown University Law Center, 2002; B.A., Carleton College, 1997. “CRITICAL PRAXIS, **SPIRIT** HEALING, AND COMMUNITY ACTIVISM: PRESERVING A SUBVERSIVE DIALOGUE ON REPARATIONS” 2003]

Black reparations have the potential to decisively create substantive, long-lasting social change for the Black community, and the nation as a whole. A transformative model of Black reparations can eliminate Black discrimination and socio-economic inequality, while healing spiritual injuries and forming a unified community. **The transformative model of reparations** maintains that a simultaneous agenda of **deconstructing white privilege, spiritual healing and community-building can create the conditions necessary for a successful, subversive political movement**. What is truly inevitable is the accession to power of those on the bottom, not the continuance of the dominant structure. [n193](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.685765.080602706&target=results_DocumentContent&returnToKey=20_T26217710908&parent=docview&rand=1499351788492&reloadEntirePage=true#n193)Black reparations cannot be an isolated event. Rather, it must be perpetual in nature, continuing to deconstruct privileging structures until white privilege no longer exists and Black inequality and subordination is conquered. The first step of deconstructing white privilege is to make privilege visible. [n194](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.685765.080602706&target=results_DocumentContent&returnToKey=20_T26217710908&parent=docview&rand=1499351788492&reloadEntirePage=true#n194) The entire national community and its constituent communities - white, Black, Latino, Asian, Native American and Other - must confront the phenomenon of white privilege and challenge the dominant paradigm's viewpoints on white innocence, individualism, and equal opportunity. The development of a subversive and critical dialogue on Black reparations and privilege is necessary to the project of deconstructing privilege. A subversive dialogue can be achieved through four concurrent strategies: legal action, legislative action, political protest, and broad, grass-roots education programs. Within each strategy an educational component critiquing privilege and inviting discussion must attach. Federal and state legal action, as Eric Yamamoto correctly notes, serve as "generators of 'cultural performances' and as vehicles for providing outsiders an institutional public forum." [n195](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.685765.080602706&target=results_DocumentContent&returnToKey=20_T26217710908&parent=docview&rand=1499351788492&reloadEntirePage=true#n195) However, the legal suits should not strive to achieve a modicum of success - however unlikely - by drafting narrow claims within the individual rights paradigm. Rather, the legal claims must be broadly drafted to encompass all of the concerns critical to the transformative model. Although these legal suits may be vulnerable to dismissal for failing to state a legally cognizable claim, current and past legal cases that sought to fit within the individual rights paradigm have met with similar fates. [n196](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.685765.080602706&target=results_DocumentContent&returnToKey=20_T26217710908&parent=docview&rand=1499351788492&reloadEntirePage=true#n196) Since the primary goal of the legal attack is to generate dialogue and awareness, critically drafted claims make the most sense. Concurrently with the spate of legal attacks, legislative efforts to develop a Black reparations bill must be strengthened and modified to critique white privilege. Specifically, John Conyers's proposal must be modified to reflect a critique on white privilege. [n197](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.685765.080602706&target=results_DocumentContent&returnToKey=20_T26217710908&parent=docview&rand=1499351788492&reloadEntirePage=true#n197) This must be combined with political protest outside the halls of Congress [\*695] to make privilege visible. Indeed, "protest is a sign that the opportunity structure is flexible and vulnerable to the political assaults of excluded groups." [n198](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.685765.080602706&target=results_DocumentContent&returnToKey=20_T26217710908&parent=docview&rand=1499351788492&reloadEntirePage=true#n198) Protest will not only expand political opportunities, but aid the construction of a subversive dialogue on reparations. Finally, **grass-roots activism is vital to making privilege visible. Utilizing our institutions and social organizations to educate people about white privilege is of utmost importance.** Of course, the The development of a unified community of social activists is promoted by the expanded political opportunities provided by the on-going project of deconstructing white privilege. However, social institutions and organizations within the Black community must be strong in order to be capable of taking advantage of political opportunities to resist. Developing awareness of the necessity of reparations specifically, and the pervasiveness of white privilege generally, is critical to encouraging member participation. Mobilization for participation in a Black reparations movement, however, is dependent on the social integration of the community. [n199](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.685765.080602706&target=results_DocumentContent&returnToKey=20_T26217710908&parent=docview&rand=1499351788492&reloadEntirePage=true#n199) Accordingly, it is vital that the reparations movement seek to improve the conditions for all Black people in America, and not solely those Black Americans that are able to establish a historical connection to American slavery. The potential for free-rider problems diminish to the extent that movement participation is defined "as synonymous with organizational membership." [n200](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.685765.080602706&target=results_DocumentContent&returnToKey=20_T26217710908&parent=docview&rand=1499351788492&reloadEntirePage=true#n200) In effect, to become a member of a Black reparations organization - such as N'COBRA [n201](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.685765.080602706&target=results_DocumentContent&returnToKey=20_T26217710908&parent=docview&rand=1499351788492&reloadEntirePage=true#n201) - is to also participate in the movement for Black reparations. N'COBRA, however, provides a limited organizational framework through which to pursue Black reparations. The establishment and support of African-American reparations organizations must be coupled with the integration of African-American reparation initiatives in other Black institutions [\*696] such as the NAACP, Black churches, and social activist organizations. Rememory, the process of remembering our cultural past, is necessary to begin to heal the spiritual wounds of the Black community. Additionally, making white privilege visible is an integral component of overcoming the **spirit**-injuries of slavery, discrimination and continuing racism. Furthermore, **strong Black organizations and institutions are needed in order to** support the rememory project, as well as to provide **the critical outlet for social insurgency**. As such, the plan to achieve spiritual healing is simply to include historical education within the broader educational strategy outlined in Part IV.A. Finally, it is important for the Black reparations movement to maintain an international component. Ultimately, Black reparations must seek to undermine white privilege and Black subordination on a global scale utilizing, in part, a Pan-African consciousness. [n202](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.685765.080602706&target=results_DocumentContent&returnToKey=20_T26217710908&parent=docview&rand=1499351788492&reloadEntirePage=true#n202) It is simplistic to believe that the deleterious effects of slavery, racism and economic oppression are isolated to Black Americans. Furthermore, it is clear that the myth of Black inferiority is supported by the global oppression of Black people. [n203](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.685765.080602706&target=results_DocumentContent&returnToKey=20_T26217710908&parent=docview&rand=1499351788492&reloadEntirePage=true#n203) **The benefit of a Black reparations movement will lie primarily in the dialogue itself**, as represented by the deconstruction of white privilege, **spirit-healing and community-building.** However, I acknowledge that the concept of "dialogue" may be a poor vehicle for generating community participation and activism in the Black reparations movement. Furthermore, the broadly-drafted legal and legislative actions which comprise a part of the overall strategy of deconstructing privilege must have identifiable goals, rather than mere assertions. A better vehicle for community protest may thus be the identification of white privilege coupled with an economic and political divestiture of the gains afforded by such privilege. The first step may be recognition of the estimated trillions of dollars that America owes Black Americans for unpaid labor and [\*697] unjust enrichment during slavery. [n204](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.685765.080602706&target=results_DocumentContent&returnToKey=20_T26217710908&parent=docview&rand=1499351788492&reloadEntirePage=true#n204) I believe identification of the benefit that America has accrued due to white privilege can be helpful. Remaining steps must identify and claim as unjust enrichment [n205](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.685765.080602706&target=results_DocumentContent&returnToKey=20_T26217710908&parent=docview&rand=1499351788492&reloadEntirePage=true#n205) those economic and political benefits provided by white privilege. The actual financial debt, when one considers not only unpaid labor, but also wealth effects and all other political and economic benefit from racial discrimination, would likely be too immense for repayment, much less comprehensive calculation. However, existing financial models provide some insight into aspects of the debt owed. [n206](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.685765.080602706&target=results_DocumentContent&returnToKey=20_T26217710908&parent=docview&rand=1499351788492&reloadEntirePage=true#n206) We must be wary of identifying specific injuries performed by specific actors lest we fall back into the individual rights dilemma. In addition, the risk of commodification seems greater when discussing economic injury than generalized social oppression. Nonetheless, I feel that financial information estimating the economic extent of white privilege can play an integral role in making privilege visible, healing the **spirit** and fostering community activism. Discussion of a monetary debt makes the goals of Black reparations seem tangible and concrete. Furthermore, identification of a monetary debt highlights the "need for Black economic independence from societal discrimination." [n207](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.685765.080602706&target=results_DocumentContent&returnToKey=20_T26217710908&parent=docview&rand=1499351788492&reloadEntirePage=true#n207) The primary way to avoid the commodification problem and transcend the individual rights paradigm, while utilizing economic data, is to emphasize the perpetual and group nature of the remedies. Pursuing remedies that are pseudo-perpetual in nature - that do not end until all vestiges of white privilege are eliminated - avoids the risk of transforming Black subordination into a discrete commodity. Furthermore, pursuing group restitution places the dialogue outside of the individual rights paradigm. The quest for Black reparations must address white privilege, internal **spirit** repair and community-building in order to achieve substantive change. **Black reparations has the potential to eliminate racial subordination** and future patterns of Black inequality. In order to achieve substantive change, however, it is necessary to preserve a subversive dialogue on the concept of Black reparations. The discussion on Black reparations must include an awareness of white privilege, community unity, as well as an outsider understanding of historical events having the potential to heal the **spirit**-injuries of the Black community. The transformative benefit of Black reparations thus lies in the simultaneous pursuit of cognitive liberation, community unity and making privilege visible. The Black reparations dialogue may well lead us to pursue a unitary conception of the legal system: one which recognizes group rights and reflects the interdependence of all human beings. Black reparations thus has the potential to not only eliminate white privilege and end Black subordination, but also to truly transform the legal structure of America.

### Fiat Reparation Solvency

#### Reparative policies can equalize funding in predominately black schools

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Continuing [residential](http://www.s4.brown.edu/us2010/Data/Report/report0727.pdf) and educational segregation along with discriminatory economic policy means that we can still identify neighborhoods, [schools](http://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/brown-at-60-great-progress-a-long-retreat-and-an-uncertain-future), and other community institutions that, with the provision of resources, can improve many African-Americans lives. Reparative policies can be implemented quickly and to great effect. Education and health are **particularly important** because of the depth of the problems and the fact that **preventive intervention can essentially eradicate these disparities**. According to the federal Centers for Disease Control and Prevention, African Americans have the highest death rates from heart disease and the [highest HIV infection rates](http://www.cdc.gov/minorityhealth/populations/remp/black.html). The average black high school graduate is four years [behind their white counterpart](http://www.princeton.edu/~angelh/Website/Studies/Article%208%20%28Rev%20of%20Blk%20Pol%20Econ%20%2710%29.pdf)**.** Many schools in African-American communities fail to meet basic academic standards because their schools lack the technology and physical facilities necessary to prepare students for success. **Equalizing funding in these schools and bringing urban education infrastructure into the new millennium would be an immediate boon to the lives of black children and families and ultimately the nation**. Historically black colleges and universities were developed as a direct result of racial discrimination. Today, those same colleges continue to be the [top producers](http://www.urban.org/UploadedPDF/412312-Capacity-Building-to-Diversify-STEM.pdf) of African-American graduates with degrees in science and technology fields and of public school teachers. These schools do this work with a fraction of the funding of other publicly funded colleges; remedying these disparities, like K-12 schools,[would immediately improve black prospects](http://www.gse.upenn.edu/pdf/gasman/FundingApproachesHBCUs.pdf) and work to undo centuries of discrimination.

#### Institutional reform fails—only a focus on the margins allows activist to create material change.

Solnit 16 (Rebecca, Master's degree in journalism from the University of California, Berkeley, Published March 15th 2016, “Hope in the Dark: Untold Histories, Wild Possibilities”, pg 29-34//nm)

You may be told that the legal decisions lead the changes, that judges and lawmakers lead the culture in those theaters called courtrooms, but they only ratify change. They are almost never where change begins, only where it ends up, for most changes travel from the edges to the center. (There was one member of Parliament who steadfastly introduced antislavery legislation in the late eighteenth century; there were parliamentarians and a few congresspeople who opposed the current war, but the opposition was far stronger outside.) You could say that the figures onstage are the actors—or puppets, since much of the script is written elsewhere, out of sight, by corporations and elites, but also by popular movements that tug the conscience and change the status quo, and it is in these neglected places that radical power lies. There and in the circuitous routes to the center, where these new ideas cease to be new as they become the script for the actors onstage, who believe they wrote them. (Stalin reputedly once said, “Ideas are far more dangerous than guns. We don’t allow our enemies to have guns, why should we allow them to have ideas?”)How did these stories and beliefs migrate from the margins to the center? Is there a kind of story food chain or dispersal pattern? Can stories be imagined as spreading like viruses or evolving like species to other habitats and other forms? You could even argue that stories spread like fire, except that fire is perhaps the ultimate drama, and stories sneak in while no one is watching. Just as fashions are more likely to originate in the street with poor nonwhite kids, so are new stories likely to start in the marginal zones, with visionaries, radicals, obscure researchers, the young, the poor—the discounted, who count anyway. The routes to the center are seldom discussed or even explored, in part because so much attention is focused on that central stage. To be pushed to the edges is to be marginalized; to push your way back to the center is often to be defamed and criminalized. The edges are literally marginal—the margins—but they are also portrayed as dangerous and unsavory. One of the great shocks of recent years came to me in a police station in Scotland, where in the course of reporting a lost wallet I found myself contemplating a poster of wanted criminals: not rapists and murderers but kids with peculiar hairstyles and piercings who had been active in demonstrations such as the Carnival Against Capital and other frolics in which business as usual had been disrupted but no one had been harmed. So these were the criminals who most threatened the state? Then the state was fragile and we were powerful. These days I find myself using the term “safe dangers” for the easy targets onto which people displace their fears, since the true content of their fears may be unsavory or unsettling. In the United States, the Bush administration, the mainstream media, and many mayors and chiefs of police have portrayed as terrorists—as bomb planters, acid-throwers, police assailants—activists employing the First Amendment’s guarantee of the right to speak and assemble and the nonviolent tactics of Gandhi and King. Other governments—notably Britain’s with those wanted posters and the 1994 Criminal Justice Act—have done the same. They willfully, if not consciously, mistake what kind of danger these street activists pose, as they have before, when civil rights advocates, suffragists, abolitionists were being persecuted. To admit that these people pose a threat to the status quo is to admit first that there is a status quo, secondly that it may be an unjust and unjustifiable thing, and thirdly that it can indeed be changed by passionate people and nonviolent means. To admit this is to admit the limits of state power and its legitimacy. Better to marginalize activists—to portray them as rabble on the fringe who are dangerous the way violent criminals are dangerous. Thus is the true danger to the status quo made into another “safe fear.” Thus are both the power and the legitimacy of the margins denied. Denied by those in the limelight, but you don’t have to believe them. I used to. Thinking about how things that once seemed impossibly distant came to pass, I am embarrassed to remember how dismissive of the margins I once was, fifteen or so years ago, when I secretly scoffed at the shantytowns built on college campuses as part of the antiapartheid movement. That people were protesting something so remote and entrenched seemed futile. But then the divestment of college funds from corporations doing business with South Africa became a big part of the sanctions movement, and the sanctions movement prodded along the end of apartheid. What lies ahead seems unlikely; when it becomes the past, it seems inevitable. In 1900, the idea that women should have the vote was revolutionary; now, the idea that we should not have it would seem cracked. But no one went back to apologize to the suffragists who chained themselves to the gates of power, smashed all the windows on Bond Street, spent long months in jail, suffered forced feedings and demonization in the press.I thought about this again when I was reading a superb story on the Pennsylvania townships seeking to abolish corporate personhood—the legal status that gives corporations a dangerous and undemocratic range of rights in the United States. It seemed like one of those ideas that might be migrating toward the center, but in ten years if Time magazine is questioning the shift from democracy to a sort of monarchy of corporations or the New York Times is reporting the overturning of the legal principles on which corporate hegemony rests, they won’t thank a bunch of radical professors or scruffy anticapitalist street activists who were being tear-gassed for arguing the point prematurely. There will never be a moment when someone in the Senate or on national TV news will say, “Those freaks in the underbrush saw the future when we on high were blind.” Instead, the perils of corporate personhood will become common sense, become what everyone always knew. Which is to say, stories migrate secretly. The assumption that whatever we now believe is just common sense, or what we always knew, is a way to save face. It’s also a way to forget the power of a story and of a storyteller, the power in the margins, and the potential for change.Thirty years ago, Edward Abbey wrote a novel, The Monkey Wrench Gang, in which his hero blows up Glen Canyon Dam, the huge desert dam strangling the Colorado River upstream from the Grand Canyon. Getting rid of the dam was an outrageous idea then, though the novel helped spark the birth of the radical environmental organization Earth First! In 1981, the group announced its existence by running a three-hundred-foot sheet of plastic, bearing the image of a mighty crack, down the dam, which never seemed quite so eternal and immutable again.Recently, the idea of taking down the dam, built amid controversy from 1956 to 1963, has come to seem more and more reasonable, more and more likely (the fact that global warming or long-term drought has dropped the reservoir water level to 37 percent capacity doesn’t hurt either). More than 145 smaller US dams have already been dismantled, and dams have come down across Europe; the new era has already begun to slip in quietly. The behemoth new dams in China and India are bureaucrats’ attempts to catch up to an era already going or gone.One of the stories my friend Chip Ward follows in his book Hope’s Horizon is how the idea of dismantling Glen Canyon Dam is gaining support. If it happens, it will come to look like it always was a good idea, and the first people to have espoused it will be forgotten, since they were kooks, extremists, and impractical dreamers. No one in the center will remember when they supported what now looks like bad science and bad engineering, just as few remember when they supported racial segregation or bans on mixed-race marriages. Their amnesia is necessary to their sense of legitimacy in a society they would rather not acknowledge is in constant change.Chip wrote me the other day,As an activist, I have observed that if a story is controversial in nature and threatens the powerful I may have to “inoculate” it first by giving it to a young journalist who has more tolerance for risk from some alternative weekly that is also more edgy. The next step up the food chain may be a public radio station. After the story appears and the homework is done, if nobody is sued, then I can get a reporter from an established newspaper to write about it or get a television reporter on it. This is partly because newspaper reporters have to convince editors who are a skittish bunch who answer to suits who have their eyes on advertisers and the corporate guys over them who play golf with the people who may be criticized in the story.This certainly does seem like a food chain, though a food chain in reverse, perhaps, since the television networks are, in Chip’s view, eating the alternative media’s excretions.Chip, incidentally, moved to Utah and eventually became one of that state’s most powerful environmental activists because his brother-in-law read another Ed Abbey book, Desert Solitaire, moved there himself, and sent back reports of how glorious were the red-rock canyons. And so Abbey, who was never much of an activist himself (and was pretty stupid about race and immigration), played a huge role in prompting some of the fiercest activists of our time.And the group whose creation Abbey helped to inspire spawned a British branch of Earth First! that metamorphosed into the powerful antiroads movement of the mid-1990s, perhaps the most successful direct-action campaign in recent British history. More than five hundred road-building schemes were canceled. And from the antiroads movement came Reclaim the Streets, which sparked many of the creative tactics and attitudes that gave the Northern Hemisphere something to contribute to the movement against corporate globalization at the end of the 1990s and changed the face of activism. Abbey’s books weren’t the only seeds for these transformations, and it’s only because they aren’t so deep in the shadows that their influence can be traced; beyond them are countless other sources for change.Stories move in from the shadows to the limelight. And though the stage presents the drama of our powerlessness, the shadows offer the secret of our power. This book is a history of the shadows, of the darkness in which hope lies. I want to start the history of this present moment over again, not with the election or the war but with a series of surprises from the shadows that ushered in this millennium.

#### Prefer the affs fluid strategies that undermine fixed and rigid structures. Focusing on the means not the ends allows for successful resistance.

Solnit 16 (Rebecca, Master's degree in journalism from the University of California, Berkeley, Published March 15th 2016, “Hope in the Dark: Untold Histories, Wild Possibilities”, pg 91-95//nm)

In important ways, these little ripples of inspired activism around the United States parallel aspects of the global justice movement and the Zapatistas. All three share an improvisational, collaborative, creative process that is in profound ways anti-ideological, if ideology means ironclad preconceptions about who’s an ally and how to make a better future. There’s an openheartedness, a hopefulness and a willingness to change and to trust. Cornel West came up with the idea of the jazz freedom fighter and defined jazz “not so much as a term for a musical art form but for a mode of being in the world, an improvisational mode of protean, fluid and flexible disposition toward reality suspicious of ‘either/or’ viewpoints.” That similar journeys beyond binary logic and rigid ideology should be happening in such different arenas suggests that when we talk about a movement we are not talking about a specific population or a specific agenda but a zeitgeist, a change in the air. Or perhaps we should not talk about a movement, or movements, but about movement: to apprehend these wild changes is as though to see many, many groups of people get up and move around from the positions they sat in so long. Charles Derber calls this the “third wave,” claiming it as a successor to the first wave of 1960s-style activism and the second wave of fragmented identity politics: “While the third wave has begun serious new political thinking about global alternatives, it is basically antidoctrinal, in contrast to both the first and second waves. This reflects the huge variety of global constituencies and the need to accommodate their many issues and points of view. Resisting a ‘party line’ has kept the movement together.” To be antidoctrinal is to open yourself up to new and unexpected alliances, to new networks of power. It’s to reject the static utopia in favor of the improvisational journey. Just as the environmental movement is the beneficiary of an enormously more sophisticated understanding of natural systems, so activism benefits from the mistakes, inspirations, and tools provided by past movements. Naomi Klein remarked about global justice activists a few years ago, When critics say the protesters lack vision, what they are really saying is that they lack an overarching revolutionary philosophy—like Marxism, democratic socialism, deep ecology or social anarchy—on which they all agree. That is absolutely true, and for this we should be extraordinarily thankful. At the moment, the anti-corporate street activists are ringed by would-be leaders, anxious to enlist them as foot soldiers for their particular cause. It is to this young movement’s credit that it has as yet fended off all of these agendas and has rejected everyone’s generously donated manifesto. Elsewhere she described Marcos and the Zapatistas in terms that exactly fit the loose networks of anarchist global justice activists: “non-hierarchical decision-making, decentralized organizing, and deep community democracy.” This is an ideology of sorts, but an ideology of absolute democracy that’s about preventing authority from rising, with the concomitant limits on imagination, participation, adaptation, which is to say that it is an ideology against ideologies. If there were purist or puritan tendencies in earlier waves of activism, this is generously, joyously impure, with the impurity that comes from mixing and circulating and stirring things up. From deep inside that realm my London-based friend John Jordan, a wonderful writer and activist—part of Reclaim the Streets then, of the global justice movement now—writes me, Our movements are trying to create a politics that challenges all the certainties of traditional leftist politics, not by replacing them with new ones, but by dissolving any notion that we have answers, plans or strategies that are watertight or universal. In fact our strategies must be more like water itself, undermining everything that is fixed, hard and rigid with fluidity, constant movement and evolution. We are trying to build a politics of process, where the only certainty is doing what feels right at the right time and in the right place—a politics that doesn’t wait (interesting how wait and hope are the same words in Spanish) but acts in the moment, not to create something in the future but to build in the present, it’s the politics of the here and now. When we are asked how are we going to build a new world, our answer is, “We don’t know, but let’s build it together.” In effect we are saying the end is not as important as the means, we are turning hundreds of years of political form and content on its head by putting the means before the ends, by putting context in front of ideology, by rejecting purity and perfection, in fact, we are turning our backs on the future. It’s an enormous challenge, because in a chaotic world people need something to hold onto and something to hold them, if all is uncertain, if uncertainty is the only certainty, then the uprooted, the fragile, those that crave something to give them meaning in their lives, simply get washed away by the flood and flux of an unsure universe. For them, hope is often found in certainty. Not necessarily certainty rooted in a predictable future, but certainty that they are doing the right thing with their lives . . . Taking power has been the goal at the end of the very straight and narrow road of most political movements of the past. Taking control of the future lies at the root of nearly every historical social change strategy, and yet we are building movements which believe that to “let go” is the most powerful thing we can do—to let go, walk away from power and find freedom. Giving people back their creative agency, reactivating their potential for a direct intervention into the world is at the heart of the process. With agency and meaning reclaimed, perhaps it is possible to imagine tomorrow today and to be wary of desires that can only be fulfilled by the future. In that moment of creation, the need for certainty is subsumed by the joy of doing, and the doing is filled with meaning. Jordan’s vision is widely shared. The philosopher Alphonso Lingus says, “We really have to free the notion of liberation and revolution from the idea of permanently setting up some other kind of society.” Subcommandante Marcos understands well that what older revolutionary movements would have considered victory would be defeat for the Zapatistas, and he calls Zapatismo “not an ideology but an intuition.” Zapatista scholar John Holloway has a manifesto of a book out called Change the World Without Taking Power, a similar argument that the revolution is an end in itself that fails its spirit and its ideals when it becomes the next institutional power. As my brother David, a global justice organizer, sums up Holloway’s position, The notion of capturing positions of power, either through elections or insurrection, misses the point that the aim of revolution is to fundamentally change the relations of power. There is a vast area of do-it-yourself activity directed towards changing the world that does not have the state as its focus and that does not aim at gaining positions of power. It is an arena in which the old distinctions between reform and revolution no longer seem relevant, simply because the question of who controls the state is not the focus of attention. This is what the Temporary Autonomous Zones, the politics of prefiguration, the adage about “process not product” have all been inching toward, a revolution in the nature of revolution, with the promise that whatever mistakes we make, they will not be the same old ones. Sandinista poet Giaconda Belli writes that July 18 and 19, 1979, when the Sandinista rebels overthrew the Somoza dictatorship in Nicaragua, were “two days that felt as if a magical, age-old spell had been cast over us, taking us back to Genesis, to the very site of the creation of the world.” These other versions of what revolution means suggest that the goal is not so much to go on and create the world as to live in that time of creation, and with this the emphasis shifts from institutional power to the power of consciousness and the enactments of daily life, toward a revolution that does not institute its idea of perfection but opens up the freedom for each to participate in inventing the world. Revolutionary moments, as Belli evinces, have an extraordinary intensity, the intensity of living in history, of feeling the power to make one’s life and make the world, the communion between people liberated from the bonds that limit and separate them. “Revolutionary moments are carnivals in which the individual life celebrates its unification with a regenerated society,” wrote Situationist Raoul Vaneigem. The question, then, is not so much how to create the world as how to keep alive that moment of creation, how to realize that Coyote world in which creation never ends and people participate in the power of being creators, a world whose hopefulness lies in its unfinishedness, its openness to improvisation and participation. The revolutionary days I have been outlining are days in which hope is no longer fixed on the future: it becomes an electrifying force in the present.

#### Education is key to victim rights and recovery

[Correa](https://www.ictj.org/about/cristian-correa) 16 [Christian, ICTJ Senior Associate, Reparative Justice Program. “Helping Victims Overcome Human Rights Violations Through Education” https://www.ictj.org/news/education-human-rights-reparations]

Understanding education as a form of both reconstruction and reparations is **essential** for societies in their efforts **to address victims’ rights and help victim**s and their families **overcome the consequences of a painful past**. Education as a form of reparation for families that suffered human rights violations can mean many things, whether offered as one benefit or as part of a set of transitional justice measures. Scholarships for families of those who suffered human rights violations are often one form of reparation. In some cases, reparations programs have included the construction or reconstruction of schools and education facilities. In both cases, naming a scholarship or a building after a victim or in relation an event in their lives or history can also be symbolic and meaningful reparation. In many post-conflict countries, helping victims overcome the consequences of human rights violations, war crimes and crimes against humanity can mean doing both reconstruction and reparations in relation to education. While reconstruction and reparations are distinct efforts, there are also different ways to make them complementary and mutually reinforcing. For example, implementing reparations programs that offer scholarships for survivors or for the families of victims might require a certain level of reconstruction of schools and infrastructure to succeed. At the same time, the reconstruction of schools, community centers and the like would be meaningless for many victims without programs that provide assistance for school fees for children who lost a parent or guardian, so they can benefit from them as well. At the heart of these efforts is the attempt to respond to the educational needs and rights of the entire population entitled to access schools while addressing the needs of specific survivors and family members who might face additional and often ongoing obstacles to accessing education.

#### Education as a form of reparation involves an acknowledgment of wrongdoing and a responsibility to make amends. We must take this opportunity to improve the lives of Black children

[Correa](https://www.ictj.org/about/cristian-correa) 16 [Christian, ICTJ Senior Associate, Reparative Justice Program. “Helping Victims Overcome Human Rights Violations Through Education” https://www.ictj.org/news/education-human-rights-reparations]

Legally, victims of serious human rights violations have a right to reparations from the state and from perpetrators for the harms they suffered. The right to reparation is distinct from social and economic rights, which includes, for instance, access to health care and education. But just as economic and social rights can be fulfilled through ‘progressive realization,’ fulfilling the right to reparation must take into account the capacity and resources of a state. Thus, providing reparations need not always have to compete with fulfilling social and economic rights; governments, especially in developing countries, and victims’ groups can agree on designing reparations programs that can collectively or individually meet the needs of victims while contributing to the fulfill of their social and economic rights. These types of measures address the different consequences that most victims, in general categories, still suffer, which often include persistent psychosocial, physical, and/or socioeconomic effects — which can even be passed down to the next generations. Most reparations policies involve educational programs in some form. But providing education as a form of reparation raises important questions. If free education is already provided to all people in a country, what is the difference between education as reparations and education as a social service? What is the specific reparatory component of education if everybody is equally entitled to it? **The main difference is that education as a form of reparation involves an acknowledgment of wrongdoing and responsibility on the part of the state for past violations, crimes, and failures to protect victims.** In this context, **educational programs as reparations** can be a response to the past, targeted at the specific needs and aspirations of the victims themselves. The children of victims usually have had their studies cut short; and they are more likely to be affected by poverty and other consequences of the violations suffered by their parents. For some survivors the inability to provide for their children’s education — which includes being able to pay fees and purchase school books and uniforms — is what causes them the most pain. Measures could include advance study programs that can help youth receive degrees equivalent to the primary, secondary, or other levels they could not complete due to violations. (A good example is Sierra Leone’s [Complementary Rapid Education for Primary Schools](https://www.norad.no/globalassets/import-2162015-80434-am/www.norad.no-ny/filarkiv/ngo-evaluations/fast-track-to-completion-_-the-complementary-rapid-education-for-primary-schools-creps-and-the-d.pdf).) Another is adult literacy programs or technical or professional training for people who are no longer of schooling age, which is being done in Peru. Changes in the school curricula as well as the teaching of history, especially of marginalized people or of periods or events denied by previous regimes, are also relevant **to discussions of education as a form of reparation.** At the same time, reparations policies that focus on education should not be limited to the most marginal among youth, especially where groups targeted for abuses did not come from the poorest sectors. For example, programs offering university scholarships to victims, or their children, should be made available to all victims with the academic capacity to attend university, and not just a few, as in Peru and Colombia, where victims must compete for scholarships. The need for educational measures as reparations should be addressed as an urgent matter. **Children grow up and the opportunity to significantly improve their lives through education can be missed**. But that does not mean such measures should be part of a single, short-term effort. The need for education for affected individuals continues over time. Even if this is achieved, for many countries the challenge of guaranteeing a quality and accessible education for all will persist. That might not be part of a transitional justice agenda, but it is certainly an important priority for anchoring peace and democracy in the long term.

#### Reparations as a form of education has empirically benefitted students

Greg Wiggan and Charles B. Hutchison, September 2009, Greg Wiggan is an Associate Professor of Urban Education, Adjunct Associate Professor of Sociology, and Affiliate Faculty Member of Africana Studies at the University of North Carolina at Charlotte. Charles B. Hutchison is an associate professor of education at the University of North Carolina at Charlotte. “Global Issues in Education: Pedagogy, Policy, Practice, and the Minority Experience,” Rowman and Littlefield Education

Prior to reading these articles, I had no idea that [reparations] were being discussed in other forms than a check to African-Americans. Although the Atlantic Slave Trade has briefly been mentioned to me in my education, the discussion of reparations never has. I cannot believe how completely ignorant I was of an issue that continues to go on today. In fact, as much as I hate to say it now that I have taken this class and read the HR-40, I probably would have disagreed with the idea of reparations because I did not realize how many different forms they could come in. Now, however, I am a strong advocate for reparations through education and am thankful for this class for curing my ignorance. In another conclusion of the class project, Darby wrote: Almost everyone in the class agreed that some sort of reparations were in order, but the form that they should take could not really be agreed upon. Some believed that the wording of HR-40 should be revised to take out the words, “compensated for efforts.” The feeling was that the phrase was too close to sounding like writing a check. Others thought that a more appropriate form of reparations would be to construct a memorial or use funding for educational programs. I suggested that the money be used to fund forums or discussions dealing with “race” relations. [The student concluded], clearly the effects of slavery have damaged this country in many ways. One of the most destructive things that slavery has done to America comes in the form of racism. I think that racism is our country’s greatest weakness. Many of us are so blinded by biased thoughts against others of another “race” simply on the basis of skin color. This is a lasting ugly legacy of slavery, which is why I believe it so important to begin immediately with race relations [improvement programs] of some sort. The more that we learned about each other’s “race” and culture, the less we have to fear. We should celebrate our differences and quit being afraid of those differences. In summary, the class project on reparations convinced most students that unless treated, the open wounds of slavery and its legacy would continue to fester and pass racism from generation to generation like a genetic defect. Newly aware with familial ties and responsibilities in place, students could now envision themselves in the audience listening to the words of Brown University’s Steering Committee on Slavery and Justice. In 2006 that committee wrote: If this nation is ever to have a serious dialogue about slavery, Jim Crow, and the bitter legacies they have bequeathed to us, then universities must provide the leadership. Universities possess unique concentrations of knowledge and skills. They are grounded in values of truth seeking and the unfettered exchange of ideas. They are at least relatively insulated from political pressure. Perhaps most important, they are institutions that value historical continuity, that recognize and cherish the bonds that link the present to the past and the future. Brown University and other educational institutions are extending invitations to the family table to discuss issues surrounding racial and ethnic relations. Furthermore, white advocates for reparations have formed an organization called Caucasians United for Reparations and Emancipation, CURE. In the organization’s book The Debtors: Whites Respond to the Call for Black Reparations (2005), Ida Hakim addresses the need for white activism. Hakim and other whites underscore the social responsibility of those who benefit from privilege they earn from their whiteness, and at the expense of others. Based on the findings of the project, it appeared that the students benefited from reparations pedagogy, and it helped improve their understanding of race relations. The struggles of addressing this sensitive topic came out in the students’ journal reflections. In the case of Randall, the human losses of both blacks and whites during the Civil War might have just paid off the old debt, canceling everything out. Although he struggles with the issue, he comes closer to a resolve that the topic needs to be explored and discussed further in order to bring about some healing. At least this presents some prospects of continuing the dialogue on reparations. While there has been a silence in the literature regarding how to teach about reparations, the homocentric approach provides some new directions and meanings for a very sensitive subject.

## FW

### 2AC

**COUNTER INTERPRETATION- teams should engage in performative revolutionary fiat**

**Our interpretation is better- We allow for fluidity within the debate space which provide a check against the marginalization and exclusion in the status quo, our performance holds methodological value within the debate**

**We meet- The affirmative embraces reparations through performative revolutionary fiat**

**Our performance functions as a counter history that seeks to undo the silence and undermine the unity and continuity of normative history which imposes sovereign law and impose obligations on subjugated people**

**Medina** Prof of Philosophy & Director of Graduate Studies 20’**11**

Jose-; “*Toward A Foucaultian Epistemology of Resistance: Counter-Memory,*

*Epistemic Friction, and Guerrilla Pluralism;”* FOCAULT STUDIES, No. 12; October; pp. 9-35;;

<http://www.vanderbilt.edu/AnS/philosophy/_people/faculty_files/_medinafoucaultstudies.pdf>

**Official histories are produced by monopolizing knowledge-producing practices with respect to a shared past. Official histories create and maintain the unity and continuity of a political body by imposing an interpretation on a shared past and, at the same time, by silencing alternative interpretations of historical experiences. Counter-histories try to undo these silences and to undermine the unity and continuity that official histories produce.** Foucault illustrates this with what he calls “the discourse of race war” that emerged in early modernity as a discourse of resistance for the liberation of a race against the oppression of another, e.g. of the Saxons under the yoke of the Normans. Foucault argues that in Europe-and especially in England- “this discourse of race war functioned as a counter-history” until the end of the 19th Century, at which point it was turned into a racist discourse (aimed not at the liberation of an oppressed race, but at the supremacy of an allegedly superior race that views all others as an existential threat). In lecture IV of “*Society Must Be Defended”* Foucault sets out to analyze the “counterhistorical function” of the race-war discourse in early modernity. Part of what the race-war discourse did was to retrieve the untold history of people which could be used a s weapon against the official history that legitimized their oppression. This counter-history tapped into the subversive power of a silenced historical experience and reactivated the past to create distinctive knowledge/power effects: new meanings and normative attitudes were mobilized, so that what was officially presented as past glorious victories that legitimized monarchs and feudal lords as the rightful owners of the land to whom taxes were owed, now appeared as unfair defeats at the hands of abusive conquerors who became oppressors and had to be overthrown. In his analysis of race-war discourse, Foucault identifies two different roles that counter-history plays. In the first place, **by establishing itself in opposition to an official history, a counter-history reflects and produces disunity. A counter-history blocks the unifying function of the official history by bringing to the fore the oppositions and divisions in the political body.** This is what Foucault calls the *principle of heterogeneity*, which guides counter-history and has the following effect: The history of some is not the history of others. It will be discovered, or at least asserted, that the history of the Saxons after their defeat at Battle of Hastings is not the same as the history of the Normans who were the victors in the same battle. It will be learned that one man’s victory is another man’s defeat. […] *What looks like right, law, or obligation from the point of view of power looks like the abuse of power, violence, and exaction when it is seen from the viewpoint of the new discourse.* **The disunity effects of a counter-history have the potential to destabilize a normative order by introducing a counter-perspective that resists and invalidates the normative expectations of the imposed dominant ideology.** As Foucault puts it, “**this counter-history breaks up the unity of the sovereign law that imposes obligations.**” **Through counter-history, the legitimacy of the obligations imposed on a subjugated people “is undone**, and the law comes to be seen as a Janus-faced reality: the triumph of some means the submissions of others.” In the second place, **by undoing established historical continuities, a counter-history reflects and produces discontinuous moments in a people’s past, gaps that are passed over in silence, interstices in the socio-historical fabric of a community that have received no attention.**  This is what we can call, by symmetry with the previous point, the *principle of discontinuity.* Foucault describes it in the following way: This counter-hisotry […] also breaks the continuity of glory […]. It reveals that the light-the famous dazzling effect of power-is not something that petrifies, solidifies, and immobilizes the entire social body, and thus keeps it in order; it is in fact a divisive light that illuminates one side of the social body but leaves the other side in shadow or casts it into darkness.

Debate cannot be viewed as a static notion but as a verb, active and fluid. We cannot formulate methodologies of liberation within our community by deciding appropriate formulas for fair and objective deliberation. Clearly, we cannot continue the status quo of marginalization and exclusion but nor can we abandon the present state of contestation of diverse groups that are in constant battle for recognition of their difference. Debate is the epistemic friction of multivariate positions without the loss being conflated with loss of voice without the ballot resolving the question of pedagogical pathways that formulate the appropriate production of knowledge. Debate is and debate will be. Debate never ends and constantly provides a rhetorical battle between spaces of power. Our position is to affirm debate by Negating the dominant discourses that are inherent in the norms and procedures of the activity by mobilizing those procedures and productions of knowledges within debate that exist at the margins.

#### Our interrogation of the agent has merit

A more critical examination of the nation allows an opportunity to see how the idea of nation out to advance an understanding of Nation within the larger global picture and offers a more inclusive understanding of how it functions. The discourse of the 1AC is offense for our interpretation.

Trofanenko Research Chair in Education, Culture and Community @ Acadia University 20’15

Brenda-; *On Defense of the Nation*; THE SOCIAL STUDIES, 96.5 (2005): 193+;

[http://go.galegroup.com.proxy.binghamton.edu/ps/i.do?id=GALE%7CA139957613&v=2.1&u=bingul&it=r&p=AONE&sw=w](http://go.galegroup.com.proxy.binghamton.edu/ps/i.do?id=GALE%7cA139957613&v=2.1&u=bingul&it=r&p=AONE&sw=w)

A New Narrative of Nation

It falls within the purpose of social studies education, then, not to lose the idea of nation within the rhetoric of U.S.-centric history and global studies. It seems worthwhile to consider, **if we are to advance the good ideas within social education, a more critical sensibility of the nation**. **A more critical examination of how the nation is affirmed** within social studies **will not diminish the significance it holds for our students**. Rather, **it will provide an opportunity to see how the idea of nation ought to advance a understanding of the role of nation within the larger global picture**. It is no longer plausible for social studies educators to study the United States in isolation from the rest of the world. This brings new burdens to social studies educators. I suggest **the need** for social studies educators t**o question the historically affirmed national sensibility that continues to determine our curricula, to take advantage of a critical reflexivity occurring within the history discipline, and to work in developing and advancing with students a critical view of the national sensibility as a space for the construction of nation and national identity.** The last twenty years have seen productive, if unfinished, attention given by social studies educators to the educational consequences of critical historiography. Much of the attention has been devoted to discussing the implications of new epistemologies on classroom practice and pedagogical theory. It is not that we are to train our students to be historians in the proper academic way. The social studies community needs to realize that attention needs to be paid to understanding the relationship between history and the nation, and how nation as a historical phenomenon continues to define who does and who does not belong. The idea of the nation provides a ready framework through which multifaceted political, economic, and cultural exchanges between the United States and the wider world were rendered comprehensible. The explicit national project education seeks to serve need not be discarded in the name of multiculturalism, global education, or transnational studies. Rather, **by questioning how the term nation continues to remain a standard from which to judge our place and other's places in the world**--whether present in the textbooks or available as a digital historical source--**disrupts the history that has been invoked to define a nation. The use of history to define a nation has worked successfully by winning over subordinate groups to the institutional practices, even though what is constructed as nation and belonging does not necessarily reflect the collective experiences of every student. To be critical** of the national history advanced by Finn, or the alternative global ideology advanced by Burack, **means having the capacity to enable a rethinking of history as a set of local, regional, and global formations**. It is more than Finn's (2001) frail call to "equip our daughters and sons with the tools they will need to understand the past and prepare for the future" (7). Such rhetoric is vague. Instead, we need to ask our students to understand how **nation is constituted** not solely as, but rather more generatively **as, an instance of identify formation and negotiations within and across boundaries. We need to engage in pedagogical practices that question the presumptions about what counts as a nation**. And, we have to advance the role social studies education holds to realizing the geopolitical components of nation and inclusion and exclusions of certain groups by way of history. The debates about the overwhelming problems, limitations, and disadvantages of social studies education noted in the Fordham report attempt to reconcile and advance the idea of nation through a collective history. **Our more pressing role as educators**, in light of the Fordham report, **is to discuss a more nuanced understanding of the U.S**. history. **This would advance**, as noted in La Pietra Report, **an understanding about "the complexity and the contexts of relations and interactions, including the ways in which they are infused with a variety of forms of power that define and result from the interconnections of distinct but related histories**" (OAH 2000, 1). Taking the U.S. nation as only one example of social analysis involves recognizing the meanings and conditions out of which nations are formed. There is no one experience of belonging to a nation, no single understanding or enactment of sovereignty, and certainly no one meaning or experience of colonization or being colonized. There is, then, a need for these issues to be realized and to be a part of the **questioning** occurring within our classrooms. That **would allow for the substantial reframing of the basic narrative of U.S.** history (OAH 2000, 2).

### 4 DAs to fwk

1. **Accessibility** – We can’t participate in resolutional policy action because our bodies are always construed as either eccentric to existing structures and thus disposable or as a representative of alterity that must reluctantly be cooperated with in order to preserve the status quo relations
2. **Assimilation** – framework retrenches whiteness because it calls for the return to the liberal subject – fwk is a means of normalization and is impossible for poc who are hyper visible and never seen as objective – that’s han and eng – they call for us to assimilate to the dominant debate norm of reading a plan text and defending the USFG
3. **Strategic Disengagement** –

a. they just read the type of off case they want to read – their ed is not unique and they don’t get any different type of education on the neg if we had read a policy aff

b. they never get to the meat of the aff – shielding themselves from how they interact with whiteness IS WHITENESS – they would still read DAs and CPs and never engage the core theory of the aff

1. **Participation** – participation in debate for poc has increased since the increase of k affs – k affs make debate more accessible and lead to fairness and education

### Definition

#### There is no set definition of what the nation is. The debate round itself is a pedagogical interrogation

We straight turn their static notion of the nation established by historical narratives. There remains a lack of consensus amongst scholars about how nation itself is defined. The national myth situated in a historical paradox is what builds the nation and serves the foundation of the nation building project. It is this that needs to be rejected.

Trofanenko Research Chair in Education, Culture and Community @ Acadia University 20’15

Brenda-; *On Defense of the Nation*; THE SOCIAL STUDIES, 96.5 (2005): 193+;

[http://go.galegroup.com.proxy.binghamton.edu/ps/i.do?id=GALE%7CA139957613&v=2.1&u=bingul&it=r&p=AONE&sw=w](http://go.galegroup.com.proxy.binghamton.edu/ps/i.do?id=GALE%7cA139957613&v=2.1&u=bingul&it=r&p=AONE&sw=w)

The Narrative of Nation

**The nation is a historical phenomenon, and historians have used disciplinary methods and structures to define and treat the nation as self-contained and undifferentiated.** **This traditional model of nation is established by historical narratives that frequently characterize a past that is linear and totalizing, beginning with western expansion and settlement that is thought to be common history for every student**. Without presenting any evidence within the Fordham report on the current challenges undertaken in academic history specific to the nation, Finn notes how the history presented in social studies classrooms disregards those stories of the nation that ought to remain standardized in a core set of narrative structures, symbols, and metaphors that pay tribute to the nation. Yet, such standardized narratives that celebrate the forming of the United States as a nation remain firmly a component in the social studies curriculum and curricular materials, even while **there remains a lack of consensus among scholars about how nation itself is defined.** For many, the nation remains a political entity defined by geographic territories and legislative policies (see Giddens 1985; Giddens and Pierson 1999; Kedourie 1960). **For others, the nation is a shared heritage, values, and culture that defines a place and feeling of belonging** (see Anderson 1991; Hobsbawm and Ranger 1983). In the case of the United States, the nation is framed within a particular narrative structure. The discovery of an empty land, the arrival of settlers who came west and undertook great hardship and sacrifice to make the nation, and the establishment of an advanced society have been distilled into a national myth. This frontier myth perpetuates and justifies the idea of nation and nation building (Slotkin 1998). Through frequent retellings, the mythical story is increasingly conventionalized until it is reduced to a set of symbols, keywords, or historical cliches. Such narratives generate a common history, which committed the nation to the task of settling a vast territory of virtually unknown land as the future stage of nationalist development (Lamar 1999, 2000). These histories tell us that western expansion has been in the best interests of its citizens and is an inevitable result of western progress and civilization. **Within academic history, various historical tropes have been used to produce particular narratives about the United States as a nation. In particular, academic history considers the culture of American imperialism** (Kaplan and Pearse 1993) **that serves to situate the United States at the center of its study. In realizing the limits of their discipline, some academic historians are reflecting on how particular and partial historical narratives advance the nation as empire and nation-building as an imperial project** (see Burton 2003). The most **critical historians**, in the wake of the postmodern turn, **are questioning the normative role that these grand narratives hold to their discipline and to the education of its citizenry**. This theoretical shift has prompted historians to reexamine the insular historical narratives that have formed the basis of their discipline. **By insisting on the implicit and explicit political purposes that the narrative contract continues to hold, historians are questioning the relationship history holds to nation building and the territorially bounded nation-state** (see, for example, Chakrabarty 2000; Chatterjee 1993; Hall 1999).

More recently, **new understanding about the ways in which history has been used to tell about a nation, has prompted more complex understanding of the U.S. nation's role in a world that is increasingly global and highly pluralized**. Academic history's self-reflexive critique about its implication in advancing conventional historical narratives has prompted a greater understanding of what specific purposes history serves in explaining the past. **As a defining structure and as an examining device, history is paradoxical,** as noted by historian Ronald Suny's assertion that history "**as a discipline helped to constitute the nation, even as the nation determined the categories in which history was written and the purposes it was to serve**" (2000, 296).

#### USFG is the people

Andrew G. I. Kilberg, 8/19/2014, Attended the University of Virginia Law school and was previously a Law Clerk toe the Supreme Court, “WE THE PEOPLE: THE ORIGINAL MEANING OF POPULAR SOVEREIGNTY”, pg 1061-1063

WE the People of the United States . . . do ordain and establish this Constitution for the United States of America.”1 Thus, the Preamble to the United States Constitution tells us—upfront, without reservation—that the creators of fundamental law are the People.2 The American system of government rests on a theory of popular sovereignty. But what does popular sovereignty mean? Who is the sovereign People?3 The answer at first may seem to be self-evident. The United States is a nation. The People of the United States is the American people. As the original pledge of allegiance written by Francis Bellamy says, “I pledge allegiance to my flag and the republic for which it stands—one nation indivisible—with liberty and justice for all.”4 There are fifty states, but as Justice Black remarked, it is a simple “fact that the States of the Union constitute a nation.”5 If we are one nation, are we not also one people? The question is not so open-and-closed, and the ultimate answer is not so simple. Indeed, the debate over the identity of the People still rages. Often, the disagreement over the identity of the People is obscured by an emphasis on the expressions of popular sovereignty, by a focus on the split in the on-the-ground powers of governing between the federal government and the state governments. Commentators, thus, often talk about “sovereignty” when they in fact mean the parameters or boundaries of governmental power. 6 As Part II will demonstrate however, the concept of popular sovereignty distinguishes between the exercise of power through the branches of government and the fundamental, arbitrary power held by the sovereign people. Nevertheless, other scholars have tackled the question of whose popular sovereignty head on. We can split academics into two broad camps: nationalists and state-populists. Adherents of the former insist that the People—and the only existing people—is a national people. Those in the latter camp maintain that the several state peoples not only existed before the Constitution, but also survived ratification. Although united in their belief that the People is a singular national people, nationalists are divided by differing theories of how and when that singular people came to be. Professor Beer has articulated a strict nationalist narrative. Simply put, the national people as a body politic existed before the Constitution and it was this people that created the Constitution.7 The national people hold fundamental sovereignty and have “divided the attributes of sovereignty, that is, the various powers of governing, between the federal and the state governments.”8 This division does nothing to shake the fact that the “American people . . . were unitary.”9 Federalism is functional. Unlike Beer, Professor Amar concedes that America before the Constitution was composed of “united states, not a unitary state; they were thirteen Peoples, not (yet) one People.”10 It was the several state peoples who created the Constitution.11 Yet through ratifying the Constitution, the “separate state Peoples agreed to ‘consolidate’ themselves into a single continental People.”12 A popular body politic rarely acts in any practical sense. For Amar, however, ratification was one of “those rare metalegal moments” where the state peoples reconstituted themselves as the American People.13 State-populists contend that the Constitution did not destroy the state peoples as bodies politic, but these scholars are divided by differing theories of how the federal government obtained its power. According to one theory, the Constitution is “a compact among political societies.”14 As Professor McDonald has explained, “national or local governments, being the creatures of the states, could exercise only those powers explicitly or implicitly given them by the states; each state government could exercise all powers unless it was forbidden from doing so by the people of the state.”15 The state peoples delegated power to both the state and federal governments; this is a theory of dual delegation from a single class of sovereigns.

#### The way the United States is defined is distinct from the way the USFG functions within the contest round-We must reshape the conception of nation and how it interacts local resolutions

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Brenda-; *On Defense of the Nation*; THE SOCIAL STUDIES, 96.5 (2005): 193+;

[http://go.galegroup.com.proxy.binghamton.edu/ps/i.do?id=GALE%7CA139957613&v=2.1&u=bingul&it=r&p=AONE&sw=w](http://go.galegroup.com.proxy.binghamton.edu/ps/i.do?id=GALE%7cA139957613&v=2.1&u=bingul&it=r&p=AONE&sw=w)

In this article, I examine how the idea (and ideal) of nation continues to serve as a directive for social studies education. I propose discussing what a critical approach to understanding nation (and the historical narratives that define nation) might look like in our classrooms and what the stakes are for social studies educators who may use the nation as a pedagogical site and a critically engaged political project. I begin by introducing the pedagogical interests of academic history that advance narratives of nation to form the basis of education in the United States (as with other nations). **The process of defining nation through various myths is projected onto education in characteristic ways**, by Finn and others, which orchestrates a nation's self-construction. **Yet, in realizing their own implication in advancing such myths, academic historians are becoming increasingly mindful of how to relate national experiences to larger projects and local resolutions. Important political issues are at stake** when considering social studies as a subject integral in its function to define a nation's history, which various social studies educators have addressed previously. Still, social studies **educators need to remain vigilant in initiating questions about how** its discipline realizes the authority **to affirm particular conceptions of nation through history.** In attempting to place the nation within a more global context, educators frequently employ global educational ideology that is often used as a basis from which to engage in comparative studies between nations. **We need to move beyond the "feel good" global educational ideology to question how nation remains central to** social studies **education.**

**BALL Karl Mannheim Professor of Sociology of Education 2000**

Stephen J.-(white male)elected Fellow of The British Academy in 2006, @ Kings College of London for 15 years at time of the publication, MBA and PhD @ the University of Sussex; *Performativities and Fabrications In the Education Economy: Towards the Performative Society?*; AUSTRALIAN EDUCATIONAL RESEARCHER Vol 27, No. 2; August; file:///C:/Users/wake%20debate/Downloads/S%20ball%20perfmority%20fabrications%20in%20the%20education%20economy%20towards%20the%20performative%20society-%20(1).pdf

Let me begin by offering a working definition of performativity. **Performativity is** a technology, a culture and **a mode of regulation**, or a system of 'terror' in Lyotard's words, **that employs judgements, comparisons and displays as means of control, attrition and change.** The performances (of individual subjects or organisations) serve as measures of productivity or output, or displays of 'quality', or 'moments' of promotion (there is a felicititous ambiguity around this word) or inspection. They stand for, encapsulate or represent the worth, quality or value of an individual or organisation within a field of judgement. 'An equation between wealth, efficiency, and truth is thus established' (Lyotard 1984, p. 46). The issue of who controls the field of judgement is crucial. **'Accountability' and 'competition' are the lingua franca of this new discourse of power** as Lyotard describes it. A discourse **which is the emerging form of legitimation** in post-industrial societies **for both the production of knowledge and its transmission through education.** My aim is to begin work on/towards **an analytic of this discourse of power**, and resistances and accommodations to it. This **is both an exercise in critical ontology and the analysis of new regulative forms**. In referring to various texts or 'data' I am not attempting in any simple sense to mobilise proof of my arguments and most are not intended to be read, rather recognised, acknowledged. I am trying **to establish the existence of an 'attitude' and an 'ethical framework' within which teachers and researchers in schools**, colleges and universities **are having to work and think about what they do and who they are!** I am interested in the way in which these texts play their part in 'making us up' (Hacking 1986, p. 231) by providing 'new modes of description' and 'new possibilities for action'; **thus creating new social identities-what it means to be educated; what is means 'to be a teacher' or a researcher.** This remaking can be enhancing and empowering for some but this has to be set over and against the various 'inauthenticities' discussed below 4. There are 'winners' and 'losers' in the 'struggle for the soul of professionalism' (Hanlon 1998) which is embedded in this remaking. The argument focuses upon a struggle over visibility. I shall explore a paradox, arguing that tactics of transparency produce a resistance of opacity, of elusivity--an escape from the gaze--and that this resistance is also paradoxical and disciplinary. **In general terms** I want to outline **a new mode of social** (and moral) **regulation that bites deeply and immediately into the practice of state professionals--' reforming' and 're-forming' meaning and identity-producing or 'making up' new 'professional subjectivities'.** This new mode involves, as Deleuze (1992) puts it, a shift from societies of discipline to societies of control: 'controls are a modulation, like a self-deforming cast that will continuously change from one moment to the other, or like a sieve whose mesh will transmute from point to point' (p. x). **Within this new mode of regulation, the organisation of power within definite forms of time-space** (e.g. factory or office production systems) **is now less important.** It is the data-base, the appraisal meeting, the annual review, report writing and promotion applications, inspections, peer reviews that are to the fore. There is not so much, Or not only, a STRUCTURE of surveillance, as a FLOW of performativities both continuous and eventful--that is SPECTACULAR. It is not the possible certainty of always being seen that is the issue, as in the panopticon, it is the uncertainty and instability of being judged in different ways, by different means, through different agents; the 'bringing-off' of performances--the flow of changing demands, expectations and indicators that make us continually accountable and constantly recorded~'giving the position of any element within an open environment at any given instant' (Deleuze 1992, p. 7). This is the basis for the principle of uncertainty and inevitability, it is a recipe for onotological insecurity:u'Are we doing enough? Are we doing the right thing? How will we measure up?. In effect 'controls' overlay rather than displace 'disciplines' in most educational organisations even if the emphasis is shifting. There is at work here a combination of rituals (grandiloquent pronouncements and spectacular events) which serve to naturalise the discourses of control (like Inspections, Audits, promotion applications, Job interviews), and routines (record keeping, commitee and task-force meetings, interactions) which address forms of identity by treating people in terms of the identities of the discourses of performativity (Corrigan & Sayer 1985). However, McCollow and Lingard (1996) make the point that while: most academics' lives have at least been 'touched' by the forces of the market. The impact of the market on academic work is mediated by various factors, for example, the degree to which the individual operates as a state, market or corporate professional (p. 15). As ever the impacts of performativity and market disciplines are uneven across and between institutions---different identities and performances are more or less possible, more or less available, in different locations (see Blackmore & Sachs 1999). Commenting on the Higher Education marketplace, Bernstein (1996, p. 7 4) notes that: Those at the top, or near the top, of this hierarchy may maintain their position more by attracting and holding key academic stars than by changing their pedagogic discourse according to the exigencies of the market... On the other hand, those institutions which are much less fortunate in their position in the stratification ... will be more concerned with the marketing possibilities of their pedagogic discourse. However, whatever our location, we now operate within a baffling array of figures, performance indicators, comparisons and competitions in such a way that the contentments of stability are increasingly elusive, purposes are contradictory, motivations blurred and self worth slippery 5. Constant doubts about which judgements may be in play at any point mean that any and all comparisons have to be attended to. What is produced is 'a state of conscious and permanent visibility [or visibilities sjb] at the intersection of government, organisation and self formation. And one key aspect of the 'steering' effects of judgement and comparison is a gearing of academic production to the requirements of national economic competition, which are in turn supported by: 'Policies which pursue the general goal of reorganising, maintaining and generalising market exchange relationships' (Offe 1984, p. 125). **Performativity works from the outside in and from the inside out.** As regards the latter **performances are, on the one hand, aimed at culture-building, the instilling of pride, identification with and 'a love of product or a belief in the quality of the services' provided** (Willmott 1992, p. 63). On the other hand, ratings and rankings, set within competition between groups within institutions, can engender individual feelings of pride, guilt, shame and envy--they have an emotional (status) dimension, as well as (the appearance of) rationality and objectivity. Let me quote a teacher who appears in Jeffrey and Woods' (1998) powerful, moving and indeed terrifying book Testing Teachers which deals with the UK regime of School Inspections and examines 'teachers' experience of these inspections as a conflict of values, a colonisation of their lives, and deprofessionalisation of their role' (back cover). I don't have the job satisfaction now I once had working with young kids because I feel every time I do something intuitive I just feel guilty about it. "Is this right; am I doing this the right way; does this cover what I am supposed to be covering: should I be doing something else: should 1 be more structured; should I have this in place; should I have done this?" You start to query everything you are doing there's a kind of guilt in teaching at the moment. I don't know if that's particularly related to Ofsted but of course it's multiplied by the fact that Ofsted is coming in because you get in a panic that you won't be able to justify yourself when they finally arrive (p. 118). Here then is guilt, uncertainty, instability and the emergence of a new subjectivity 6- a new kind of teacher. **What we see here is a particular set of 'practices through which we act upon ourselves and one another in order to make us particular kinds of being'** (Rose 1992, p. 161). Crucially, and this is central to my argument, together, **these forms of regulation, or governmentality** 7, **have a social and interpersonal dimension.** **They are folded into complex institutional**, team, group and communal **relations** (**the academic community, the school**, the subject department, the University, **for example**). WE sit on peer reviews, WE write the accountability reports, WE assign grades to other departments, WE berate our colleagues for their 'poor' productivity, WE devise, run and feed departmental and institutional procedures for monitoring and improving 'output'. **Within this economy of education, material and personal interests are intertwined** in the competition for resources, security and esteem and the intensification of public professional labour--the changing conditions of and meanings for work 8. While I have acknowledged the significance of the changes I am addressing in relation to the international competitiveness of nation states, I focus primarily b~re on **'performance'** itself **as a system of measures and indicators** (sign,) **and sets of relationships,** rather than on its functions for the social system and the economy. My starting point is Lyotard but my use of the concept of performativity **moves beyond** his presentation of **the principle of performativity 'as the optimising of performance by maximising outputs (benefits) and minimising inputs (costs)'.** I also want to differentiate between perfol'mativity in Lyotard's sense--'be operational (that is, commensurable) or dis:tppear' (Lyotard 1984, p. xxiv) and in Butler's (1990) sense as enactment or performance. I am also interested in a perverse form of response/resistance to and accommodation to performativity that I call fabrication. At the risk of stating the obvious, let me be very clear here. While at times I will talk about schools and school teachers in this piece, and refer to other public sector organis,tions, I can claim no luxury or objectivity of distance in all this. My daily practice within a University is the most immediate reality for what I am attempting to analyse. Thus, some of my illustrations are taken from documents, events and observations within my own institution. Some of the oppressions I describe are perpetrated by me. I am agent and subject within the regime of performativity in the academy. This is in part an exercise in autobiography. Each time I hhve attempted to do theoretical worl( ~ has been on the basis of elements from my experience--always in relation to processes that I saw taking place around me. It is in fact because I thought I recognised something cracked, dully jarring or disfunctioning in things I saw in the institutions in which I dealt with my relations with others, that I undertook a particular piece of work, several fragments of autobiography (Foucault in Rajchman 1985, p. 36).

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This is also Lyotard's point. It is not that **performativity** gets in the way of 'real' academic work, it **is a vehicle for changing what academic work is!** At the heart of Lyotard's thesis is his argument that **the commodification of knowledge is a key characteristic of** what he calls **'the postmodern condition'. This involves not simply a different evaluation of knowledge but fundamental changes in the relationships between the learner, learning and knowledge 'a thorough exteriorisation of knowledge'** (1984, p. 4). **Knowledge and knowledge relations, including the relationships between learners, are de-socialised. Underlying this is the dissemination of the market or enterprise form as the master narrative defining and constraining the whole variety of relationships within and between the state, civil society and the economy.** As far as public sector activities are concerned: '... **the emphasis shifts from the state as provider to the state as regulator, establishing the conditions under which various internal markets are allowed to operate, and the state as auditor, assessing their outcomes'** (Scott 1995, p. 80). As Bernstein (1996, p. 169) puts it **'contract replaces convenant'.** Within the public sector this process of 'exteriorisation' also involves a profound shift in the nature of the relationship between workers and their work-'service' commitments no longer have value or meaning and professional judgement is subordinated to the requirements of performativity and marketing--although I recognise that there is an important element of 'cynical compliance' in play in the processes of individual and institutional fabrication. This is part of a larger process of 'ethical retooling' in the public sector which is replacing client 'need' and professional judgement with commercial decisionmaking. **The space for the operation of autonomous ethical codes based in a shared moral language is colonised or closed down. Embedded here is** what Hanlon (1998) calls **'a struggle for the soul of professionalism'** (p. 50)----a contest over the meaning of professionalism which has at its centre the issue of 'trust'--'jwho is trusted, and why they are trusted is up for grabs' (p. 59). The ethos of 'traditional' professionalism is no longer trusted 'to deliver what is required, increasing profitability and international competitiveness' (p. 52) and is being replaced by a 'new commercialised professionalism' (p. 54). 'Such a process has created opportunities for some service-class members whilst threatening others' (p. 52) with 'winners and losers in different economic sectors, and indeed within the same professions' (p. 57). In the public sector one group of winners are those who take on the responsibility of changing the culture and controls of public sector organisations, termed by May (1994) as 'the technicians of transformation'. **The new structures and roles for organisational management with a central 'core' for policy, audit and regulation** and separate 'service delivery units', as Thomson (1998) describes it, **increasingly mirror the 'steering at a distance' role of the 'small state' or** what Neave (1988) calls **'the new evaluative state'. In this way, the state also provides a new ethical framework and general mode of regulation, a much more 'hands-off', self-regulating regulation**, which nonetheless enables and legitimates the dissemination of the commodity form as we are required to commodify ourselves and our academic productions. **This is**, in Aglietta's (1979, p. 101) terms, **a new 'regulative ensemble' or a 'particular mode of social coherence'**, an historically distinct form of labour organisation. **This ensemble of performative technologies is an improvised mix of physical, textual and moral elements which 'make it possible to govern in an "advanced liberal" way'** (Rose 1996, p. 58). **Within the framework of performativity, academics and teachers are represented and encouraged to think about themselves as individuals who calculate about themselves, 'add value' to themselves, improve their productivity, live an existence of calculation. They are to become 'enterprising subjects', who live their lives as 'an enterprise of the self'** (Rose 1989). The explosion in academic productivity is not unrelated---:new Journals, more conferences and seminars, the proliferation of research Centres. It is all too generally assumed that more outputs of these kinds is a sign of something worthwhile happening. While we may quite understandably view many of the instances and examples quoted here and those in evidence in our own institutions with a certain rueful humour, and we must not lose sight of the value of humour, we must also not allow this to inhibit our critical reflection on what it is that we are doing to ourselves and others; 'ironicising the activity in a way that neutralises its serious examination' (Willmott 1992, p. 63). What I am pointing up here is not simply a set of changes in the nature of public sector professionalism and social relations. Rather **these changes encapsulate a more general and profound shift in the way we are coming 'to recognise ourselves and act upon ourselves as certain kinds of subject'** (Rose 1992, p. 161) **and 'the nature of the present in which we are'** (p. 161). Or to put it the other way: as Erica McWilliam and her colleagues do: 'one sort of romance about being an academic is no longer speakable, thinkable, do-able in universities' (McWilliam, Hatcher et al. 1999, p. 13)19; a certain form of life in which 'one could recognise oneself' (Foucault 1988, p. 49) is threatened or lost. Instead we are presented with other ways of saying who we are and representing ourselves. **In so far as we are made calculable, more regular and more necessary, we are also offered the possibility of being passionate about excellence** 2°. **We have an opportunity to be enthused. We also have the opportunity to refuse these ways of accounting for ourselves, not as apathy, rather as 'a hyper- and pessimistic activism'.** As Foucault puts it: 'I think that **the ethico-political choice we have to make every day is to determine which is the main danger'** (1983, p. 232).

### Extra Cards

#### History as the site of political struggle means power, processes and practices reproduce inclusion and exclusion from singular, fixed and static notions of history. The USFG remains unquestioned reproducing the myths of a nation that is based of racism. Equality and pluralism means there is no unified construction of knowledge only contested subjects of often contradictory voices and experiences

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Brenda-; *On Defense of the Nation*; THE SOCIAL STUDIES, 96.5 (2005): 193+;

[http://go.galegroup.com.proxy.binghamton.edu/ps/i.do?id=GALE%7CA139957613&v=2.1&u=bingul&it=r&p=AONE&sw=w](http://go.galegroup.com.proxy.binghamton.edu/ps/i.do?id=GALE%7cA139957613&v=2.1&u=bingul&it=r&p=AONE&sw=w)

Toward a More Global Sense of the Nation

Knowing how **history is a site of political struggle, how we engage with** social studies **education means emphasizing how power, processes, and practices bear tangible effects on forging a national** (and common) **history by reproducing and vindicating inclusions and exclusions. Such a critique requires questioning how a singular, fixed, and static history celebrates the U.S. nation and its place in the world as that "common base of factual information about the American historical and contemporary experience"** (27) argues for in the Fordham report. Our world history courses are central to defining, understanding, and knowing not only other nations but also the position of each nation in relation to the United States. The centrality that the west holds (notably the United States as an imperial power) is ingrained and willful in framing specific representations of the west that normalize the imperial practices that established this nation. The role that the United States holds on the world stage frequently remains unquestioned in social studies classrooms. Certainly, we engage with various images and tropes to continue to advance how the colonialist past continues to remain present in our historical sensibilities. Moreover, the increasing number and choices of archival sources function as a complement to further understanding the nation. If students are left to rely on the variety of historical resources rather than question the use of such resources, then the most likely outcome of their learning will be the reflection on the past with nostalgia that continues to celebrate myths and colonial sensibility. **To evaluate the history narrative now is to reconsider what it means and to develop a historical consciousness in our students that goes beyond archival and nostalgic impulses associated with the formation of the nation and U.S. nation building. We need to insist that the nation**, and the past that has contributed to its present day understanding, **is simultaneously material and symbolic**. The nation as advanced in our histories cannot be taken as the foundational grounds. The means by which the nation is fashioned calls for examining the history through which nations are made and unmade. To admit the participatory nature of knowledge and to invite an active and critical engagement with the world so that students can come to question the authority of historical texts will, I hope, result in students' realizing that the classroom is not solely a place to learn about the nation and being a national, but rather a place to develop a common understanding of how a nation is often formed through sameness. We need to continue to question how a particular national history is necessary as an educational function, but especially how that element has been, and remains, useful at specific times. My hope is to extend the current critique of history within social studies, to move toward understanding why history and nation still needs a place in social studies education. In understanding how the historicity of nation serves as "the ideological alibi of the territorial state" (Appadurai 1996, 159) offers us a starting point. The challenge facing social studies educators is how we can succeed in questioning nation, not by displacing it from center stage but by considering how it is central. That means understanding how powerfully engrained the history of a nation is within education and how a significant amount of learning is centered around the nation and its history. History is a forum for assessing and understanding the study of change over time, which shapes the possibilities of knowledge itself. **We need to reconsider the mechanisms used in our own teaching, which need to be more than considering history as a nostalgic reminiscence of the time when the nation was formed. We need to be questioning the contexts for learning that can no longer be normalized through history's constituted purpose**. The changing political and social contexts of public history have brought new opportunities for educators to work through the tensions facing social studies education and its educational value to teachers and students. **Increasing concerns with issues of racism, equality, and the plurality of identities and histories mean that there is no unified knowledge as the result of history, only contested subjects whose multilayered and often contradictory voices and experiences intermingle with partial histories that are presented as unified. This does not represent a problem, but rather an opportunity for genuine productive study, discussion, and learning**.

**Debate is filled with polycultural participation, a traditional attachment to monocultural and western norms will deteriorate the activity through the enforcement of rigid assimilation**

Valdivia-**Sutherland** Prof and Director of Forensics @Butte Community College 19**’98**

Cynthia-*Celebrating Differences: Successfully Diversifying Forensics Programs*; National Communication Association’s 84th Annual Meeting, November 22;

<http://www.phirhopi.org/phi-rho-pi/spts/spkrpts05.2/sutherland.htm>

Currently, the polyethnic and polycultural student population is comprised of various groups (i.e. Blacks, Native Americans, Latin Americans, Asian Americans, reentry, etc.) with unique, subjective and characteristic ways of behaving, thinking, and communicating. This is significant in view of Albert and Triandis' (1985) argument that because cultural elements are functional "individuals who have appropriate patterns and personalities for a particular environment will fare well and will receive positive outcomes in that environment," but when "individuals from one culture are forced to adopt a very different cultural pattern...they are likely to experience high levels of stress, a reduction in positive outcomes, lower self-esteem, anomie, and general demoralization" (p. 391). In light of Albert and Triandis' argument, **a** possible **explanation for a lack of cultural diversity within forensics'** organizations to date **is that forensics competition fosters a climate of assimilation, one in which "minority culture members adopt the norms and values of the dominant group," rather than a climate of pluralism** (Cox, 1991, p.35). The importance of the assimilative versus pluralistic environment is crystallized when we recognize that forensics activities uphold an "argumentative perspective in examining problems and communicating with people" (Bartanen, 1995, p. 2). An argumentative perspective is one that involves the use of reasons in support of acts, beliefs, attitudes and values. Essentially a westernized perspective founded on the philosophies of classic rhetoricians such as Aristotle, Protagoris, and Quintilian, and modern rhetoricians such as Stephen Toulmin, Chaim Perelman, and Richard Weaver, the argumentative perspective promotes "rationality in the pursuit of knowledge," (Kim, 1985, in Samovar and Porter, 1991, p. 404). In contrast, an Eastern perspective "places an emphasis on perceiving and knowing things and events holistically and synthetically, rather than analytically" (p. 403). The significance of these differences is marked, with Eastern thought comprised of vague, sometimes imprecise statements utilizing circular reasoning, while Western thought is comprised of logical and analytical categorizations, utilizing linear reasoning. In forensic competitions, then, **where** events are prescribed, **speakers are expected to conform to critic-as-audience expectations asserting the Western argumentative perspective; such expectations and assertions equate to utilization of standardized events and conformity constraints.** Consequently, in prepared platform speaking events such as persuasive or informative speaking, as well as limited preparation events like impromptu and extemporaneous speaking, critics expect to and do hear speeches conforming to Western rhetorical conventions: an introduction with a thesis and preview; a body made up of three to five points, well supported by evidence; and a conclusion that reviews and sums up what has been presented. In addition to this basic format, critics will also be evaluating clarity and precision of language, careful enunciation and correct pronunciation of vocabulary, and nonverbal behaviors like direct eye contact, appropriate facial expressions, and vocalics. In events like debate, critics will evaluate speakers on the analytical expertise with which they approach the topic, the amount and credibility of their evidence, and their rhetorical strategies in attempting to defeat opponents. Finally, critics evaluating oral interpretive events not only assess the ability of speakers to develop characterizations and emotive levels, but also to create introductions functioning as arguments supported by the literature presented. Prescribed in such a manner, **forensic competitions function monoculturally, effectively offering the dominant Westernized perspective. Yet forensic programs exist in environments that are not monocultural**. Consequently, the polycultural environment within which **forensics** thrives **contains a multiplicity of communicative styles -- styles that have been for the most part ignored, marginalized, and silenced in the world of competitive speech and debate**. As Barlund (1975) notes, communicative styles may be defined as: By communicative style is meant the topics people prefer to discuss, their favorite forms of interaction -- ritual, repartee, argument, selfdisclosure -- and the depth of involvement they demand of each other. It includes the extent to which communicants rely upon the same channels -- vocal, verbal, physical -- for conveying information, and the extent to which they are tuned to the same level of meaning, that is, to the factual or emotional content of messages (p. 12). To better understand the significance of Barlundís definition, **a consideration of culturally different communicative style is warranted.**

#### If we do not adapt our current norms the extinction of debate is inevitable

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Cynthia-*Celebrating Differences: Successfully Diversifying Forensics Programs*; National Communication Association’s 84th Annual Meeting, November 22;<http://www.phirhopi.org/phi-rho-pi/spts/spkrpts05.2/sutherland.htm>

A Multicultural Communicative Style

Although the foundation of forensics events may have been grounded in the ancient rhetoric of Greece and Rome, **the globalization of American culture calls for a more diverse rhetorical competency. One of the ways such competency can be developed is by reviewing different multicultural communicative styles**. To accomplish this we will briefly examine some features of Asian culture as an exemplar of multicultural differences affecting forensic participation. Although this perusal is limited, it should offer insight into potential multicultural impacts. Perhaps the single most important feature affecting communicative styles within some Asian cultures centers around Confucianism, a philosophy encouraging both reciprocity and group harmony -- empathetic understanding of the other, and self-sacrifice for the good of the community. Consequently, cultures upholding Confucianism as their dominant paradigm place high value on group conformity and relational ethics, resulting in communication patterns designed to "initiate, develop, and maintain social relationships" (Yum, 1988, p. 384) Subsequently, such cultures are more interested in the process by which communication occurs rather than its outcome, most often utilizing indirect communication as a primary tool of the communication event. The impact of Confucianism on the communicative styles of its proponents is profound. First, communication is designed to induce cooperation among group members, and second, to promote relationships rather than individual goal attainments. In the world of forensic competitions, such commitment to the group disallows satisfaction in individualized success, while at the same time creating an environment fraught with face-losing potential. Imagine the shame evident in the one team member who does not advance to awards, or that debate team who drops in the final round. Such face-losing occurrences are common in current forensic practices, and may account for the small number of known debate societies within collectivist societies. Equally relevant to this examination of multicultural differences is nonverbal communication. Culturally bound, nonverbal communication is an area in which misunderstanding between cultures has the potential to flourish. For example, Japanese display rules prohibit negative facial expressions; consequently, it is common for the Japanese to smile even when angry (Argyle, 1982, p. 63). Consider the confusion during an interpretation of literature in which an angry or distraught character smiles in what is perceived an inappropriate moment. The same would hold true if this competitor was attempting to persuade the audience concerning some grave or life-threatening matter. Given Western cultural nonverbal norms, forensic critics would assess the smiling competitor negatively, and the competitor would suffer the impact on the ballot. It is not unlikely such negative attribution would result in the competitor not advancing into the final round, and thus, the competitor would not have opportunity to contribute to the overall success of the team through acquisition of sweepstakes points. Again, such an outcome would constitute loss of face for the competitor, a serious offense in many Asian cultures. Beyond facial expression, noted cultural differences in nonverbal communication range from amount and frequency of eye contact to arrangements of time and space, as well as appropriateness of gestures. Any of these holds the potential for negative impact within a forensics tournament, either in a round of competition, or during social interaction between rounds. The consequences of such misunderstandings may be that multicultural students, feeling uncomfortable in the Westernized cultural realm of forensics, will leave the activity in order to maintain their own cultural perspectives. From this brief overview of some of the inherent differences within multicultural approaches to communicative style, **it is evident that the current underlying philosophy of forensic competitions needs to expand if accommodation of cultural dissimilarities is to take place**. The question remains: How? Toward Pluralism in Forensics It has been argued that forensics is (or should be) primarily an educational enterprise, rooted in pedagogy, rhetoric, and research. If this is so, then in advancing into the 21st century, an era in which societies will increasingly become multicultural, it makes sense to adopt Albert and Triandis' (1985) objective of effectuating intercultural education within a multicultural society. The aim of this objective is "to prepare individuals to function effectively in both their culture of origin and in their new culture" (p. 391). Implementing this objective in forensics will not be easy. Change never is. However**, while human beings do not automatically embrace the unknown, inability to move beyond a state of stasis equates to stagnation in human development. Within the world of forensics, coaches, critics, and competitors must continually adapt, evolving in their interactions with an ever-changing environment, or risk extinction**. The possibility for forensic multicultural evolution can be strengthened in several ways. First, those of us involved in the activity must hone our self-diagnostic skills; in other words, we must consistently and honestly examine what we are doing, why, and with what effect. Are we "doing the greatest good for the greatest number?" If not, why not? Second, **we must recognize the potential for educational gain when we expose ourselves** and our students **to multicultural awareness, knowledge, and acceptance.** Not only will our learning experience be enriched, but **we may** also **be led** to explore identities and **to question cultural domination, thereby increasing acceptance of differences. Finally, we must begin to begin. We cannot advance beyond our current state until we initiate action**. This can be accomplished in many different ways. Here are a few:  a. Recruitment of forensics competitors through on campus multicultural clubs and organizations. b. Development of non-traditional forensics programs. For example: a one-unit non-traveling team that exposes students to and educates them about forensics and/or the use of intramural competitions. c. Adopticn of debate tcpics centered on global rather than national concerns. d. Expository speeches geared to inform about other cultures. e. Interpretive programs adopted from another culture's canons of literature. f. Creation of new events or a return to old ones (such as oratorical speeches which harmonize with African speaking styles). g. Experiential activities designed to expose individuals in forensics to other cultural views. h. Research assessing current forensic multiculturalism. Summary Returning to the question, "Is it possible for pluralism, 'a process by which both minority and majority cultural members adopt some norms of the other group' to thrive within the context of the competitive speech and debate arena?," the answer is yes, but a qualified yes. The reason for this response comes from **the** understanding of what a **process is: a state of evolution, a passage from one place to another. From this understanding, it is easy to see that process implies ongoingness, a continuous going forth from one point to the next.** Consequently, in investigating its status quo, questioning its pedagogies, and attempting to initiate change, forensic professionals concerned with multiculturalism are already involved in such a process. **Ultimately, as gaps in cultural knowledge decrease, norms will shift**. At such a time, we will begin to co-opt certain cultural elements from outside our own -- in turn, sharing what has been exclusively ours with others. Arguably, this is not pluralism in its purest form, but it is a move toward pluralism that constitutes participation in the process of pluralism. As such, it is a move toward multiculturalism in what has traditionally been the monocultural world of forensics. So you still want to increase diversity within your forensics program? Good for you, and for us. Now, let the celebration of differences begin!

### AT: TVA

There is no topical version of the aff, there is an inherent problem in the way we discuss the resolution and we must step outside the normative forms of discussion to properly evaluate the issue at hand. the USFG is always already caught up in whiteness and antiblackness – you can’t employ the state and refuse whiteness – any attempt to do so links back to the assimilation DA

1. View from nowhere – laws and policies aren’t race neutral and this is empirically true – turns fwk

2.The tva cant meet the rob – the state can’t challenge whiteness because the state is whiteness – imperialism, colonialism, laws, the education system, prisons, rhetoric, etc. prove

### AT: Fairness

#### Fairness is a myth that creates structural inequality

Egnor 11 (Bill Egnor, contributor and assistant to the publisher at Firedoglake, Nov 28, 2011, “Occupy Wall St: It is All About Fairness, and that is the Strength of It”, http://www.dailykos.com/story/2011/11/28/1040453/-Occupy-Wall-St:-It-is-All-About-Fairness,-and-that-is-the-Strength-of-It)

**America has a lot of national myths.** In this we are not so different from any nation in the history of nations. Still the myths are not always true, but they are what we think should be true, what we want to be true, about out nation. **One of these is the idea of a level playing field.** I know and you know that **it very rarely is truly level.** The existence of clichés like “It is not what you know but who you know” shows that **there has always been groups of people subverting the level field, but it is still something we grow up internalizing, that all things should generally be fair and if they are then the best rise or the hardest working or even the luckiest will rise to the top. It is such a basic concept that** elected Republicans have been using it for years to argue for tax breaks for the ultra-wealthy. They say it is not fair that they pay so much more in absolute dollars (even though they are paying far, far less in taxes as a percent of their total income) than other people. Or that we have to abolish the estate tax because it is unfair to family farmers or small businesses. But there is a realization that has been pushed by the Occupy Movement, namely that when it is basically 300 million on one side and 4 million or so on the other most of the 300 million are going to agree on the problem. The 99% really do have more in common on this issue than the 1%. If my cousin can see these realities, feel the inequity and want to do some of the same things that I do, then **there is a dawning realization in this nation that the promise of** even a fig leaf of fairness has been betrayed and needs to be fixed. This is the meme that I think we need to embrace. **The premise of this nation is that we are all equal, but we have managed to get ourselves into a situation where some are more equal than others due to their wealth. While I think most people** are okay with the idea that there are always going to be some really wealthy people, they **are not okay with the idea of people being so wealthy that they can control the rest of us** with their **money** and move government to benefit them solely at the expense of the rest of us. There is a split forming between the elected Republicans and the Republicans who make up the bulk of the party. Poll after poll shows that the nation as a whole and even the a majority of the self-identified Republicans want things that the elected officials of the GOP do not want. From taxing the rich to collective bargaining to health care reform to unemployment extensions to spending on infrastructure and jobs, **the nation is firmly behind ideas that the Republicans will not even allow to come up for debate or a vote.** It seems to me that this offers us an opportunity to make some common cause with some conservatives. I don’t think that David and I will ever agree on a range of social issues, but do we have to when there is a problem that confronts us both and we agree on some solutions? When I grew up around politics in the late 1970’s and all of the 1980’s one of the things that Mom was always on about was the need to work together with Republicans where there is common ground. Sometimes you would have to really fight on issues, but most of the time there was a clear understanding that there was a problem and it needs some addressing, and that got done more often than not. **We have a rash of elected Republicans who are listening to the voices of the 1%** who can and do donate to and coordinate (not always staying on the right side of the law) with them instead of the voice of their own party. Sure the faux grassroots Tea Party has a large voice and is supposedly the base of the GOP, but they are, mostly, just another Astroturf group propped up by Koch brother’s money. **There are always going to be myriad little areas of unfairness. It has been that way for the whole of human history, but that does not prevent us from striving to make things more fair over all.** The information that is coming out from the OWS movement and its repetition has made it clear that **there is a major lack of fairness** in economic terms. It is hard to know if we would have addressed this if it had not become so stark, and there were not so many people out of work or underemployed. However now that we are talking about it, **the time has come to stand up for fairness. If we** take this essential meme and really push it, **focus on the fact that most of us**, Republican and Democrat, Liberal and Conservative, Hippy and Square alike **are mostly being treated unfair, then there is a chance to actually move the nation in the direction we need to go. Every kid will tell you that what is fair is right**, even if it is not always advantageous to oneself. **That is not a flaw of callow youth, but a virtue that we should be looking for in our politics and our politicians.** We are the 99% and as such, if we work together, we can change things.

### AT: Predictability

#### **The resolution is inevitably unpredictable because language is mutable – only by expanding our conception of topicality can we preserve debate as an educational game through which we may find new meaning within the words of the resolution**

**Young 11**(Kelly Young is the Direct of Forensics and *Tenure* Professor of Communication Studies at Wayne State University, “Impossible Convictions: Convictions and Intentionality in Performance and Switch Side Debate Contemporary Argumentation & Debate”)

**We should not define switch-side debate in reaction to fears about the conservative** (e.g., “acting in support of communist China makes one a communist”) **or liberal** (e.g., “roleplaying as the state is imperialist”) **ideological indoctrination of students and the ethics of those pedagogical choices. These concerns misunderstand the inherent and ontological instability or play or polysemy contained in all communication and its effects** (Pada, 2009). Rather than viewing the resolution as defining and demarcating each side of that statement, we should view the resolution as an artifact that has unstable and contestable meaning. The **instability of the resolution as an artifact is inevitable as different teams, judges, tournaments, and documents deploy the resolution in different contexts in many different ways. Even when exact meaning is policed through topicality, no single topicality debate ever plays out the same way, thus ensuring variation and difference through citation.** In this perspective, **SSD does not have to be at odds with performative speech acts**. Instead, **SSD should be defined as switching sides on an orientation or perspective towards a set of words that operate as an unfixed resolutional text. These orientations would exist on a continuum with many ways to approach the resolution.** One of those orientations could be to read for the presence of framers’ intention located in the syntax and arrangement of the resolution’s terms as a “partial, if not, a total glimpse of the author’s intentions” (Pada, 2009, p. 87). **This perspective would likely best serve traditional federal government-centered policy debate as it provides a source of predictability found in an unstable resolution**. On the other end of the continuum, affirmatives might approach the resolution as a debate about identities and experiences that are both included and excluded by the text. **These debates should not be determined on a strict ethical system defined by the authenticity or sincerity of beliefs or performances, but instead on the perlocutionary effects that the speech acts have**. This would best preserve a space for performance- style debate while allowing for negative arguments like counterplans and disadvantages. **Maintaining that the resolution is an unstable artifact does not default us into a nihilistic situation without stable communication or debate** (Pada, 2009). According to Derrida (1988), **the ontological possibility of play and stable resolution is impossible**. As Pada (2009) explains, **play always “implies a possibility and not an absolute condition of mis-communication....Différance does not mark the end of communication**, rather, for Derrida, **it opens new possibilities that are latent behind the text”** (pp. 82-83). **Thus, debate can begin with grammar and other cues for intent and meaning of the resolution, but there must always be room for a critique of that reading’s exclusions and consequences. This redefinition of switch- side debate allows a great deal of space for both traditional policy and conviction and performance-style debaters to operate.** Additionally, **it acknowledges the ontological instability of speech acts and their illocutionary effects, which opens up a number of possibilities for both policy and performance-styles of debate.**

### Extra

#### Criminalization

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**Since** August 2014, when the **protests sparked by the killing of Michael Brown** that erupted in Ferguson, Missouri, **were met with disproportionate police repression against citizen protesters, very little has changed in the United States. The list of unarmed black persons**—men, women, and children, queer, straight, trans, from New York City, to Baltimore, to St. Louis, to Chicago, to Texas—**killed by violent, predominantly white police officers only continues to grow.** From Eric Garner to Akai Gurley to Tamir Rice to Aiyana Stanley-Jones to Rekia Boyd to Sandra Bland to John Crawford to Laquan MacDonald . . . **there is no discernible end to the tragic parade of the unarmed black dead.**1 **Perhaps the only difference is that now some of us, their fellow citizens,** though certainly not all, **make a point of saying their names and asserting that black lives matter.** In this essay, I try to make sense of the complex response to contemporary protests against police violence, particularly the demonization of those who have taken to the streets to protest the routine killing of black persons with impunity across the United States for minor, if not imagined, offenses by representatives of the state, and the ensuing debate about how to understand their actions. In a clear example of the racialized politics of solidarity, protesters and their critics have viewed the same events through very different lenses. This was exemplified by the dueling twitter hashtags that arose in the wake of the protests over the killing of Freddie Gray in Baltimore. **Where some saw unlawful “riots,” others participated in justified “uprisings.” These dueling frames raise deeper questions about the forms of politics that black citizens, who are experiencing a defining moment of racial terror in the United States in the twenty-first century, can and should pursue.** What are the costs of enacting “appropriate” democratic politics in the face of systematic racial violence? As Melvin Rogers has observed, “Two ideas mingle together in Ferguson, Missouri: the absence of [political] reciprocity where Blacks are concerned and the disposability of Black lives . . . [Blacks] are perpetually losers in American democracy.”2 **Democratic sacrifice is supposed to be equally distributed, as is care and concern over the losses suffered by fellow citizens. The absence of reciprocity thus calls into question not only the integrity of U.S. democracy, but also the kinds of democratic obligations that can be fairly placed upon black citizens as a result.** **When other citizens and state institutions betray a pervasive lack of concern for black suffering (which in turn makes it impossible for those wrongs to be redressed), is it fair to ask blacks to make further sacrifices on behalf of the polity?** **Taking as its starting point the status of blacks as perpetual losers in U.S. democracy,** this essay explores whether **the display of exemplary citizenship by blacks in the face of** such **unequal bargains constitutes an unjust form of democratic suffering.** Relatedly, if the answer to this question is yes, should we think about “riots” (whether or not we agree with the designation of citizens’ actions in Ferguson and Baltimore as such) as inadequate, but necessary, forms of democratic repair for black citizens in the face of racial terror?3 I explore these questions by turning to analyses of the problem of democratic loss, specifically Danielle Allen and Ralph Ellison’s meditations on democratic sacrifice. Allen and Ellison’s **transmutation of black sacrifice into political exemplarity has profound consequences for how we conceive black political praxis.** On one reading, for example, **the radical disregard for and antipathy to black life revealed by negative responses to the Black Lives Matter protests is not indicative of a crisis of U.S. democracy, but rather politics as usual in the racial state.**4 **If this is the case, we are forced to consider** not only whether (echoing James Baldwin) inclusion is worth “the price of the ticket,” but **if there is** also **a conceptual trap in historical narratives of black politics that recast peaceful acquiescence to loss as a form of democratic exemplarity in the face of democratic losses that are seemingly not repairable within the constraints of traditional liberal politics (including norms of “civility”).** Such romantic narratives of racial progress and reconciliation make it plausible to suggest, as some have done, that civil rights icon Rev. Martin Luther King Jr. would be “appalled” by the Black Lives Matter movement, or to demand immediate black forgiveness after horrific losses such as those suffered in Charleston, South Carolina, at the hands of an avowed white supremacist shooter.5 I challenge this transmutation of undue democratic sacrifice by subordinated racial groups into democratic exemplarity via an interrogation of the unwarranted assumptions of liberal democratic progress and perfectability that undergird it. In particular, the essay contests three key theoretical and historical assumptions of the conceptualization of black politics as democratic sacrifice. One problematic historical assumption is the reduction of a long history of black activism (and a broad intellectual tradition of black political thought) to a specific, sanitized version of the civil rights movement of the 1960s that then sets the terms for what are considered legitimate forms of black politics. A second theoretical misunderstanding is a mistaken account of white moral psychology that overstates the efficacy of peaceful acquiescence to loss on the part of subordinated groups in bringing about transformations in the ethical orientations of dominant groups. Finally, I suggest that readings of nonviolent protest as acquiescence or sacrifice obviate the self-understanding of black activists (both in the 1960s and today) who understood themselves as engaging in acts of defiance. **The limits of liberal democracy’s ability as an institution to deal with certain types of injustice, particularly systematic racial violence and terror that is (implicitly or explicitly) sanctioned by other citizens and carried out by the state, raises key questions about our expectations of black citizens. In particular, it forces us to confront the inability of dominant approaches in liberal democratic theory to accept black anger as a legitimate response to racial terror and violence. If anger at injustice is politically productive and even necessary, we need to contemplate**, paraphrasing Audre Lorde, **the “uses of [black] anger” in order to make sense of events like the Baltimore uprising and so-called disruptive actions by the Black Lives Matter protest movement.**6 Since the era of slavery, black thinkers have grappled with the problem that **the struggle for black life and black freedom often requires acting outside the strictly legal, beginning with those fugitive slaves who gained their freedom by committing the crime of “stealing” themselves.** The essay thus ends by considering how we might draw on insurgent strands of black political thought to conceive and enact more radical democratic subjectivities. **Black fugitive thought**, I suggest, **points away from democratic sacrifice and toward other forms of politics that blacks might productively enact in the face of racial terror.** The essay is thus less concerned with salvaging democracy, and rather with thinking about the paradoxes of black politics produced by the problematic reification of democratic sacrifice as the paradigmatic example of black political excellence/civic virtue.

#### TERMINAL IMPACT IS EXTINCTION.

VALDIVIA-SUTHERLAND Prof and Director of Forensics @Butte Community College 1998

Cynthia-*Celebrating Differences: Successfully Diversifying Forensics Programs*; National Communication Association’s 84th Annual Meeting, November 22;

<http://www.phirhopi.org/phi-rho-pi/spts/spkrpts05.2/sutherland.htm>

A Multicultural Communicative Style

Although the foundation of forensics events may have been grounded in the ancient rhetoric of Greece and Rome, **the globalization of American culture calls for a more diverse rhetorical competency. One of the ways such competency can be developed is by reviewing different multicultural communicative styles.** To accomplish this we will briefly examine some features of Asian culture as an exemplar of multicultural differences affecting forensic participation. Although this perusal is limited, it should offer insight into potential multicultural impacts.

Perhaps the single most important feature affecting communicative styles within some Asian cultures centers around Confucianism, a philosophy encouraging both reciprocity and group harmony -- empathetic understanding of the other, and self-sacrifice for the good of the community. Consequently, cultures upholding Confucianism as their dominant paradigm place high value on group conformity and relational ethics, resulting in communication patterns designed to "initiate, develop, and maintain social relationships" (Yum, 1988, p. 384) Subsequently, such cultures are more interested in the process by which communication occurs rather than its outcome, most often utilizing indirect communication as a primary tool of the communication event.

The impact of Confucianism on the communicative styles of its proponents is profound. First, communication is designed to induce cooperation among group members, and second, to promote relationships rather than individual goal attainments. In the world of forensic competitions, such commitment to the group disallows satisfaction in individualized success, while at the same time creating an environment fraught with face-losing potential. Imagine the shame evident in the one team member who does not advance to awards, or that debate team who drops in the final round. Such face-losing occurrences are common in current forensic practices, and may account for the small number of known debate societies within collectivist societies.

Equally relevant to this examination of multicultural differences is nonverbal communication. Culturally bound, nonverbal communication is an area in which misunderstanding between cultures has the potential to flourish. For example, Japanese display rules prohibit negative facial expressions; consequently, it is common for the Japanese to smile even when angry (Argyle, 1982, p. 63). Consider the confusion during an interpretation of literature in which an angry or distraught character smiles in what is perceived an inappropriate moment. The same would hold true if this competitor was attempting to persuade the audience concerning some grave or life-threatening matter. Given Western cultural nonverbal norms, forensic critics would assess the smiling competitor negatively, and the competitor would suffer the impact on the ballot. It is not unlikely such negative attribution would result in the competitor not advancing into the final round, and thus, the competitor would not have opportunity to contribute to the overall success of the team through acquisition of sweepstakes points. Again, such an outcome would constitute loss of face for the competitor, a serious offense in many Asian cultures.

Beyond facial expression, noted cultural differences in nonverbal communication range from amount and frequency of eye contact to arrangements of time and space, as well as appropriateness of gestures. Any of these holds the potential for negative impact within a forensics tournament, either in a round of competition, or during social interaction between rounds. The consequences of such misunderstandings may be that multicultural students, feeling uncomfortable in the Westernized cultural realm of forensics, will leave the activity in order to maintain their own cultural perspectives.

From this brief overview of some of the inherent differences within multicultural approaches to communicative style, it is evident that the current underlying philosophy of forensic competitions needs to expand if accommodation of cultural dissimilarities is to take place. The question remains: How?

Toward Pluralism in Forensics

**It has been argued that forensics is (or should be) primarily an educational enterprise, rooted in pedagogy, rhetoric, and research. If this is so, then in advancing into the 21st century, an era in which societies will increasingly become multicultural, it makes sense to adopt** Albert and Triandis' (1985) objective of effectuating **intercultural education within a multicultural society. The aim of this objective is "to prepare individuals to function effectively in both their culture of origin and in their new culture"** (p. 391).

Implementing **this objective in forensics will not be easy. Change never is. However, while human beings do not automatically embrace the unknown, inability to move beyond a state of stasis equates to stagnation in human development. Within the world of forensics, coaches, critics, and competitors must continually adapt, evolving in their interactions with an ever-changing environment, or risk extinction.**

**The possibility for forensic multicultural evolution can be strengthened in several ways**. First, **those of us involved in the activity must hone our self-diagnostic skills**; in other words, **we must consistently and honestly examine what we are doing, why, and with what effect.** Are we "doing the greatest good for the greatest number?" If not, why not?

Second, **we must recognize the potential for educational gain when we expose ourselves and our students to multicultural awareness, knowledge, and acceptance. Not only will our learning experience be enriched, but we may also be led to explore identities and to question cultural domination, thereby increasing acceptance of differences.**

Finally, **we must begin to begin. We cannot advance beyond our current state until we initiate action. This can be accomplished in** many different ways. Here are a few:

a. Recruitment of forensics competitors through on campus multicultural clubs and organizations.

b. Development of non-traditional forensics programs. For example: a one-unit non-traveling team that exposes students to and educates them about forensics and/or the use of intramural competitions.

c. Adopticn of debate tcpics centered on global rather than national concerns.

d. **Expository speeches geared to inform about other cultures.**

e. Interpretive programs adopted from another culture's canons of literature.

f. Creation of new events or a return to old ones (such as oratorical speeches which harmonize with African speaking styles).

g. Experiential activities designed to expose individuals in forensics to other cultural views.

h. Research assessing current forensic multiculturalism.

Summary

Returning to the question, "Is it possible for pluralism, '**a process by which both minority and majority cultural members adopt some norms of the other group' to thrive within the context of the competitive** speech and debate arena?," the answer is yes, but a qualified yes. The reason for this response comes from the understanding of what a process **is: a state of evolution,** a passage from one place to another. From this understanding, it is easy to see that process implies **ongoingness, a continuous going forth from one point to the next. Consequently, in investigating its status quo, questioning its pedagogies, and attempting to initiate change, forensic professionals concerned with multiculturalism are already involved in such a process. Ultimately, as gaps in cultural knowledge decrease, norms will shift. At such a time, we will begin to co-opt certain cultural elements from outside our own -- in turn, sharing what has been exclusively ours with others.**

**Arguably, this is not pluralism in its purest form, but it is a move toward pluralism that constitutes participation in the process of pluralism. As such, it is a move toward multiculturalism in what has traditionally been the monocultural world of forensics.**

So you still want to increase diversity within your forensics program? Good for you, and for us. Now, let the celebration of differences begin!

## Ks

### 2AC AT: Cap

#### The call for reparations is made against the capitalist system—an overthrow of capitalism would make the payment of reparations impossible and would continue the narrative of whites denying just claims. AND No root cause—slavery laid the foundation for capitalism

Roy L. Brooks, Published June 1999, Roy L. Brooks is Warren Distinguished Professor of Law at the University of San Diego, “When Sorry Isn't Enough The Controversy Over Apologies and Reparations for Human Injustice”, pg 423

Black reparations is a claim on the western capitalist socioeconomic system. It is not a claim on socialism, communism, or any other noncapitalist "mode of production” or society. Our unpaid forced labor laid the foundations of the western capitalist order, and no other. Our enslavement alone enabled European civilization to snare the Western hemisphere, appropriate its resources, and anchor white wealth and might in the Americas. It is western capitalism that owes us the debt. Hence, despite some of the rhetoric we use at times, the lobbyists for Black reparations are not social revolutionaries in the traditional western, left-wing Marxist sense. We can't afford to be. I will explain why. In as much as we insist upon reparations, that aim cannot logically encompass the overthrow of the socioeconomic order, since the claim for compensation and indemnification is made specifically against western capitalism-the beneficiary of our ancestors' unpaid labor and the perpetrator of racist atrocities against us. Reparations is addressed precisely to those debts and crimes. So although many Blacks have no use for capitalism-with good reason-the campaign for reparations, both for Africa and the diaspora, requires western capitalism for the claim to register. Anti-Black racism is deeply rooted among ordinary whites. Ostensibly lower-class whites would provide the main backing for any noncapitalist order-and would be its main beneficiaries. We suspect that under any postcapitalist setup, as under capitalism, the vast majority of whites would continue to look for excuses to deny our just claims. We lay charges against the existing social order. Western capitalism's disappearance before the debt is paid is not in the interest of Black people.

#### Link turn—reparations are a socialist project that redistribute wealth in opposition to the way the US economy thrived off the disenfranchisement of blacks

Socialism and Democracy, April 10, 2011, The Research Group on Socialism and Democracy, “Promises and Pitfalls of Reparations”, http://sdonline.org/31/promises-and-pitfalls-of-reparations-2/

In this capitalist stage of production, however, there is strong argument for the approach to reparations advocated by James Forman: placing the ownership and control of industry in the hands of the black community. And in this late stage of capitalism, this age of globalization, when control of mass communications is crucial for counter-hegemonic discourse¾the formation of class consciousness, and mobilization and organization of the working class and the oppressed—, Forman’s demand for black ownership and control of media outlets has proved to be prescient. We should keep in mind the fact that slave labor in cotton and tobacco fields in the ante-bellum South produced a wealthy class of agrarian capitalists—and that slave-trading by New England merchants produced profits which financed the development of the textile industry.25 The use of water-mill-powered machinery for the large-scale manufacture of textiles marked the beginning of the Industrial Revolution in the United States. The new class of industrial capitalists re-invested money from the textile industries into other burgeoning industries; hence the profits generated by trade in African slaves propelled the United States into the age of industrial capitalism. It is fitting, then, that reparations, which is essentially a socialist project (in the sense that it would involve a massive re-distribution of wealth), should encompass not only the transfer of land or real estate, but also the financing of industry in the African American community. Redistribution of wealth is not a matter of charity; it is a matter of economic justice, as the development or rather overdevelopment of the U.S. capitalist economy was directly contingent upon the institution of slavery—the super-exploitation of the human resources of Africa, i.e., the underdeveloping of the black community. I would argue that the economic development of the black community should involve the financing of not only high-tech industries such as computer factories, or the mass communication industries which Forman advocated, but also low-tech manufacturing plants. There is no reason why the people of Harlem or Bedford-Stuyvesant cannot own and operate their own bicycle factory or manufacture strollers, baby carriages, or metal furniture—kitchen tables and chairs—which are competitive on the market. The creation of such factories would be only one dimension of a reparations economic development model; an infrastructure of creatively structured financial institutions (savings and loan associations, credit associations, consumer co-operatives) has to be developed as well.

#### The economic system perpetuates itself through racialized capitalism that was created by slavery. Without a foundation of slavery capitalist exploitation would have been impossible

GARIKAI CHENGU, DECEMBER 18, 2015, Garikai Chengu is a scholar at Harvard University, “How Slaves Built American Capitalism”, Counter Punch, https://www.counterpunch.org/2015/12/18/how-slaves-built-american-capitalism/

Today marks the 150th anniversary of the abolition of slavery in America and contrary to popular belief, slavery is not a product of Western capitalism; Western capitalism is a product of slavery. The expansion of slavery in the first eight decades after American Independence drove the evolution and modernization of the United States. Historian Edward Baptist illustrates how in the span of a single lifetime, the South grew from a narrow coastal strip of worn-out tobacco plantations to a continental cotton empire, and the United States grew into a modern, industrial, and capitalist economy. Through torture and punishment slave owners extracted greater efficiencies from slaves which allowed the United States to seize control of the world market for cotton, the key raw material of the Industrial Revolution, and become a prosperous and powerful nation. Cotton was to the early 19th century, what oil was to the 20th century: the commodity that determined the wealth of nations. Cotton accounted for a staggering 50 percent of US exports and ignited the economic boom that America experienced. America owes its very existence as a first world nation to slavery. In the abstract, capitalism and slavery are fundamentally counterposed systems. One is based on free labor, and the other, on forced labor. However, in practice, Capitalism itself would have been impossible without slavery. In the United States, scholars have demonstrated that profit wasn’t made just from Southerners selling the cotton that slaves picked or the cane they cut. Slavery was central to the establishment of the industries that today dominate the U.S. economy: real estate, insurance and finance. Wall Street was founded on slavery. African slaves built the physical wall that gives Wall Street its name, forming the northern boundary of the Dutch colony designed to ward off resisting natives who wanted their land back. To formalize the colossal trade in human beings, in 1711, New York officials established a slave market on Wall Street. Many prominent American banks including JP Morgan and Wachovia Corp made fortunes from slavery and accepted slaves as “collateral”. JP Morgan recently admitted that it “accepted approximately 13,000 enslaved individuals as collateral on loans and took possession of approximately 1,250 enslaved individuals”. The story that American schoolbooks tell of slavery is regional, rather than national, it portrays slavery as a brutal aberration to the American rule of democracy and freedom. Slavery is recounted as an unfortunate detour from the nation’s march to modernity, and certainly not the engine that drove American economic prosperity. Nothing could be further from the truth. In order to fully appreciate the importance of slavery to American capitalism, one need only look at the torrid history of an antebellum Alabama dry-goods outfit called Lehman Brothers. Warren Buffet is the CEO of Berkshire Hathaway and the richest billionaire in America. Berkshire Hathaway’s antecedent firm was a Rhode Island textile manufacturer and slavery profiteer. In the north, New England was the home of America’s cotton textile industry and the hotbed of American abolitionism, which grew rich on the backs of the enslaved people forced to pick cotton in the south. The architects of New England’s industrial revolution constantly monitored the price of cotton, for their textile mills would have been silent without the labor of slaves on distant plantations. The book Complicity: How the North Promoted, Prolonged, and Profited from Slavery by Anne Farrow illustrates how the Northern bourgeoisie were connected to the slave system by a million threads: they bought molasses, which was made with slave labor, and sold rum as part of the Triangle Trade; they lent money to Southern planters; and most of the cotton that was sold to Britain was shipped through New England ports. Despite being turned into a civil rights hero, Abraham Lincoln did not think blacks were the equals of whites. Lincoln’s plan was to send the blacks in America back to Africa, and if he had not been assassinated, returning blacks to Africa would likely have been his post-war policy. Lincoln even admitted that the emancipation proclamation, in his own words, was merely “a practical war measure” to convince Britain, that the North was driven by “something more than ambition.” For Blacks, the end of slavery, one hundred and fifty years ago, was just the beginning of the as yet unachieved quest for democratic and economic racial equality. In the era before WWII, the American elite consensus viewed capitalist civilization as a racial and colonial project. To this day, capitalism in America can only be described as “Racial Capitalism”: the legacy of slavery marked by the simultaneous, and intertwined emergence of white supremacy and capitalism in modern America. Black people in America live in a Racial Capitalist system. Racial Capitalism exercises its authority over the Black minority through an oppressive array of modern day lynchings by the police, increasing for-profit mass incarceration and institutionally driven racial economic inequality. Racial Capitalism is unquestionably a modern day crime against humanity. Seeing an African American at the pinnacle of power in the land of slavery would be exciting if only black equality indicators were not tumbling. In fact, during Obama’s tenure the black-white median household wealth gap is down to seven black cents on the white dollar. The spread between black unemployment and white unemployment has also widened by four points since President Obama took office. The nation’s police historically enforced Racial Capitalism. The first modern police forces in America were Slave Patrols and Night Watches, which were both designed to control the behaviors of African Americans. Historical literature is clear that prior to the Civil War a legally sanctioned police force existed for the sole purpose of oppressing the slave population and protecting the property and interests of white slave owners. The glaring similarities between the eighteenth century Slave Patrols and modern American police brutality in the Black community are too salient to dismiss or ignore. Ever since the first police forces were established in America, lynchings have been the linchpin of racial capitalist law and order. Days after the abolition of slavery, the worst terrorist organization in American history was formed with the US government’s blessing: The Klu Klux Klan. The majority of Americans believe that lynchings are an outdated form of racial terrorism, which blighted American society up until the end of the era of Jim Crow laws; however, America’s proclivity towards the unbridled slaughter of African Americans has only worsened over time. The Guardian newspaper recently noted that historians believe that during the late nineteenth and early twentieth century on average two African-Americans were lynched every week. Compare this with incomplete data compiled by the FBI that shows that a Black person is killed by a white police officer more than twice a week, and it’s clear that police brutality in Black communities is getting worse, not better. Lynching does not necessarily mean hanging. It often included humiliation, torture, burning, dismemberment and castration. A lynching was a quintessential American public ritual that often took place in front of large crowds that sometimes numbered in the thousands and children played during the festivities. Shortly after the abolition of slavery in 1899 the Springfield Weekly newspaper described a lynching by the KKK chronicling how, “the Negro was deprived of his ears, fingers and genital parts of his body. He pleaded pitifully for his life while the mutilation was going on…before the body was cool, it was cut to pieces, the bones crushed into small bits…the Negro’s heart was cut into several pieces, as was also his liver…small pieces of bones went for 25 cents…”. Central to the perpetuation of Racial Capitalism is racial terrorism, which is why to this day, the US government refuses to designate the KKK as a domestic terrorist organization. Racially terrorizing Black communities goes hand in hand with the systematic containment and imprisonment of Blacks. Thanks in large part to the racially motivated War on Drugs, the United States right now incarcerates more African-Americans as a percentage than South Africa did at the height of Apartheid. Private prisons were designed by the rich and for the rich. The for-profit prison system depends on imprisoning Blacks for its survival. Much in the same way the United States was designed. After all, more Black men are in prison or jail, on probation or parole than were enslaved in 1850 before the Civil War began. America’s “take-off” in the 19th century wasn’t in spite of slavery; it was largely thanks to it. Capitalism was created by slavery and slavery in turn created the enduring legacy of Racial Capitalism that persists in America today. There has historically been a sharp contrast between America’s lofty ideals, on the one hand, and the seemingly permanent second-class status of African Americas, on the other. The late 19th century irony of a statue named Liberty overseeing the arrival in New York’s harbor of millions of foreigners, even as black Southern peasants, not alien, just profoundly alienated, were kept enslaved at the social margins. The hypocrisy of a racist ideology that openly questioned the Negro’s human worth surviving America’s defeat of the Nazis. To this day, far from being a “post-racial” nation, American racial equality indicators and race relations are at a new low. The race problem is America’s great national dilemma that continues to pose the greatest threat to America’s democratic experiment. Simmering discontent in Black communities will continue to rise towards a dangerous boiling point unless and until slavery’s greatest legacy of ongoing Racial Capitalism is exposed and completely dismantled.

#### A focus on class uses a leftist identity that marginalizes racial movements and is an excuse for the white middle class to slip identity through the back door

Marlon Ross, Autumn 2000, Associated Director of the Center for Afro-American and American Studies @ UMich, NEW LITERARY HISTORY, Vol. 31, No. 4, Is There Life after Identity Politics?, pg. 827-850,

Although in his contribution Eric Lott targets Professor Michaels's comments and his own recent feud with Timothy Brennan (who unfortunately is not included in this volume) rather than Ken's argument, what Eric says about "left and liberal fundamentalists" who "simply and somewhat penitently" urge us to "'go back to class'" could also be directed at Ken's conclusion. Ken writes, "Crafting a political left that does not merely reflect existing racial divisions starts with the relatively mundane proposition that it is possible to make a persuasive appeal to the given interests of working and unemployed women and men, regardless of race, in support of a program for economic justice." On this one, I side with Eric, rather than Tim and Ken. Standing on the left depends on whose left side we're talking about. My left might be your right and vice versa, because it depends on what direction we're facing, and what direction depends on which identities we're assuming and affirming. Eric adds, "Even in less dismissive [than Tim's] accounts of new social movements based not on class but on identities formed by histories of injustice, there is a striking a priori sense of voluntarism about the investment in this cause or that movement or the other issue--as though determining the most fundamental issue were a matter of the writer's strength of feeling rather than a studied or analytical sense of the ever-unstable balance of forces in a hegemonic bloc at a given moment." I agree, but I'll risk mangling what Eric says by putting it more crassly. Touting class or "economic justice" as the fundamental stance for left identity is just another way of telling everybody else to shut up so I can be heard above the fray. Because of the force of "identity politics," a leftist white person would be leery of claiming to lead Blacks toward the promised land, a leftist straight man leery of claiming to lead women or queers, but, for a number of complex rationalizations, we in the middle class (where all of us writing here currently reside) still have few qualms about volunteering to lead, at least theoretically, the working class toward "economic justice." What Eric calls here "left fundamentalism," I'd call, at the risk of sounding harsh, left paternalism. Of the big identity groups articulated through "identity politics," economic class [End Page 840] remains the only identity where a straight white middle-class man can still feel comfortable claiming himself a leading political voice, and thus he may sometimes overcompensate by screaming that this is the only identity that really matters--which is the same as claiming that class is beyond identity. Partly this is because Marxist theory and Marx himself (a bourgeois intellectual creating the theoretical practice for the workers' revolution) stage the model for working-class identity as a sort of trans-identification, a magical identity that is transferable to those outside the group who commit themselves to it wholeheartedly enough. If we look back, we realize even this magical quality is not special to a history of class struggle, as whites during the New Negro movements of the early twentieth century felt that they were vanguard race leaders because they had putatively imbibed some essential qualities of Negroness by cross-identifying with the folk and their culture. Ironically, Ken's conclusion is full of the very identity concepts that he hopes to transcend by an appeal to a broadly conceived "political left." As I have already suggested, "the left" is an identity formation no less than race or gender or sexuality. Consider the other key terms of Ken's manifesto: "working and unemployed," "men and women," "given interests." As Professor Michaels indicates, "interests" are always implicated in identity because they concern the negotiation of subject positions. Ken's recourse to "men and women," instead of simply "people" or some other less gendered term, indicates to what extent what he's referring to is an alliance or coalition. Rather than ushering in a post-identity world of pure common interests, Ken's manifesto looks back to the prehistory of "identity politics," that Edenic moment before we fell into proliferating identities on the left. What is it that we bring together in coalitions if not "men" and "women," with the identifiable interests that generally bring them to a common place across their differing identity circumstances? What are the "working" and "unemployed" if not class-based identity formations? Most people on the left would have no difficulty supporting the general idea in Ken's manifesto. The difficulties arise once we try to move from the manifesto to politics, from the ideal to specific strategies and tactics for bringing people into a common "left." What specific agendas should we support? Do we abandon affirmative action, or fight for it? Do we dismiss abortion rights, because that does not directly concern "economic justice," or fight for it? Do we support welfare reform or fight against it? Do we ignore racial profiling, which again may seem distant from the gravity of "economic justice," or fight it? How do we determine which agendas advance "economic justice" and which ones obstruct it? Do we take a vote? Do we count who's against, who's for? Do we lobby those in our own neighborhoods, which are by and large still segregated by race and class? Such [End Page 841] nuts-and-bolts questions are the nuts and bolts of politics, and they are exactly the kinds of issues that "identity politics" handles effectively. Those of us who live in upscale college communities that are relatively racially integrated can sometimes forget, I think, that we are racial-identity exceptions: any attempt to arrange a common interest in class across race will crash head-on (that face metonym again) into the walls of racially segregated groups within the working classes, and the diverse cultures that they self-consciously espouse.

### 2AC AT: Afropessimism

#### -Perm db solves best

Ted Rall, May 31, 2014, Journalist for Pando, “Paying reparations to everyone America has wronged would bankrupt us. So let's do that”, Pando, https://pando.com/2014/05/31/paying-reparations-to-everyone-america-has-wronged-would-bankrupt-us-so-lets-do-it/

That discrimination, poverty and genocide are at the heart of the black American experience is not in doubt — at least not in the minds of people of moderate intelligence and good will. That tens of millions of blacks continue, "even" after the election of the first black president, to suffer systemic racism along with its attendant symptoms — schools starved of funding, grinding poverty, police brutality, a viciously skewed judiciary, bigotry in every aspect of life from the workplace to housing to romance — is obvious to all who care to open their eyes the slightest bit. Reparations are obviously justified. Moreover, they are normative; in the United States, aggrieved parties routinely seek and receive compensation for their injuries and economic losses via class-action lawsuits and the occasional U.S. Treasury payout. During the 1990s, for example, Congress issued $20,000 reparations checks to 82,210 Japanese-Americans and their heirs in order to compensate them for shipping them to concentration camps during World War II (and, in many cases, stealing their homes and businesses). Better ridiculously late than never; better insultingly small than nothing. Other U.S. reparations precedents include North Carolina residents forcibly sterilized during the mid 20th century as part of a nationwide eugenics program targeted at minorities and the mentally disabled (they are receiving $50,000 each), victims of the infamous Tuskegee untreated-syphilis experiment ($24,000 to $178,000), and blacks killed in the 1923 mass lynching at Rosewood, Florida ($800,000 for those forced to flee). Coates admits that complications arise from his proposal: "Who will be paid? How much will they be paid? Who will pay?" Should blacks who are not descendants of American slaves, like President Obama, receive reparations? What about wealthy blacks — should a wealthy black person receive a payout while members of other races go hungry? Should poor blacks get more than rich blacks? What about "mixed race" people — if your father was black and your mother was white, should you get half a check? These are good questions, but as a white man (not descended from Americans who lived in the United States during slavery), I don't enjoy the political standing to ponder them, much less answer them. Whatever the details of a theoretical reparation scheme, my only objection to the idea overall would be that no amount of money would or could be enough. Reading through Coates survey of centuries of savage rape, abuse and degradation, one can't help but ask, how could $100,000 make up for a single ancestor turned away from restaurants or rejected for promotions or unable to attend college due to the color of her skin? $1 million? $10 million? Not that doing the right thing is going to happen any time soon. "For the past 25 years, Congressman John Conyers Jr., who represents the Detroit area, has marked every session of Congress by introducing a bill calling for a congressional study of slavery and its lingering effects as well as recommendations for 'appropriate remedies,' Coates writes. The bill "has never—under either Democrats or Republicans—made it to the House floor," he says, because "we are not interested." Well, I'm interested. And I'd be paying, not getting. Coates is, if anything, too polite. Congress' uninterest in trying to atone for America's original sin of slavery, he says, "suggests our concerns are rooted not in the impracticality of reparations but in something more existential." That existential something, of course, is that the United States and its economic infrastructure are the products of so much brutality, stealing, lying and exploitation, of so many hundreds of millions of people not only within "our" borders but — as the center of a vast economic and military empire — that it would not only be impossible to compensate all of its victims without going broke many times over, reparations would force American political leaders to concede that we are indeed an exceptional nation, if only in our violence and perfidy. One place to start compiling lists of victims and heirs to consider for reparations would be Howard Zinn's "People's History of the United States." All 49 states (except Hawaii) belonged to Native Americans; any fair assessment of compensation would give the total real estate value back to them, plus four centuries of interest and penalties for pain, suffering, and opportunity cost. Hawaii was stolen from native Hawaiians by an invasion force of U.S. Marines. Chinese railroad workers were abused, discriminated against and in some cases murdered; America's freight travels the rails they laid down. Except for slavery, Latinos too have suffered many of the same horrors, and still do, as Coates enumerates. There are the victims of America's countless wars of colonial conquest in North America and around the world: Filipino patriots tortured to death in the early 20th century, two million Vietnamese, Koreans, Afghans, Iraqis and Yemenis — honestly, this is like one of those Oscar speeches where there isn't enough time to thank everyone who made this "wonderful" exceptional country possible. By all means, cut everyone a check, then close up shop.

### 2AC AT: Black Feminism

#### Black feminism is incoherent in the deaths of black men. Black men and boys are uniquely vulnerable, and their subject positions need to be analyzed specifically.

(Curry and Curry 13, “And Another Black Boy is Dead: Why Black Male Death is not for the Ideological Profit of Black Feminist Politics,” Racism Review, https://www.academia.edu/4024340/RacismReview.com\_And\_Another\_Black\_Boy\_is\_Dead\_Why\_Black\_Male\_Death\_is\_not\_for\_the\_Ideological\_Profit\_of\_Black\_Feminist\_Politics)

Last week, Black America’s heart was broken and their hopes and expectations of fairness, justice, and equality shattered. The murderer of a young Black boy was freed. George Zimmerman gets to live his life an acquitted killer, and Trayvon Martin, his family, and other Black men and boys will forever be impacted by the reality that any confrontation with white men and/or women can mean death. Black men and boys remain invisible to conversations about gendered violence and death. Their existence and suffering is replaced by negation, or replaced with only the problematization of any scholarship that seeks to address their peculiar racial existence as being marginalizing to the their Black female counterpart. In short, any work seeking to speak to, and for Black male oppression is attacked for not being sufficiently feminist, and as such, worthy of dismissal and censor. **Being Black and Male is not a Privilege—It’s a Death Sentence** Within minutes of the verdict, Black feminists from across the web began posting and comparing the life of Trayvon Martin to that of Black women killed or incarcerated within the last year. On facebook, Black feminist postings about Rekia Boyd, Marissa Alexander, and Aiyanna Stanley-Jones, were on statuses and shared prolifically. Reiterating Jamila Aisha Brown’s piece, "[If Trayvon Martin had been a woman..."](http://www.guardian.co.uk/commentisfree/2013/jul/12/trayvon-martin-female) these feminist posters/bloggers saw themselves making a point about the difference in the attention Black men’s and boy’s deaths receive next to these Black women’s lives. However, when one actually reads Ms. Brown's piece one can only be amazed by how causality and history are vacated for ideology. Brown’s piece is written as a response to a Marc Lamont Hill’s interview where he was asked "[How would things be different if Trayvon was a young Black girl?](http://www.youtube.com/watch?v=NpcseRzc1jc) Hill responded “[Zimmerman] would have been convicted, because we have this history of seeing Black male bodies as dangerous and threatening and always worthy of lethal force.” Hill makes an observation many Black men and women across the country actually agree with, namely that Black men and boys are by and large the victims of state sponsored murder and violence and white vigilantism. This is not to deny Black women as victims, but to acknowledge the dangers of being Black and male in the United States. A point recently supported by Melissa Harris Perry’s admission that America is so dangerous for Black men that she wishes her sons away, a burden only alleviated somewhat by “the relief I [she] felt at my [her] 20-week ultrasound when they told me [her] it was a girl.”

Unfortunately, the sentiments that express fear, anger, and hopelessness are lost on Brown and many of her readers. Despite the outrage of the Black community, the powerlessness endured by the parents of young Black men and boys, and the fear of death Black men/boys suffer, Brown seems to conclude these emotions are simply inconsequential to the larger identity politics needing to be advanced. For Ms. Brown, any and all experiences of violence against Black women are examples that they could in fact have been Trayvon Martin. She begins her argument with a brief point that Black women have been lynched, a fact that has not gone unnoticed by historians or even anti-lynchers back in the 19th century given the cataloguing of Black women's and girl's names and alleged offenses in both Ida B.Wells-Barnett's *Red Record* (1895) and John Edward Bruce's *A Blood Red Record* (1901). In Brown's view, however, these women's lives have been erased and go to prove that if "Trayvon Martin were a young Black woman, we would not even know her name."

On the face of it, this seems silly. All violence is not the same, so to suggest that Black women who have been focused on less regarding lynching, or police-state-sponsored violence means that an unarmed teenage girl who was shot by a white man on the claim of self-defense would not been known to Black America is non-sequitar. Ida B. Wells-Barnett was clear that lynching was justified against the manhood of the race and used as a weapon to discourage Black economic independence. Contrary to the popular account of Well’s anti-lynching activism as revelatory, Ida B. Wells-Barnett understood the unique vulnerability of Black men, because at one time she supported the lynching of Black men as justifiable. As she confesses in Crusade for Justice “…I had accepted the idea meant to be conveyed—that although lynching was irregular and contrary to law and order, unreasoning anger over the terrible crime of rape led to the lynching; that perhaps the brute deserved death anyhow and the mob was justified in taking his life.” After the death of her friend Thomas Moss, she began to understand that lynching was a punishment driven by the desire to murder Black men. When the white lynch mob declared to Ida B. Wells-Barnett that her "sex would not save her," if she returned to Memphis, it reaffirmed the masculine ontology at the bottom of lynching. It was Wells-Barnett’s debasement to the status of Black maleness that threatened her life and erased her sex. Despite the historical evidence that give ample support for the view that anti-Black death (lynching, police state violence, and public executions) are directed primarily at Black men, Black feminists cannot conceptualize a reality in which Black maleness is a gendered vulnerability that warrants being the center of any account of American racism. Brown claims that the deaths of Rekia Boyd, Deanna Cook, Aiyana Stanley Jones, and Tarika Wilson, despite being protested, taken up by the NAACP in their respective cites, and warranting lawsuits, are ignored because of “Black male privilege,” or the idea that “the victimization of young women is subsumed into a general well of black pain that is largely defined by the struggles of African-American men.” Are they not ignored by the asymmetrical power relationship between impoverished Black communities and the police state, or the general apathy for Black life? By asserting the existence of “a Black male privilege” that somehow remains unaffected by the exponential deaths, imprisonment, unemployment, and poverty of Black men and Black boys—conditions that deserve particular attention, these authors make acknowledging Black male privilege axiomatic, and indisputable. In short, these feminists claim that regardless of the death historically associated with being a Black man, these Black men enjoy the political privilege of being male, and of being recognized even in death over Black women, some of whom are still living and breathing. Rather than being a serious analysis of how Black men concretely have privilege (education, wealth, mortality, health), this contention is about the ideological politics of academic recognition confined to blogs more than an empirical study offering insight into the tragedies that actually impact the Black community. In the death of Trayvon Martin, Black male privilege attempts to demonize a community that has lost Black fathers, sons, and husbands alongside mothers, daughters and wives for not holding a particular brand of feminist politics. These Black feminists pretend that despite the tragedy of losing a 17 year old Black boy, a child, they are ultimately the arbiters of what his life should mean for the Black community, or what his life would mean if the Black community was not blinded by the ignorance of their hetero-patriarchal pathology.

#### Womanhood allows for black women to form political alliances with white women that are inaccessible for black men. Black feminism further criminalizes black men uses the death of black women to delegitimize the death, violence, and sexual assault towards black men, reenacting the impacts of the 1ac.

(Curry and Curry 13, “And Another Black Boy is Dead: Why Black Male Death is not for the Ideological Profit of Black Feminist Politics,” Racism Review, <https://www.academia.edu/4024340/RacismReview.com_And_Another_Black_Boy_is_Dead_Why_Black_Male_Death_is_not_for_the_Ideological_Profit_of_Black_Feminist_Politics)>

While the Black left, and Black independent news outlets have concerned themselves with the death of Black men and women, as well as Black boys and girls, Black feminists have not made the death of Black women killed by state violence, police brutality, racial profiling, or anti-Blackness their central agenda, unless of course those women were killed or brutalized at the hands of Black men, which makes their suffering fit nicely with their predetermined (Duluth) account of domestic violence. [Voxunion presented evidence of Black men and women dying hourly](http://www.voxunion.com/every-40-hours-extra-judicial-killings-of-black-women-and-men-a-new-report/), Redding News Review covered the death of Rekia Boyd, and Aiyana Stanley Jones, as well as the arrest of Marissa Alexander; I constantly commented on these deaths as topics of conversation on [my own radio segment](http://www.youtube.com/playlist?list=PLHiisAZtx8Y1RUPvVRn8GSIoyHcb6Br2o), and [Black Agenda Report has reported the deaths of Black women and children alongside their Black male counterparts](http://www.blackagendareport.com/content/freedom-rider-war-black-women-and-children). But given the gender ideology in the university, these Black feminists feel more than comfortable using the death of these women and children to point out why the death of Trayvon Martin should not be valued as much as it is because he is a Black boy. **Black Males are Victims of Racism and Sexism** It’s sickening that these individuals are now claiming they get to decide how Martin’s death should be valued, but say nothing against the specific white supremacists and institutions that devalued Black life in the first place. The central question posed by Piers Morgan in asking what would happen “If Trayvon Martin was a Black girl,” is whether or not a white vigilante could have claimed he feared for his life and used self-defense as a justification for killing her. Many commentators simply think Zimmerman would have been arrested for killing a Black woman, and the opposing feminist commentaries have offered no reason for this not to be the case. So, in an attempt to “one-up” Black male death, these commentaries pose endless hypotheticals that ask the audience to imagine the Black female victim being raped and sexually assaulted rather than simply being murdered in cold blood. Mind you, these hypotheticals are being embraced as fact, something that would necessarily happen to the Black female victim, despite [Rachel Jeantel telling the American audience that she actually told Trayvon Martin that Zimmerman could have been a rapist](http://www.youtube.com/watch?v=loEROU1XA5E). This sexualized aspect of racist violence is completely ignored when talking about Black men and boys. [Eric Glover and Terrence Rankin](http://www.dailymail.co.uk/news/article-2284890/Joliet-murders-Teens-3-way-sex-bodies-men-strangled.html) were murdered to fulfill the necrophilia fetish of three white teens, and as expected not one “feminist” analysis on the particular gendered vulnerability of these Black men. But this fear, the fear a young boy may have of being raped, is ignored, because as Greg Thomas explains, “for feminism, gender means for females only,” and as such, only females can fear, be assaulted by, be victims of, rape. Why are these Black feminists not attacking the comparison between white men’s, women’s, and children’s lives next to the death of these Black women? Why are the deaths of Black men and boys the only comparable examples? Why are they not attacking their figureheads like Beverly Guy Sheftall for publically announcing [the agendas of Black feminism](http://www.theroot.com/views/root-interview-beverly-guy-sheftall?page=0,0) in popular venues like the Root, but [excluding Black death](http://www.theroot.com/views/do-we-need-feminism-2011)? Why are these Black feminists not writing about these women in their journals and blogs as analyses of anti-Black death and suffering rather than the reaction to the death of a Black boy? Why is it when a Black community mourns, the feminist response is to divest the meaning the symbolism a Black male life has taken on—a life embraced by Black men, women, and children alike, a life taken from Black families across the world, and a life that continues to represent the fear of growing up a Black boy who wonders if he shall live to become a man? Does this fear of death not warrant political organization around Black male issues and erasures?In this case, Black Feminism isn’t any better than the white supremacist who denies the political possibilities held by Black manhood. Black manhood is not a pathology; a sickness to be cured by either death or by feminism. Angela Davis is clear in Women, Race &Class that Black men didn’t have male privilege during slavery, because it endangered the slave system, nor did they have it during the civil rights movement despite Michelle Wallace’s contention given the myth of the Black male rapist. Feminists are using this tragic incident to bring further attention to their political agendas. J.N. Salter’s article, “[Am I A Race Traitor? Trayvon Martin, Gender Talk and Invisible Black Women](http://thefeministwire.com/2013/07/am-i-a-race-traitor-trayvon-martin-gender-talk-and-invisible-black-women/)” argues that Black women are expected to put their race before their gender and ignore the issues that black women have within our communities,” but this is not an issue for the black community, this is an issue for the Black feminist community who demands that the deaths of the Black women and girls they have handpicked garner the same attention recently afforded to Trayvon Martin. [Haydia Pendleton](http://firstread.nbcnews.com/_news/2013/04/10/17692560-michelle-obama-hadiya-pendleton-was-me-and-i-was-her?lite) was killed in January, and her death, the death of a 15 year old Black girl sparked, national attention, so much so that the First Lady Michelle Obama attended her funeral, but this did not create the attention to Black women’s death by Black feminists that Trayvon Martin’s death did. Salter argues that “Black women are expected to put their race before their gender, to choose between their dual identities (“black” or “woman”) at the expense of their full humanity,” but this is untrue since many Black women from Ida B. Wells-Barnett to mothers like Sybrina Fulton have resolved this issue. This is a Black feminist issue that pretends being Black and being a woman should not be criticized, despite the fact that the identity politics lurking behind their idea of womanhood is about their political alliances with, and the benefits they receive from their relationships with white women. Our focus should not be on whether the Black person was/is a woman or a man it should be on protecting our communities from violence. It just so happens that in this case, the case of white vigilantism, Black men and boys deserve much of our attention.**A Conclusion:** Of the [300+ Black people killed in 2012 by extra-legal violence, how many names do we know?](http://mxgm.org/wp-content/uploads/2013/04/Operation-Ghetto-Storm.pdf) Every year, [hundreds of Blacks are killed by police, most of them men](http://www.democracynow.org/2013/7/17/trayvon_martins_unpunished_shooting_death_among), we don't know who all of them are, and they don't all get marches; some names are never uttered. Black children, little boys and girls, are killed and no one cries, mourns, or marches for them. A white vigilante kills an unarmed teen and suddenly the fear and sorrow felt by the death of a young Black boy is transformed into “the only death Black people care about.” Whereas Black feminism has no problem turning the pain and torture of a community—its families—into a metric measuring Black death and rationing this dehumanizing spectacle into the “meaningful” deaths of Black women, and then everyone else; the Black community, the dead Black men, “we,” as their voices should. Ideology (political, moral, or otherwise) is not the barometer of truth. The indifference to the death of Black men and women from the near silence of this Black feminist academic cadre on issues like state violence, anti-Black death, and murder for their preferred discourses of recognition, be it phrased as: intersectionality, love, or education, is self-inflicted. Stop talking to white women and white people for academic recognition and write about the (Black) deaths of the people you claim should be at the center of consciousness. These posts that continue to react to the importance the Black community has attached to Trayvon Martin’s death, instead of suggesting any analysis of the conditions that gave rise to it, demonstrates the negating drive of Black feminist identity politics against Black men/boys, rather than concrete analysis of Black people’s vulnerability to sexual violence and murder—and how that acknowledgement helps the Black community. These posts show that vitiating Black masculinity is academically profitable, not that the death of a Black boy is tragic.

## DA

### 2AC AT: Econ DA

#### The past isn’t in the past – hundreds of years of oppression have skewed the economy against Blacks

Joshua Holland, 6-4-2014, a senior digital producer for BillMoyers.com and now writes for The Nation. He’s the author of The Fifteen Biggest Lies About the Economy (and Everything Else the Right Doesn’t Want You to Know about Taxes, Jobs and Corporate America), "The Past Isn't Past: The Economic Case for Reparations," BillMoyers, http://billmoyers.com/2014/06/04/the-past-isnt-past-the-economic-case-for-reparations/

“The past is in the past; it’s time to move on.” That’s a common response to Ta-Nehisi Coates’ eloquent essay in The Atlantic, “The Case for Reparations,” and his recent discussion with Bill Moyers. But that sentiment betrays a fundamental lack of understanding of how the legacy of hundreds of years of slavery and the American-style apartheid known as Jim Crow continue to hurt the economic prospects of African-American babies born today. “The average black family has about one-tenth of the wealth of the typical white family — that’s ten cents on the dollar,” says NYU sociologist Dalton Conley, author of Being Black, Living in the Red: Race, Wealth and Social Class in America. “Income doesn’t explain the gap,” he adds. “African-Americans make about 77 cents on the white dollar, on average — the gap in income is much smaller than the gap in net worth.” Even poor white households — those hovering around the poverty line — have $10,000 or $15,000 in accumulated wealth, according to Conley. But “the typical black family at that income level will have zero net worth, or even negative net worth, which means they’re paying interest on top of all their other bills.” Conley studied how differences in household wealth impact the next generation’s economic prospects. While much of the discussion of black outcomes has centered around family structure, Conley’s research shows that only two family background measures really have an impact in terms of kids’ performance in school and future placement in the job market: the parents’ levels of education and wealth. “Nothing else seems to matter,” he says. While the rate of African-Americans who complete college has increased dramatically since the Civil Rights era, the children of whites who are of college age today are around 50 percent more likely to have parents with at least a bachelor’s degree than blacks. This is the reality that often gets lost in our heated debate over whether America has truly moved beyond its racist past — the argument over whether or not we live today in a “post-racial society.” For most of our history, blacks have been deprived of the opportunity to build wealth — through both legal and illegal means, and often with a lot of violence. It wasn’t until the mid-1960s that African-Americans became full citizens of the United States. “Wealth,” says Conley, “more than any other socio-economic measure picks up long-term historical legacies that are being passed on from generation to generation. Given this large wealth disparity between whites and blacks, there really is an unequal playing field.” Wealth Matters Having some net worth impacts families in several important ways. Wealth provides a cushion against economic shocks. “It’s a risky economy, and everybody needs a buffer,” says Rachel Black, an expert in asset-building at the New America Foundation. “That’s especially true for those living on the financial margins, where a small dip in their income or an unexpected expense could leave them either making material sacrifices — like skipping meals — or not being able to repair the car that they need to get to work.” About one-third of all welfare recipients are African-Americans, a fact that helps perpetuate vicious and bigoted stereotypes about blacks being lazy and “dependent.” But the reality is that hundreds of years of structural discrimination have left black families without the same cushion that even poor white households tend to have, so when things go wrong they’re less likely to be able to get by without turning to public assistance. But the most important way that a family’s wealth affects kids’ chances of getting ahead is through what’s known as “intergenerational assistance.” “Wealth matters in terms of passing on a family business or helping your offspring with a down payment on a home or financing a job search,” says Dalton Conley. “Simply paying for college is a big part of it — if you have a buffer and don’t have to work two jobs to pay for college, you’re much more likely to graduate in four years.” Because chances for young African-Americans to get their degrees diminish without such a buffer, most of today’s proposals for reparations include some sort of college fund to give young blacks the same opportunity to get an education that many white people take for granted. Place Matters The wealth gap holds down entire neighborhoods. Ta-Nehisi Coates told Bill Moyers that a black family “that has an income of $100,000 a year, on average, actually lives in a neighborhood that’s comparable to a white family that makes $30,000 a year.” That’s another manifestation of the black-white wealth gap. Even after the crash in the housing market, most American families hold the lion’s share of their wealth in housing. What’s more, home values are a good indicator of the quality of the local schools. That’s a result of a virtuous cycle — neighborhoods with more expensive real estate have healthier tax bases to fund their schools. Excellent schools then attract buyers and drive up home values. The fact that poorer neighborhoods tend to have worse schools is yet another way that the black-white wealth gap creates an uneven playing field. A modern reparations scheme could help level it. Coates makes an historical and moral case for reparations. The wealth gap is the basis for a practical, unsentimental one. “Even if you could wave a magic wand and make all other forms of inequality disappear today,” says Conley, “it would take a very long time for that wealth inequality to naturally dissolve.”

#### Reparations good for the economy

Reuters, 6-4-2014, Reuters is the news and media division of [Thomson Reuters](http://thomsonreuters.com/). Thomson Reuters is the world's largest international multimedia news agency, providing investing news, world news, business news, technology news, headline news, small business news, news alerts, personal finance, stock market, and mutual funds information available on Reuters.com, video, mobile, and interactive television platforms. "Why reparations for slavery could help boost the economy," Reuters, http://blogs.reuters.com/great-debate/2014/06/04/why-reparations-for-slavery-could-help-boost-the-economy/

In the May 21 issue of The Atlantic, Ta-Nehisi Coates re-opened the question of whether the United States government should pay reparations to African-Americans for the crimes of two and a half centuries of slavery, 60 years of Jim Crow-style segregation and decades more of racist housing policies, zoning and community development. His conclusion — that a great accounting of wrongs must take place, as well as a decision about how to make amends for them– has inevitably sparked disagreement. But set that aside. Imagine we have decided yes, as a society we must pay a price for these injustices, and it must be large. Those payments could well constitute the stimulus that the U.S. economy needs to take it into the next century. To the economy, stimulus is stimulus, as long as it’s done right. Whether it is paid to a group of people based on where they live, their ethnicity or their religion might matter to politics, but to the economy, it doesn’t matter — as long as the money is put to work through either consumption or investment. The reparations-as-stimulus idea gets a short mention from Coates, who writes that: “In the 20th century, the cause of reparations was taken up by a diverse cast that included the Confederate veteran Walter R. Vaughan, who believed that reparations would be a stimulus for the South.” Vaughan, a former confederate soldier turned Idaho politician, recognized that “pensions would financially benefit former slaves and would indeed be a semblance of justice for their years of forced labor,” according to an article in the summer 2010 issue of Prologue magazine, a publication of the National Archives. But the outcome Vaughan looked for involved “ex-slaves spending their pensions in the South in order to give the devastated southern economy a financial boost.” Vaughan’s vision is too simplistic to apply to modern times. Today reparations would affect 44.5 million Americans, most of whom are in a position, or could eventually be in a position, to do far more than spend. The stimulus would lead to both entrepreneurship and investment and potential direct poverty alleviation for 3.2 percent of the total population, assuming that cash-based reparations payments would be large enough to lift even the poorest recipient above the poverty line. This would affect the roughly 27 percent of African-Americans who were below the poverty line in 2012. Put those elements together and there is a prime case for stimulus that would both alleviate poverty directly, and provide payments to people who can either grow their investments or start or expand businesses. Any reasonable program would start with direct cash payments of sufficient largess that it should be able to eliminate any reasonable consumer debts and allow the recipient access to retail banking services (the poor are notoriously under served by financial institutions). This assistance could immediately affect more than 30 percent of the participants in the Temporary Assistance for Needy Families program, boosting them in such a way that they no longer need to receive benefits, according to figures from the Urban Institute. The payments would be a huge boon for the states who administer the block grants behind these programs. Imagine similar reductions in the number of users of food stamps and medical programs. The drawback is that one-time payments are temporary and we do not want to find ourselves, one or two years down the line, back where we started. Coates spends a good part of his essay talking about the development of major cities and how African-American communities developed within them. This is where reparations can have a more lasting effect. All of these historically blighted neighborhoods need to be modernized. Universal broadband and Wi-Fi Internet access is a great start, and should be combined with transferable tax credits to encourage new business formation, particularly if new businesses start with local ownership. By making the tax credits transferable, with some limitations, these programs would encourage outside investment so that these new businesses can expand and more easily access capital markets. Coates has given us a lot to think about. The temptation is to argue about what is ethically “right.” But in doing so, we shouldn’t ignore the also interesting possibility that we could be looking at a pilot program for a new America.

## CP

### 2AC AT: States CP

#### Perm do both

#### States cp are a VI

#### CI—the negative can fiat a different method to radically reimagine the way the government functions.

#### Object fiat—they get to fiat that all the states will follow the policy outlined by the cp, when historically souther states like Alabama wont follow specific policies. This kills any solvency deficit we can make because they would just fiat that it doesn’t happen

#### PRF—you fiat the states solve the aff but you cant fiat a movment. You cant say that the states operate as people protesting against the federal government.

#### PICs—cp that include the method of the aff are unfair as we can only read offense against the agent which is a minute portion of the policy. This makes being aff impossible as we have no offense against the CP

#### Fiat outside the USFG is bad—fiating outside of the feder government justifies international fiat where they can use any country. They also justify things like NGOs. These all open the flood gates for what the neg can fiat. All of these are impossible to prepare for as there are thousands of actors that they could use.

#### 50 state fiat doesn’t exist—unifrom 50 fiat isn’t a legitimate policy action that is not grounded within the literature making it impossible to garner offense against an actor that doesn’t exist

#### CP can’t solve—the US devolves powers to the state to avoid CERD violations. The CP is just another example of how the states won’t follow set policies.

Makani Themba-Nixon, March 2001, Makani Themba-Nixon assists with media and training for activist organizations. She is is founding Executive Director of The Praxis Project, a nonprofit organization helping communities use media and policy advocacy to advance health equity and justice. Current projects include Policy Advocacy on Tobacco and Health, “The Persistence of White Privilege and Institutional Racism in US Policy”, TRANSNATIONAL RACIAL JUSTICE INITIATIVE, https://www.raceforward.org/sites/default/files/pdf/303pdf.pdf

The Government failed to undertake an adequate assessment of policies and practices as outlined by the Convention. Furthermore, it limited what examination it did undertake to the federal or national level. The US has been undergoing massive devolution in many policy arenas. By devolution we mean that many forms of power and governance previously within the purview of the federal government have been ceded to state and local governments. Given the increasingly significant role of local government in social policy, the omission of state and local activity flouts provisions in Article 2. In its report, the Government raises the issue of states rights as a barrier to holding state and local government accountable to CERD obligations. In the US context, the doctrine of states rights has provided significant structural support to racism as an institution. The doctrine was conceived in the 19th century as a vehicle for southern states to maintain slavery despite federal law and public opinion to the contrary. It was under the guise of states rights that Mississippi state voting officials were able to bar African Americans from registering to vote with impunity. States rights made it possible for the Texas (state) Rangers to prevent Latino farm workers from attending union meetings. It provided legal cover for Montana (state) social workers to forcibly remove Native American children from their families for adoption by white families. And it permitted California (state) legislators to forbid Asian immigrants from owning land. In short, there can be no adequate assessment of US compliance with the CERD without a review of state and local government activity because of the critical role these levels of government play with regard to progress toward eliminating discrimination.

#### Our first and most important responsibility is to challenge instances of racism. No exception.

**Memmi 2K** (Albert, Professor Emeritus of Sociology @ U of Paris, Naiteire, Racism, Translated by Steve Martinot, p. 163-165)

The struggle against racism will be long, difficult, without intermission, without remission, probably never achieved. Yet, for this very reason, it is a struggle to be undertaken **without** surcease and without concessions. One cannot be indulgent toward racism; one must not even let the monster in the house, especially not in a mask. To give it merely a foothold means to augment the bestial part in us and in other people, which is to diminish what is human. To accept the racist universe to the slightest degree is to endorse fear, injustice, and violence. It is to accept the persistence of the dark history in which we still largely live. it is to agree that the outsider will always be a possible victim (and which man is not himself an outsider relative to someone else?. Racism illustrates, in sum, the inevitable negativity of the condition of the dominated that is, it illuminates in a certain sense the entire human condition. The anti-racist struggle, difficult though it is, and always in question, is nevertheless one of the prologues to the ultimate passage from animosity to humanity. In that sense, we cannot fail to rise to the racist challenge. However, it remains true that one’s moral conduit only emerges from a choice: one has to want it. It is a choice among other choices, and always debatable in its foundations and its consequences. Let us say, broadly speaking, that the choice to conduct oneself morally is the condition for the establishment of a human order, for which racism is the very negation. This is almost a redundancy. One cannot found a moral order, let alone a legislative order, on racism, because racism signifies the exclusion of the other, and his or her subjection to violence and domination. From an ethical point of view, if one can deploy a little religious language, racism is ‘the truly capital sin. It is not an accident that almost all of humanity’s spiritual traditions counsels respect for the weak, for orphans, widows, or strangers. It is not just a question of theoretical morality and disinterested commandments. Such unanimity in the safeguarding of the other suggests the real utility of such sentiments. All things considered, we have an interest in banishing injustice, because injustice engenders violence and death. Of course, this is debatable. There are those who think that if one is strong enough, the assault on and oppression of others is permissible. Bur no one is ever sure of remaining the strongest. One day, perhaps, the roles will be reversed. All unjust society contains within itself the seeds of its own death. It is probably smarter to treat others with respect so that they treat you with respect. “Recall.” says the Bible, “that you were once a stranger in Egypt,” which means both that you ought to respect the stranger because you were a stranger yourself and that you risk becoming one again someday. It is an ethical and a practical appeal—indeed, it is a contract, however implicit it might be.

#### The affirmative represents the view from nowhere

Yancy 5 [2005, George Yancy, Associate Professor of Philosophy at Duquesne University and Coordinator of the Critical Race Theory Speaker Series, “Whiteness and the Return of the Black Body”, The Journal of Speculative Philosophy 19.4 (2005) 215-241, Muse]

I write out of a personal existential context. This context is a profound source of knowledge connected to my "raced" body. Hence, I write from a place of lived embodied experience, a site of exposure. In philosophy, the only thing that we are taught to "expose" is a weak argument, a fallacy, or someone's "inferior" reasoning power. The embodied self is bracketed and deemed irrelevant to theory, superfluous and cumbersome in one's search for truth. It is best, or so we are told, to reason from nowhere. Hence, the white philosopher/author presumes to speak for all of "us" without the slightest mention of his or her "raced" identity. Self-consciously writing as a white male philosopher, Crispin Sartwell observes: Left to my own devices, I disappear as an author. That is the "whiteness" of my authorship. This whiteness of authorship is, for us, a form of authority; to speak (apparently) from nowhere, for everyone, is empowering, though one wields power here only by becoming lost to oneself. But such an authorship and authority is also pleasurable: it yields the pleasure of self-forgetting or [End Page 215] apparent transcendence of the mundane and the particular, and the pleasure of power expressed in the "comprehension" of a range of materials. (1998, 6) To theorize the Black body one must "turn to the [Black] body as the radix for interpreting racial experience" (Johnson [1993, 600]).1 It is important to note that this particular strategy also functions as a lens through which to theorize and critique whiteness; for the Black body's "racial" experience is fundamentally linked to the oppressive modalities of the "raced" white body. However, there is no denying that my own "racial" experiences or the social performances of whiteness can become objects of critical reflection. In this paper, my objective is to describe and theorize situations where the Black body's subjectivity, its lived reality, is reduced to instantiations of the white imaginary, resulting in what I refer to as "the phenomenological return of the Black body."2 These instantiations are embedded within and evolve out of the complex social and historical interstices of whites' efforts at self-construction through complex acts of erasure vis-à-vis Black people. These acts of self-construction, however, are myths/ideological constructions predicated upon maintaining white power. As James Snead has noted, "Mythification is the replacement of history with a surrogate ideology of [white] elevation or [Black] demotion along a scale of human value" (Snead 1994, 4). How I understand and theorize the body relates to the fact that the body—in this case, the Black body—is capable of undergoing a sociohistorical process of "phenomenological return" vis-à-vis white embodiment. The body's meaning—whether phenotypically white or black—its ontology, its modalities of aesthetic performance, its comportment, its "raciated" reproduction, is in constant contestation. The hermeneutics of the body, how it is understood, how it is "seen," its "truth," is partly the result of a profound historical, ideological construction. "The body" is positioned by historical practices and discourses. The body is codified as this or that in terms of meanings that are sanctioned, scripted, and constituted through processes of negotiation that are embedded within and serve various ideological interests that are grounded within further power-laden social processes. The historical plasticity of the body, the fact that it is a site of contested meanings, speaks to the historicity of its "being" as lived and meant within the interstices of social semiotics. Hence: a) the body is less of a thing/being than a shifting/changing historical meaning that is subject to cultural configuration/reconfiguration. The point here is to interrogate the "Black body" as a "fixed and material truth" that preexists "its relations with the world and with others"3 ; b) the body's meaning is fundamentally symbolic (McDowell 2001, 301), and its meaning is congealed through symbolic repetition and iteration that emits certain signs and presupposes certain norms; and, c) the body is a battlefield, one that is fought over again and again across particular historical moments and within particular social spaces. "In other words, the concept of the body provides only the illusion of self-evidence, facticity, 'thereness' for something [End Page 216] fundamentally ephemeral, imaginary, something made in the image of particular social groups" (301). On this score, it is not only the "Black body" that defies the ontic fixity projected upon it through the white gaze, and, hence, through the episteme of whiteness, but the white body is also fundamentally symbolic, requiring demystification of its status as norm, the paragon of beauty, order, innocence, purity, restraint, and nobility. In other words, given the three suppositions above, both the "Black body" and the "white body" lend themselves to processes of interpretive fracture and to strategies of interrogating and removing the veneer of their alleged objectivity. To have one's dark body invaded by the white gaze and then to have that body returned as distorted is a powerful experience of violation. The experience presupposes an anti-Black lived context, a context within which whiteness gets reproduced and the white body as norm is reinscribed. The late writer, actor, and activist Ossie Davis recalls that at the age of six or seven two white police officers told him to get into their car. They took him down to the precinct. They kept him there for an hour, laughing at him and eventually pouring cane syrup over his head. This only created the opportunity for more laughter, as they looked upon the "silly" little Black boy. If he was able to articulate his feelings at that moment, think of how the young Davis was returned to himself: "I am an object of white laughter, a buffoon." The young Davis no doubt appeared to the white police officers in ways that they had approved. They set the stage, created a site of Black buffoonery, and enjoyed their sadistic pleasure without blinking an eye. Sartwell notes that "the [white] oppressor seeks to constrain the oppressed [Blacks] to certain approved modes of visibility (those set out in the template of stereotype) and then gazes obsessively on the spectacle he has created" (1998, 11). Davis notes that he "went along with the game of black emasculation, it seemed to come naturally" (Marable 2000, 9). After that, "the ritual was complete" (9). He was then sent home with some peanut brittle to eat. Davis knew at that early age, even without the words to articulate what he felt, that he had been violated. He refers to the entire ritual as the process of "niggerization." He notes: The culture had already told me what this was and what my reaction to this should be: not to be surprised; to expect it; to accommodate it; to live with it. I didn't know how deeply I was scarred or affected by that, but it was a part of who I was. (9) Davis, in other words, was made to feel that he had to accept who he was, that "niggerized" little Black boy, an insignificant plaything within a system of ontological racial differences. This, however, is the trick of white ideology; it is to give the appearance of fixity, where the "look of the white subject interpellates the black subject as inferior, which, in turn, bars the black subject from seeing him/herself without the internalization of the white gaze" (Weheliye 2005, 42). On this score, it is white bodies that are deemed agential. They configure "passive" [End Page 217] Black bodies according to their will. But it is no mystery; for "the Negro is interpreted in the terms of the white man. White-man psychology is applied and it is no wonder that the result often shows the Negro in a ludicrous light" (Braithwaite 1992, 36). While walking across the street, I have endured the sounds of car doors locking as whites secure themselves from the "outside world," a trope rendering my Black body ostracized, different, unbelonging. This outside world constitutes a space, a field, where certain Black bodies are relegated. They are rejected, because they are deemed suspicious, vile infestations of the (white) social body. The locks on the doors resound: Click. Click. Click. Click. Click. Click. ClickClickClickClickClickClickClick! Of course, the clicking sounds are always already accompanied by nervous gestures, and eyes that want to look, but are hesitant to do so. The cumulative impact of the sounds is deafening, maddening in their distorted repetition. The clicks begin to function as coded sounds, reminding me that I am dangerous; the sounds create boundaries, separating the white civilized from the dark savage, even as I comport myself to the contrary. The clicking sounds mark me, they inscribe me, they materialize my presence in ways that belie my intentions. Unable to stop the clicking, unable to establish a form of recognition that creates a space of trust and liminality, there are times when one wants to become their fantasy, to become their Black monster, their bogeyman, to pull open the car door: "Surprise. You've just been carjacked by a ghost, a fantasy of your own creation. Now, get the fuck out of the car." I have endured white women clutching their purses or walking across the street as they catch a glimpse of my approaching Black body. It is during such moments that my body is given back to me in a ludicrous light, where I live the meaning of my body as confiscated. Davis too had the meaning of his young Black body stolen. The surpluses being gained by the whites in each case are not economic. Rather, it is through existential exploitation that the surpluses extracted can be said to be ontological—"semblances of determined presence, of full positivity, to provide a sense of secure being" (Henry 1997, 33). When I was about seventeen or eighteen, my white math teacher initiated such an invasion, pulling it off with complete calm and presumably self-transparency. Given the historical construction of whiteness as the norm, his own "raced" subject position was rendered invisible. After all, he lived in the real world, the world of the serious man, where values are believed anterior to their existential founding. As I recall, we were discussing my plans for the future. I told him that I wanted to be a pilot. I was earnest about this choice, spending a great deal of time reading about the requirements involved in becoming a pilot, how one would have to accumulate a certain number of flying hours. I also read about the dynamics of lift and drag that affect a plane in flight. After no doubt taking note of my firm commitment, he looked at me and implied that I should be realistic (a code word for realize that I am Black) about my goals. He said that I should become a carpenter or a bricklayer. I was exposing myself, telling a trusted teacher what I wanted to be, and he returned me to myself as something [End Page 218] that I did not recognize. I had no intentions of being a carpenter or a bricklayer (or a janitor or elevator operator for that matter). The situation, though, is more complex. It is not that he simply returned me to myself as a carpenter or a bricklayer when all along I had this image of myself as a pilot. Rather, he returned me to myself as a fixed entity, a "niggerized" Black body whose epidermal logic had already foreclosed the possibility of being anything other than what was befitting its lowly station. He was the voice of a larger anti-Black racist society that "whispers mixed messages in our ears" (Marable 2000, 9), the ears of Black people who struggle to think of themselves as a possibility. He mentioned that there were only a few Black pilots and that I should be more realistic. (One can only imagine what his response would have been had I said that I wanted to be a philosopher, particularly given the statistic that Black philosophers constitute about 1.1% of philosophers in the United States). Keep in mind that this event did not occur in the 1930s or 1940s, but around 1979. The message was clear. Because I was Black, I had to settle for an occupation suitable for my Black body,4 unlike the white body that would no doubt have been encouraged to become a pilot. As with Davis, having one's Black body returned as a source of impossibility, one begins to think, to feel, to emote: "Am I a nigger?" The internalization of the white gaze creates a doubleness within the psyche of the Black, leading to a destructive process of superfluous self-surveillance and self-interrogation. This was indeed a time when I felt ontologically locked into my body. My body was indelibly marked with this stain of darkness. After all, he was the white mind, the mathematical mind, calculating my future by factoring in my Blackness. He did not "see" me, though. Like Ellison's invisible man, I occupied that paradoxical status of "visible invisibility." Within this dyadic space, my Black body phenomenologically returned to me as inferior. To describe the phenomenological return of the Black body is to disclose how it is returned as an appearance to consciousness, my consciousness. The (negatively) "raced" manner in which my body underwent a phenomenological return, however, presupposes a thick social reality that has always already been structured by the ideology and history of whiteness. More specifically, when my body is returned to me, the white body has already been constituted over centuries as the norm, both in European and Anglo-American culture, and at several discursive levels from science to philosophy to religion. In the case of my math teacher, his whiteness was invisible to him as my Blackness was hyper-visible to both of us. Of course, his invisibility to his own normative here is a function of my hyper-visibility. It is important to keep in mind that white Americans, more generally, define themselves around the "gravitational pull," as it were, of the Black.5 The not of white America is the Black of white America. This not is essential, as is the invisibility of the negative relation through which whites are constituted. All of embodied beings have their own "here." My white math teacher's racist social performances (for example, his "advice" to me), within the context of a [End Page 219] white racist historical imaginary and asymmetric power relations, suspends and effectively disqualifies my embodied here. What was the message communicated? Expressing my desire to be, to take advantage of the opportunities for which Black bodies had died in order to secure, my ambition "was flung back in my face like a slap" (Fanon 1967, 114). Fanon writes: The white world, the only honorable one, barred me from all participation. A man was expected to behave like a man. I was expected to behave like a black man—or at least like a nigger. I shouted a greeting to the world and the world slashed away my joy. I was told to stay within bounds, to go back where I belonged. (114–15) According to philosopher Bettina Bergo, drawing from the thought of Emmanuel Levinas, "perception and discourse—what we see and the symbols and meanings of our social imaginaries—prove inextricably the one from the other" (2005, 131). Hence, the white math teacher's perception, what he "saw," was inextricably linked to social meanings and semiotic constructions and constrictions that opened up a "field of appearances" regarding my dark body. There is nothing passive about the white gaze. There are racist sociohistorical and epistemic conditions of emergence that construct not only the Black body, but the white body as well. So, what is "seen" when the white gaze "sees" "my body" and it becomes something alien to me?

#### Simple policy reform can’t solve reparations—only our protests and movements can solve.

JONATHAN BACHMAN, 8/1/16, Writer for Reuters, “BLACK LIVES MATTER MOVEMENT CALLS FOR SLAVERY REPARATIONS”, Newsweek, http://www.newsweek.com/black-lives-matter-slavery-reparations-criminal-justice-reform-policy-hillary-486198

SEATTLE (Reuters) - A coalition affiliated with the anti-racism Black Lives Matter movement called for criminal justice reforms and reparations for slavery in the United States among other demands in its first policy platform released on Monday. The six demands and roughly 40 policy recommendations touch on topics ranging from reducing U.S. military spending to safe drinking water. The groups aim to halt the "increasingly visible violence against Black communities," the Movement for Black Lives said in a statement. The agenda was released days before the second anniversary of the slaying of unarmed blackteen Michael Brown by a white police officer in Ferguson, Missouri. Brown's death, along with other fatal police shootings of unarmed black men over the past two years, fueled a national debate about racial discrimination in the U.S. criminal justice system. Issues related to race and violence took center stage at the Democratic National Convention last week, though the coalition did not endorse the party's platform or White House candidate, Hillary Clinton. "We seek radical transformation, not reactionary reform," Michaela Brown, a spokeswoman for Baltimore Bloc, one of the organizations that worked on the platform, said in a statement. "As the 2016 election continues, this platform provides us with a way to intervene with an agenda that resists state and corporate power, an opportunity to implement policies that truly value the safety and humanity of black lives, and an overall means to hold elected leaders accountable," Brown said. Baltimore Bloc is among more than 50 organizations that developed the platform over the past year, including Black Alliance for Just Immigration, the Black Youth Project 100 and the BlackLeadership Organizing Collaborative. This is the first time these black-led organizations linked to the decentralized Black Lives Matter movement have banded together to write a comprehensive foundational policy platform. The National Association for the Advancement of Colored People, the nation's oldest and largest civil rights organization, was not listed among them. The agenda calls for an end to the death penalty, decriminalization of drug-related offenses and prostitution, and the "demilitarization" of police departments. It seeks reparations for lasting harms caused to African-Americans of slavery and investment in education and jobs. The Movement for Black Lives said in a statement that "neither mainstream political party has our interests at heart." "By every metric – from the hue of its prison population to its investment choices – the U.S. is a country that does not support, protect or preserve Black life," the statement said.

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#### Definitions

#### Policy means principles and measures to guide government in public management

The Law Dictionary 16 [“Law Dictionary: What is POLICY? definition of POLICY (Black's Law Dictionary),” from Black’s Law Dictionary, 2nd Edition, originally published 1910, Accessed Oct 24, 2016, http://thelawdictionary.org/policy/]

The general principles by which a government is guided in its management of public affairs, or the legislature in its measures. This term, as applied to a law, ordinance, or rule of law, denotes its general purpose or tendency considered as directed to the POLICY

#### Interpretation – the Affirmative must defend a topical education policy change that identifies specific material action.

#### They don’t meet: “The United States federal government should” means the debate is solely about the outcome of a policy established by governmental means

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

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

#### Violation – The Affirmative does not defend a topical policy.

#### Failing to defend topical action decimates the quality of debate —

#### 1. Competitive equity—any alternative to our model of the topic as a baseline for discussion wrecks it—it’s impossible to negate alternative frameworks with the ground allocated to us by the parameters of the resolution—all 2AC defense to this claim will rely on concessionary ground which isn’t a stable basis for a year of debate.

#### Debate is a game and its value relies upon operating within the parameters of the resolution – any other value to debate is made possible through topical discussion.

Hurka 6 (Thomas - Canadian philosopher who holds the Jackman Distinguished Chair in Philosophical Studies at the University of Toronto – received his Ph.D. from Oxford University, “GAMES AND THE GOOD,” https://thomashurka.files.wordpress.com/2014/02/games-and-the-good.pdf)

I take this admiration to rest on the judgement that excellence in games is good in itself, apart from any pleasure it may give the player or other people, but just for the properties that make it excellent. The admiration, in other words, rests on the perfectionist judgement that skill in games is worth pursuing for its own sake and can add value to one’s life. This skill is not the only thing we value in this way; we give similar honours to achievements in the arts, science and business. But one thing we admire, and to a significant degree, is excellence in athletic and non-athletic games. Unless we dismiss this view, one task for philosophy is to explain why such excellence is good. But few philosophers have attempted this, for a well-known reason. A unified explanation of why excellence in games is good requires a unified account of what games are, and many doubt that this is possible. After all, Wittgenstein famously gave the concept of a game as his primary example of one for which necessary and sufficient conditions cannot be given but whose instances are linked only by looser ‘family resemblances’.1 If Wittgenstein was right about this, there can be no single explanation of why skill in games is good, just a series of distinct explanations of the value of skill in hockey, skill in chess, and so on. But Wittgenstein was not right, as is shown in a little-known book that is nonetheless a classic of twentieth-century philosophy, Bernard Suits’s The Grasshopper: Games, Life and Utopia. Suits gives a perfectly persuasive analysis of playing a game as, to quote his summary statement, ‘the voluntary attempt to overcome unnecessary obstacles’.2 And in this paper I will use his analysis to explain the value of playing games. More specifically, I will argue that the different elements of Suits’s analysis give game-playing two distinct but related grounds of value, so it instantiates two related intrinsic goods. I will also argue that game-playing is an important intrinsic good, which gives the clearest possible expression of what can be called a modern as against a classical, or more specifically, Aristotelian, view of value. But first Suits’s analysis. It says that a game has three main elements, which he calls the prelusory goal, the constitutive rules, and the lusory attitude. To begin with the first, in playing a game one always aims at a goal that can be described independently of the game. In golf, this is that a ball enter a hole in the ground; in mountain climbing, that one stand on top of a mountain; in Olympic sprinting, that one cross a line on the track before one’s competitors. Suits calls this goal ‘prelusory’ because it can be understood and achieved apart from the game, and he argues that every game has such a goal. Of course, in playing a game one also aims at a goal internal to it, such as winning the race, climbing the mountain, or breaking par on the golf course. But on Suits’s view this ‘lusory’ goal is derivative, since achieving it involves achieving the prior prelusory goal in a specified way. This way is identified by the second element, the game’s constitutive rules. According to Suits, the function of these rules is to forbid the most efficient means to the prelusory goal. Thus, in golf one may not carry the ball down the fairway and drop it in the hole by hand; one must advance it using clubs, play it where it lies, and so on. In mountain climbing one may not ride a gondola to the top of the mountain or charter a helicopter; in 200-metre sprinting, one may not cut across the infield. Once these rules are in place, success in the game typically requires achieving the prelusory goal as efficiently as they allow, such as getting the ball into the hole in the fewest possible strokes or choosing the best way up the mountain. But this is efficiency within the rules, whose larger function is to forbid the easiest means to the game’s initial goal. These first two elements involve pursuing a goal by less than the most efficient means, but they are not sufficient for playing a game. This is because someone can be forced to use these means by circumstances he regrets and wishes were different. If this is the case—if, for example, a farmer harvests his field by hand because he cannot afford the mechanical harvester he would much rather use—he is not playing a game. Hence the need for the third element in Suits’s analysis, the lusory attitude, which involves a person’s willingly accepting the constitutive rules, or accepting them because they make the game possible. Thus, a golfer accepts that he may not carry the ball by hand or improve his lie because he wants to play golf, and obeying those rules is necessary for him to do so; the mountaineer accepts that he may not take a helicopter to the summit because he wants to climb. The restrictions the rules impose are adhered to not reluctantly but willingly, because they are essential to the game. Adding this third element gives Suits’s full definition: ‘To play a game is to attempt to achieve a specific state of affairs [prelusory goal], using only means permitted by the rules . . . where the rules prohibit the use of more efficient in favour of less efficient means [constitutive rules], and where the rules are accepted just because they make possible such activity [lusory attitude].’ Or, in the summary statement quoted above, ‘playing a game is the voluntary attempt to overcome unnecessary obstacles.’3 This analysis will doubtless meet with objections, in the form of attempted counterexamples. But Suits considers a whole series of these in his book, showing repeatedly that his analysis handles them correctly, and not by some ad hoc addition but once its elements are properly understood. Nor would it matter terribly if there were a few counterexamples. Some minor lack of fit between his analysis and the English use of ‘game’ would not be important if the analysis picks out a phenomenon that is unified, close to what is meant by ‘game’, and philosophically interesting. But the analysis is interesting if, as I will now argue, it allows a persuasive explanation of the value of excellence in games. Suits himself addresses this issue of value. In fact, a central aim of his book is to give a defence of the grasshopper in Aesop’s fable, who played all summer, against the ant, who worked. But in doing so he argues for the strong thesis that playing games is not just an intrinsic good but the supreme such good, since in the ideal conditions of utopia, where all instrumental goods are provided, it would be everyone’s primary pursuit. The grasshopper’s game-playing, therefore, while it had the unfortunate effect of leaving him without food for the winter, involved him in the intrinsically finest activity. Now, I do not accept Suits’s strong thesis that game-playing is the supreme good—I think many other states and activities have comparable value—and I do not find his arguments for it persuasive. But I will connect the weaker thesis that playing games is one intrinsic good to the details of his analysis more explicitly than he ever does.

#### 2. Truth testing—they moot the role of the negative which is to force the aff to defend their core assumptions—allowing affs to reframe the debate around their terms makes engagement impossible—outweighs and turns the aff because clash is the only way to translate anything debate gives us outside of the activity.

#### 3. Limits – The role of the ballot is to vote for whoever does the better debating over the resolutional question. Any 2AC role for debate must explain why we switch sides and why there has to be a winner and a loser—switching sides within a limited resolution is key to avoiding polarization and unfairly burdening the negative team – this doesn’t limit out certain forms or subjects, it only necessitates a tie to topical action

Poscher 16 (Ralf, director of the Institute for Staatswissenschaft & Philosophy of Law, Professor of Public Law and Legal Philosophy, “Why We Argue About the Law: An Agonistic Account of Legal Disagreement,” in *Metaphilosophy of Law*, ed. Gizbert-Studnicki, Dyrda, Banas, 2/19/16, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2734689>)

Hegel’s dialectical thinking powerfully exploits the idea of negation. It is a central feature of spirit and consciousness that they have the power to negate. The spirit “is this power only by looking the negative in the face and tarrying with it. This […] is the magical power that converts it into being.”102 The tarrying with the negative is part of what Hegel calls the “labour of the negative”103. In a loose reference to this Hegelian notion Gerald Postema points to yet another feature of disagreements as a necessary ingredient of the process of practical reasoning. Only if our reasoning is exposed to contrary arguments can we test its merits. We must go through the “labor of the negative” to have trust in our deliberative processes.104 This also holds where we seem to be in agreement. Agreement without exposure to disagreement can be deceptive in various ways. The first phenomenon Postema draws attention to is the group polarization effect. When a group of like‐minded people deliberates an issue, informational and reputational cascades produce more extreme views in the process of their deliberations.105 The polarization and biases that are well documented for such groups 106 can be countered at least in some settings by the inclusion of dissenting voices. In these scenarios, disagreement can be a cure for dysfunctional deliberative polarization and biases.107 A second deliberative dysfunction mitigated by disagreement is superficial agreement, which can even be manipulatively used in the sense of a “presumptuous ‘We’”108. Disagreement can help to police such distortions of deliberative processes by challenging superficial agreements. Disagreements may thus signal that a deliberative process is not contaminated with dysfunctional agreements stemming from polarization or superficiality. Protecting our discourse against such contaminations is valuable even if we do not come to terms. Each of the opposing positions will profit from the catharsis it received “by looking the negative in the face and tarrying with it”. These advantages of disagreement in collective deliberations are mirrored on the individual level. Even if the probability of reaching a consensus with our opponents is very low from the beginning, as might be the case in deeply entrenched conflicts, entering into an exchange of arguments can still serve to test and improve our position. We have to do the “labor of the negative” for ourselves. Even if we cannot come up with a line of argument that coheres well with everybody else’s beliefs, attitudes and dispositions, we can still come up with a line of argument that achieves this goal for our own personal beliefs, attitudes and dispositions. To provide ourselves with the most coherent system of our own beliefs, attitudes and dispositions is – at least in important issues – an aspect of personal integrity – to borrow one of Dworkin’s favorite expressions for a less aspirational idea. In hard cases we must – in some way – lay out the argument for ourselves to figure out what we believe to be the right answer. We might not know what we believe ourselves in questions of abortion, the death penalty, torture, and stem cell research, until we have developed a line of argument against the background of our subjective beliefs, attitudes and dispositions. In these cases it might be rational to discuss the issue with someone unlikely to share some of our more fundamental convictions or who opposes the view towards which we lean. This might even be the most helpful way of corroborating a view, because we know that our adversary is much more motivated to find a potential flaw in our argument than someone with whom we know we are in agreement. It might be more helpful to discuss a liberal position with Scalia than with Breyer if we want to make sure that we have not overlooked some counter‐argument to our case. It would be too narrow an understanding of our practice of legal disagreement and argumentation if we restricted its purpose to persuading an adversary in the case at hand and inferred from this narrow understanding the irrationality of argumentation in hard cases, in which we know beforehand that we will not be able to persuade. Rational argumentation is a much more complex practice in a more complex social framework. Argumentation with an adversary can have purposes beyond persuading him: to test one’s own convictions, to engage our opponent in inferential commitments and to persuade third parties are only some of these; to rally our troops or express our convictions might be others. To make our peace with Kant we could say that “there must be a hope of coming to terms” with someone though not necessarily with our opponent, but maybe only a third party or even just ourselves and not necessarily only on the issue at hand, but maybe through inferential commitments in a different arena. f) The Advantage Over Non‐Argumentative Alternatives It goes without saying that in real world legal disagreements, all of the reasons listed above usually play in concert and will typically hold true to different degrees relative to different participants in the debate: There will be some participants for whom our hope of coming to terms might still be justified and others for whom only some of the other reasons hold and some for whom it is a mixture of all of the reasons in shifting degrees as our disagreements evolve. It is also apparent that, with the exception of the first reason, the rationality of our disagreements is of a secondary nature. The rational does not lie in the discovery of a single right answer to the topic of debate, since in hard cases there are no single right answers. Instead, our disagreements are instrumental to rationales which lie beyond the topic at hand, like the exploration of our communalities or of our inferential commitments. Since these reasons are of this secondary nature, they must stand up to alternative ways of settling irreconcilable disagreements that have other secondary reasons in their favor – like swiftness of decision making or using fewer resources. Why does our legal practice require lengthy arguments and discursive efforts even in appellate or supreme court cases of irreconcilable legal disagreements? The closure has to come by some non‐argumentative mean and courts have always relied on them. For the medieval courts of the Germanic tradition it is bequeathed that judges had to fight it out literally if they disagreed on a question of law – though the king allowed them to pick surrogate fighters.109 It is understandable that the process of civilization has led us to non‐violent non‐ argumentative means to determine the law. But what was wrong with District Judge Currin of Umatilla County in Oregon, who – in his late days – decided inconclusive traffic violations by publicly flipping a coin?110 If we are counting heads at the end of our lengthy argumentative proceedings anyway, why not decide hard cases by gut voting at the outset and spare everybody the cost of developing elaborate arguments on questions, where there is not fact of the matter to be discovered? One reason lies in the mixed nature of our reasons in actual legal disagreements. The different second order reasons can be held apart analytically, but not in real life cases. The hope of coming to terms will often play a role at least for some time relative to some participants in the debate. A second reason is that the objectives listed above could not be achieved by a non‐argumentative procedure. Flipping a coin, throwing dice or taking a gut vote would not help us to explore our communalities or our inferential commitments nor help to scrutinize the positions in play. A third reason is the overall rational aspiration of the law that Dworkin relates to in his integrity account111. In a justificatory sense112 the law aspires to give a coherent account of itself – even if it is not the only right one – required by equal respect under conditions of normative disagreement.113 Combining legal argumentation with the non‐argumentative decision‐ making procedure of counting reasoned opinions serves the coherence aspiration of the law in at least two ways: First, the labor of the negative reduces the chances that constructions of the law that have major flaws or inconsistencies built into the arguments supporting them will prevail. Second, since every position must be a reasoned one within the given framework of the law, it must be one that somehow fits into the overall structure of the law along coherent lines. It thus protects against incoherent “checkerboard” treatments114 of hard cases. It is the combination of reasoned disagreement and the non‐rational decision‐making mechanism of counting reasoned opinions that provides for both in hard cases: a decision and one – of multiple possible – coherent constructions of the law. Pure non‐rational procedures – like flipping a coin – would only provide for the decision part. Pure argumentative procedures – which are not geared towards a decision procedure – would undercut the incentive structure of our agonistic disagreements.115 In the face of unresolvable disagreements endless debates would seem an idle enterprise. That the debates are about winning or losing helps to keep the participants engaged. That the decision depends on counting reasoned opinions guarantees that the engagement focuses on rational argumentation. No plain non‐argumentative procedure would achieve this result. If the judges were to flip a coin at the end of the trial in hard cases, there would be little incentive to engage in an exchange of arguments. It is specifically the count of reasoned opinions which provides for rational scrutiny in our legal disagreements and thus contributes to the rationales discussed above. 2. The Semantics of Agonistic Disagreements The agonistic account does not presuppose a fact of the matter, it is not accompanied by an ontological commitment, and the question of how the fact of the matter could be known to us is not even raised. Thus the agonistic account of legal disagreement is not confronted with the metaphysical or epistemological questions that plague one‐right‐answer theories in particular. However, it must still come up with a semantics that explains in what sense we disagree about the same issue and are not just talking at cross purposes. In a series of articles David Plunkett and Tim Sundell have reconstructed legal disagreements in semantic terms as metalinguistic negotiations on the usage of a term that at the center of a hard case like “cruel and unusual punishment” in a death‐penalty case.116 Even though the different sides in the debate define the term differently, they are not talking past each other, since they are engaged in a metalinguistic negotiation on the use of the same term. The metalinguistic negotiation on the use of the term serves as a semantic anchor for a disagreement on the substantive issues connected with the term because of its functional role in the law. The “cruel and unusual punishment”‐clause thus serves to argue about the permissibility of the death penalty. This account, however only provides a very superficial semantic commonality. But the commonality between the participants of a legal disagreement go deeper than a discussion whether the term “bank” should in future only to be used for financial institutions, which fulfills every criteria for semantic negotiations that Plunkett and Sundell propose. Unlike in mere semantic negotiations, like the on the disambiguation of the term “bank”, there is also some kind of identity of the substantive issues at stake in legal disagreements. A promising route to capture this aspect of legal disagreements might be offered by recent semantic approaches that try to accommodate the externalist challenges of realist semantics,117 which inspire one‐right‐answer theorists like Moore or David Brink. Neo‐ descriptivist and two‐valued semantics provide for the theoretical or interpretive element of realist semantics without having to commit to the ontological positions of traditional externalism. In a sense they offer externalist semantics with no ontological strings attached. The less controversial aspect of the externalist picture of meaning developed in neo‐ descriptivist and two‐valued semantics can be found in the deferential structure that our meaning‐providing intentions often encompass.118 In the case of natural kinds, speakers defer to the expertise of chemists when they employ natural kind terms like gold or water. If a speaker orders someone to buy $ 10,000 worth of gold as a safe investment, he might not know the exact atomic structure of the chemical element 79. In cases of doubt, though, he would insist that he meant to buy only stuff that chemical experts – or the markets for that matter – qualify as gold. The deferential element in the speaker’s intentions provides for the specific externalist element of the semantics. In the case of the law, the meaning‐providing intentions connected to the provisions of the law can be understood to defer in a similar manner to the best overall theory or interpretation of the legal materials. Against the background of such a semantic framework the conceptual unity of a linguistic practice is not ratified by the existence of a single best answer, but by the unity of the interpretive effort that extends to legal materials and legal practices that have sufficient overlap119 – be it only in a historical perspective120. The fulcrum of disagreement that Dworkin sees in the existence of a single right answer121 does not lie in its existence, but in the communality of the effort – if only on the basis of an overlapping common ground of legal materials, accepted practices, experiences and dispositions. As two athletes are engaged in the same contest when they follow the same rules, share the same concept of winning and losing and act in the same context, but follow very different styles of e.g. wrestling, boxing, swimming etc. They are in the same contest, even if there is no single best style in which to wrestle, box or swim. Each, however, is engaged in developing the best style to win against their opponent, just as two lawyers try to develop the best argument to convince a bench of judges.122 Within such a semantic framework even people with radically opposing views about the application of an expression can still share a concept, in that they are engaged in the same process of theorizing over roughly the same legal materials and practices. Semantic frameworks along these lines allow for adamant disagreements without abandoning the idea that people are talking about the same concept. An agonistic account of legal disagreement can build on such a semantic framework, which can explain in what sense lawyers, judges and scholars engaged in agonistic disagreements are not talking past each other. They are engaged in developing the best interpretation of roughly the same legal materials, albeit against the background of diverging beliefs, attitudes and dispositions that lead them to divergent conclusions in hard cases. Despite the divergent conclusions, semantic unity is provided by the largely overlapping legal materials that form the basis for their disagreement. Such a semantic collapses only when we lack a sufficient overlap in the materials. To use an example of Michael Moore’s: If we wanted to debate whether a certain work of art was “just”, we share neither paradigms nor a tradition of applying the concept of justice to art such as to engage in an intelligible controversy.

#### Limits solve the aff – they’re a floor, not a ceiling, for deconstructing and critiquing status quo education policy

Dahlberg 14 (Lincoln - Centre for Critical and Cultural Studies, University of Queensland, “The Habermasian Public Sphere and Exclusion: An Engagement with Poststructuralist-Influenced Critics”, Communication Theory Volume 24, Issue 1, pages 21–41, February 2014)

Normatively then, the Habermasian (or deliberative)4 public sphere refers to the communicative space constituted through **rational-critical deliberation** over **practical problems**, deliberation that leads to **critically (in)formed public opinion**, which in turn enables the democratic **scrutiny** and **guidance** of **official decision-making processes**. The criteria for rational-critical deliberation are understood to involve **inclusive**, **reasoned**, **reciprocal**, **reflexive**, **sincere**, and **coercion-free argumentation** (Habermas, 2005, 2006). Communicative rationality is supported by open information flows (publicity), motivated by the aim of reaching understanding and agreement (public opinion), and moved toward this end by the “**forceless force of the better argument**” (Habermas, 2005, p. 384). Claims and agreements are here **contingent** since **every claim can be met by a “no”** and every deliberatively achieved agreement can be challenged and potentially undone. It is important to note that “public” here refers to the mode, rather than the content or place or medium, of communication. Thus, the public sphere may come into existence, for instance, through face-to-face or technologically mediated argumentation between individuals and within informal groups, or through the more organized discussions found in civil society associations and explicitly political organizations, or through the reflection and debate engendered by the whole range of mass media forms and contents—“news, reports, commentaries, scenes and images, and shows and movies with an informative, polemical, educational, and entertaining content” (Habermas, 2006, p. 415; see also Habermas, 1996a, pp. 373–374). Habermas does not see rational-critical deliberation, which he also refers to as “communicative rationality,” as some sort of metaphysical ideal, but rather argues that it can be identified as an idealization implicit in the “inconspicuous daily routines of asking for and giving reasons”: It is “built into communicative action” (Habermas, 2006, p. 413). In other words, the set of public sphere criteria listed above are, and must be, **tacitly presupposed** by **anyone engaging in any practical argument**. As such, these criteria are **conditions of possibility** for such engagement, “constitutive of **the game of argumentation**” (Habermas, 2005, p. 385). These presupposed criteria, Habermas (1984) argues, can be “rationally reconstructed”—using the “presuppositional analysis” of “formal pragmatics”5—from out of everyday arguments, illuminating a universal public sphere norm that sets out “nonarbitrary standards for the identification of communication pathologies” (Habermas, 2006, p. 416). That is, the implicit idealization provides a **critical ideal** by which to **evaluate** the **deliberative quality** of actual public sphere communication and thereby identify communicative “distortions” or “deviations” and associated “moments of inertia,” the latter resulting from a “scarcity of those functionally necessary resources on which processes of deliberative opinion- and will-formation significantly depend” (Habermas, 1996a, p. 326, drawing on Bernhard Peters' work). Such identification of **limits** in turn provides the basis for **reflection** on the **cultivation** of **more rational-critical deliberation**. The aim of such reflection is **not** to set out **strict procedures** for deliberation, as is required in formal decision-making (on this see Habermas, 1996a, pp. 302–308), but to **identify** the “functionally necessary” sociopolitical resources (or positive conditions) needed to **enhance**—in quality and quantity—rational-critical deliberation in everyday practical argumentation (Chambers, 1996; Habermas, 1996a, p. 325). Specific resources will depend on context, but according to Habermas (1996a, 2006; see also Carleheden & Gabriëls, 1996) they will, in general, include: (first) a mass media system regulated in relation to the idealized criteria, (second) a network of autonomous civil society associations supporting communicative reasoning and public opinion formation, the emergence, reproduction, and influence of which depend on (third) “a liberal-egalitarian political culture sensitive to problems affecting society as a whole” (Habermas, 1996a, p. 488), which, in turn, requires (fourth) social rights to the provision of sustainable living conditions, and (fifth) a population accustomed to (universal) freedom and versed in critique. This deliberative public sphere norm, as already noted, is reconstructed from presuppositions of actual argumentation. However, there is always a gap between idealization and practice: “due to their idealizing content, the universal presuppositions of argumentation can only be approximately fulfilled” (Habermas, 1996a, p. 178, see also pp. 323–326). As an idealization, rational-critical deliberation (communicative rationality) is not burdened by the demands and impediments of everyday communicative practice, which means the latter always falls short of the idealized presuppositions that are made. Habermas accepts the impossibility of realizing the always-already-presupposed idealization of communicative rationality: “the public sphere ideal is **not perfectly reachable**” (Habermas 1992b, p. 477). This impossibility is not just due to empirical “distortions” (which will be discussed further in the next section), but also to logical limits: Responding to his critics,6 Habermas has, particularly in recent times, argued that communicative rationality, and thus the deliberative public sphere norm, **cannot be understood as an “end state,”** a “final stage which can be realized in time” (Habermas as cited in Carleheden & Gabriëls, 1996, p. 10), because if realized it “would make all further communication superfluous” (Habermas, 1996b, p. 1518). In other words, the full realization of communicative rationality would mean the end of communication, and human history, as it would eliminate those negative social conditions that make communication in social life necessary, “conditions such as inadequate information, interpersonal misunderstandings, lack of insight, and so on” (Cooke, 2004, p. 417, referring to Albrecht Wellmer's work). By blocking the realization of fully rational-critical deliberation, these negative social conditions ensure that no actual deliberation or agreement can ever be fully rational, which invites challenges to any democratic process and agreement (including over deliberative criteria), and calls for ongoing argumentation. Thus, in parallel with Derridian logic, the “unavoidable moments of inertia” (Habermas, 1996a, p. 326) of everyday communication, along with the idealized criteria of communicative rationality that they limit, are conditions of possibility and impossibility of fully realizing in actual argumentation the deliberative public sphere norm. This deliberative conception of the public sphere is seen by advocates as **radically democratic**—in the sense of being based solely on the will of those affected by a dispute—for a number of reasons: First, because it conceives of a rational-critical public and associated public opinion that can **scrutinize**, **inform**, and **hold** publicly **accountable** political decisions; second, because it sees all instituted processes and decisions as **open to contestation** by any **excluded voices**; and third, because it understands the **criteria** for **guiding** and **judging** the deliberative practice of participants as **immanent to these practices**. However, poststructuralist-influenced critics, including those focusing on contemporary communication systems (e.g., Nguyen & Alexander, 1996; Poster, 1997), see the Habermasian public sphere conception failing to be as radically democratic due to its not taking full account of exclusion, both exclusion in everyday deliberative practice and exclusion resulting directly from the conception's formulation. I will now outline this critique, and examine how Habermasians have responded and might further respond to it. The Habermasian public sphere conception and exclusion Poststructuralist-influenced critics, generally speaking, argue that by promoting a universal rational norm as the basis for public sphere communication, Habermasians make (at least) two fundamental mistakes with respect to exclusion. First, they assume the possibility of the eliminability, or near eliminability, of exclusions in actual argumentation, so that given the right conditions we could approximate (if not fully reproduce) communicative rationality, which underestimates the **pervasiveness** of power and the extent of exclusions in everyday communicative interaction (e.g., Flyvbjerg, 2000; Shabani, 2003). Second, and more widely articulated than the first critique, the Habermasian public sphere norm is **itself seen as exclusionary**, despite its democratic aims. Poststructuralist-influenced critics, paralleling feminist concerns (e.g., Dean, 1996; Fraser, 1997; Gould, 1996; Young, 2000) and rhetorical studies critique (e.g., Huspek, 2007a; Phillips, 1996), argue that the deliberative public sphere criteria, which are supposed to define democratically legitimate communication and to differentiate between reasoned argumentation and coercion, actually support domination and exclusion (e.g., Coole, 1996; Devenney, 2009; Lyotard, 1984, pp. 65–66; Mouffe, 1999, 2000; Rabinovitch, 2001; Villa, 1992). In order to be considered legitimate deliberators, subjects must come to internalize the rules of the particular form of communication deemed to be the universally valid form of democratic engagement or be excluded from the public sphere. As such, the Habermasian public sphere conception is seen as an exemplary form of what critical theorists would refer to as ideology (a universal claim obscuring its particularity) and of what Foucault showed to be the operation of modern disciplinary power—the deliberative public sphere norm relying on the subjugation of selves through subjectivation, a normalizing that constitutes subjects as “rational-critical” communicators (Villa, 1992, p. 715). As a result, participants who have internalized modes of communication closer to what is determined valid are advantaged over others. That is, in order to be equally included, some participants must be disciplined more than others—those more accustomed to rational-critical deliberative forms of communication—so as to be capable of reproducing the idealized deliberative mode, disciplining that involves the exclusion or suppression of those voices judged “illegitimate” (irrational, strategic, private). The problem for poststructuralist-influenced critics here is not with exclusion per se, as they see norms as necessarily exclusionary, but with such exclusion being unaccounted for in relation to democratic communication and in fact obscured by the claim to universality. I will briefly outline how Habermas and Habermasians have responded and might further respond to these two interrelated lines of critique. In response to the first line of critique—that the Habermasian public sphere conception does not adequately account for exclusions in practice—I have already noted how Habermas not only understands the public sphere norm, despite being reconstructed from everyday communicative interaction, as being logically impossible to fully realize in practice but sees “moments of inertia” as ever-present and **necessary features** of actual deliberation: They block the full realization of communicative rationality and yet **make communication necessary** in the first place. These moments of inertia include **“illegitimate”** exclusion: Any deliberative practice will involve exclusion, not just “legitimate” exclusion of “undemocratic” elements but exclusions defined as “illegitimate” with respect to the idealization of communicative rationality. Such “illegitimate” exclusions result from: “unequal distribution of attention, competencies, and knowledge” (Habermas, 1996a, p. 325); strategic manipulation of various sorts, including bribes, threats, or violence (Habermas, 1996a, pp. 307–308); and systemic coercion—state and corporate interests and their instrumental media of money and power colonizing more and more areas of life including those that should, for a healthy democratic society, be coordinated by public opinion derived from rational-critical deliberation (for an overview of the forms of distorted communication identified by Habermas, see Huspek, 2007b, pp. 827–830). In relation to systemic coercion, Habermas has been particularly critical of the instrumentalization of communication media: How the potential of the mass media to support rational-critical deliberation, with maximum inclusion of voices, is continually thwarted by system colonization, and particularly the “intrusion of the functional imperatives of the market economy in the ‘internal logic’ of the production and presentation of messages” (Habermas, 2006, p. 422). As well as exclusion resulting from such explicitly “distorted communication,” Habermasian theory also considers the exclusionary effects of culturally specific (lifeworld) contexts. The interpretation and application of public sphere criteria as well as the validity and strength of arguments will **always be contextually affected** and historically specified (Habermas, 1992b, p. 477; 1996a, p. 324). As a result, what comes to be defined as “legitimate” deliberation will be colored by taken-for-granted meanings, leading to some voices being illegitimately (according to the deliberative public sphere norm) valorized over others, with the illegitimate marginalization or exclusion of these other voices. Thus Habermas (2006) and adherents are **fully aware** of how public spheres in practice are “dominated by the kind of mediated communication that lacks the defining features of deliberation” (p. 414), “the kind of political communication we know goes against the grain of the normative requirements of deliberative politics” (p. 420). However, as we have seen, for Habermasians it is not just culture and power that determine communicative practice, as some poststructuralist-inspired critique suggests. Rather, presuppositions of communicative rationality are understood as **implicit in every argument**, providing a **countervailing force** to distorted communication and the basis for a postmetaphysical **critique of exclusion** and “a potential for self-transformation” (Habermas, 1992a, pp. 419–429; 1992b, pp. 476–479; 1996a, p. 374, 2006, p. 419; see also Benhabib, 1996; Chambers, 1996; Cooke, 1994). We can see this historically in the labor and women's movements, as Habermas (1996a) points out, which have been able to draw on “the rights to unrestricted inclusion and equality built into liberal **public spheres** . . . in order to **shatter the structures** that had initially constituted them as ‘the other’ of a bourgeois public sphere” (p. 374). The central purpose in reconstructing the public sphere idealization of rational-critical deliberation, as already outlined in the previous section, is to illuminate this basis for critique and transformation. Yet, poststructuralists see such a universal norm as **in itself producing exclusions**, exclusions that are not only unaccounted for but are, in fact, obscured by the claim to universality. This is the second line of critique outlined above. In reply to this second line of critique, it must first be noted that Habermasians accept that there is a **necessary constitutive exclusion** involved in the deliberative public sphere conception. In fact, any conception of democracy must involve normative claims about what democracy is and is not, including **what is acceptable as democratic communication** and what is not, drawing a line between reasoned argumentation and coercion, democratically “legitimate” and “illegitimate” exclusion. It is simply **not possible** to call on democracy and **escape invoking a norm** of democratic communication with **associated exclusions**. The question is then whether we can, as Habermas claims, reconstruct from everyday communicative practice a universal norm of the public sphere that distinguishes between democratically “legitimate” and “illegitimate” exclusion. According to Habermas (1992a), not only can we reconstruct such a norm, but the public sphere norm thus identified is **not normalizing** in the **disciplinary** and **exclusionary sense** suggested by the poststructuralist critique. Of course, **any norm will require certain behavior** from participants, and thus **the constitution of subjectivity** in **particular ways**. But Habermasians **do not see such requirements** and constitution as necessarily **antidemocratic**. More specifically, they do not see the deliberative public sphere norm as **having to be internalized** in a **disciplinary** and exclusionary **fashion**. Rather, they see it as **an always already presupposed communicative structure** that can be **explicitly reconstructed** as a **critical ideal** by which to **illuminate “illegitimate exclusion”** within deliberation specifically, and society more generally, and enable **reflection upon possibilities** for **greater freedom** and equality (Habermas, 1996a; Markell, 1997). As Chambers (1996) argues, rational-critical deliberation here is about “the endless questioning of codes,” **the reasoned questioning of normalization** and thus of **exclusions** (pp. 233–234). Through deliberation, participants presuppose themselves as **rational-critical subjects** (and in the process are constituted as such), able to **reflexively interrogate** all aspects of their situation, including the **particular deliberative rules** applied in practical disputes. Of course, as critics point out, subjects whose everyday communicative practice is already more in line with the deliberative public sphere norm will be **advantaged over others** in becoming such rational-critical interlocutors. However, for Habermasians, it is **not** the reconstructed **norm** that should be seen as at fault—seeing the reconstructed norm marginalizing or excluding voices—but the **uneven distribution** of the sociocultural resources **necessary for engaging in rational-critical deliberation** (that fall under the five general positive conditions of the public sphere listed in the previous section). This unevenness, which is in fact highlighted by the Habermasian public sphere norm in its critical role, indicates the need to provide for these resources so as to **enhance** and **extend communicative rationality**. That is, we are faced here with a sociological problem, one that the Habermasian public sphere norm illuminates and demands be addressed for the advancement of democracy, rather than a problem internal to the character of the norm.

## Cap Links

#### Capitalism laid the foundation for racism. Calls for reparations that don’t address the exploitative structure fail to address racial inequalities

Ajamu Nangwaya, 7 April 2017, Dr. Ajamu Nangwaya is an educator in Ontario's post-secondary educator sector and has a doctorate in adult education and community development from the University of Toronto, “Caribbean Reparations Movement Must Put Capitalism on Trial”, Telesur, http://www.telesurtv.net/english/opinion/Caribbean-Reparations-Movement-Must-Put-Capitalism-on-Trial-20170407-0022.html

A key goal of all yearly progressive remembrance activities in the Caribbean and elsewhere should be to educate or remind people of the fact that capitalism was the primary force behind the extraction of the labour power of enslaved Africans. Of equal importance is the need to etch into the consciousness of the public that white supremacy or racism was simply an ideological tool used by the capitalist enslavers and various European states to morally justify the enslavement of Africans. Racism was deployed by these early capitalists and their respective national states to mask the purely economic motivation behind the development of an enslaved labour force. In the seminal and classic book Capitalism and Slavery that was written by the late historian and statesman Dr. Eric Williams, he states that the brutal, exploitative and exacting labour condition of white indentured workers served as the template for the institution of African enslavement or slavery: "Here then is the origin of [African] slavery. The reason was economic, not racial; it had not to do with the color of the laborer but the cheapness of the laborer…. The features of the man, his hair, color and dentifrice, his 'subhuman' characteristics so widely pleaded, were only later rationalizations to justify a simple economic fact: that the colonies needed and resorted to [African] labour because it was the cheapest and the best. This was not a theory, it was a practical conclusion deduced from the personal experience of the planter." Williams asserts that slavery, as “basically an economic institution,” gave birth to racism. He further states that “Unfree labor in the New World was brown, white, black and yellow; Catholic, Protestant and pagan.” Racism or white supremacy is now an autonomous system of oppression that intersects with patriarchy and capitalism to create differing degrees of labour exploitation within the ranks of the working-class. The point that should be centred in the minds of revolutionaries and radicals in the Caribbean is that capitalism, the architect of racism, is still negatively impacting the lives of the working-class descendants of enslaved Africans as well as the societies that were built by their exploited labour. The late revolutionary, organic intellectual and historian Dr. Walter Rodney convincingly argues and documents in his ground-breaking text How Europe Underdeveloped Africa that capitalism was the main contributor to the stagnation of Africa’s economic development (see Chapter 4 – “Europe and the Roots of Africa’s Underdevelopment – To 1885). Rodney’s indictment of capitalism and its retardation of the potentiality of the greater portion of humanity (the labouring classes) should be duly noted by the reparations activists or advocates who are playing footsie with capitalism: "…the peasants and workers of Europe (and eventually the inhabitants of the whole world) paid a huge price so that the capitalists could make their profits from the human labour that always lies behind the machine. That contradicts other facets of development, especially viewed from the standpoint of those who suffered and still suffer to make capitalist achievements possible. This latter group are the majority of [humanity]. To advance, they must overthrow capitalism; and that is why at the moment capitalism stands in the path of further human development. To put it another way, the social (class) relations of capitalism are now outmoded, just as slave and feudal relations became outmoded in their time." Dr. Hilary Beckles, Vice-Chancellor of the University of the West Indies, has written an excellent and easily comprehended book, Britain’s Black Debt: Reparations for Caribbean Slavery and Native Genocide. It is a must read for people who would like to understand the basis of the claim for reparations from Britain for its role in the enslavement of Africans and genocide against Indigenous peoples in the Caribbean. Unfortunately, Britain’s Black Debt has placed the misbegotten child of capitalism – racism- on trial, but not the inherently exploitative and soul destroying parent – capitalism. If we are going to throw the book at capitalism for chattel slavery, we are morally and politically obligated to do the same for the wage slavery of capitalism under which the Caribbean working-class is currently being exploited.

#### Calls for reparations should be attacking the capitalist system which laid the foundation for racism. Financial compensation would not end exploitation of working class under the capitalist regime

Ajamu Nangwaya, 7 April 2017, Dr. Ajamu Nangwaya is an educator in Ontario's post-secondary educator sector and has a doctorate in adult education and community development from the University of Toronto, “Caribbean Reparations Movement Must Put Capitalism on Trial”, Telesur, http://www.telesurtv.net/english/opinion/Caribbean-Reparations-Movement-Must-Put-Capitalism-on-Trial-20170407-0022.html

Why is the reparations movement in the Anglophone Caribbean not putting capitalism on trial in its campaign to force British imperialism to provide financial compensation for its industrial and agricultural capitalists’ enslavement of Africans? To what extent is capitalism such a sacred spirit or god whose name should not be publicly called in order to avoid attracting its vindictive and punishing rebuke? Are the advocates of reparations truly convinced that British imperialism’s payment of financial compensation for the enslavement of Africans would end the economic marginalization of the labouring classes who are toiling under capitalist regimes throughout the region? Why are we willing to place racism or white supremacy in the dock but not its creator – capitalism? On Dec. 17 2007, the United Nations’ General Assembly passed a resolution that made March 25 the annual commemorative International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade. This day should be used as a rallying point by people of good conscience to press the former major slaving states such as Britain, Denmark, France, Germany, Holland, Portugal, Russia, Spain and Sweden to pay reparations for their participation in the economic exploitation and racist dehumanization of enslaved Africans. The General Assembly’s initiative is an acknowledgement of the over fifteen million Africans who landed in the Americas and the over thirty million captives who died during the process of catching and delivering them into the Holocaust of Enslavement.

#### Worst case scenario you can read this card

Ama Biney, January 03, 2017, Dr. Ama Biney is a historian and political scientist, “What Should Reparations for Slavery Entail?”, Truth Out, http://www.truth-out.org/opinion/item/38952-what-should-reparations-for-slavery-entail

Ultimately, in addressing the issue of reparations, we must also address transforming the system of capitalism which slavery gave birth to. A rupture with this unequal and exploitative system is fundamental in eliminating oppression that remains with us in the twenty-first century in reconfigured forms.

## States CP

### 1NC

#### The 50 states should fund education reparations.

#### State governments can use “in kind” benefits that act as cash payments and a form of reparations in the form of education. Solves the war on drugs, mass incarceration, and racial profiling

Jamelle Bouie, May 2014, Jamelle Bouie is a staff writer for Slate, “Why the U.S. should pay reparations to black Americans”, Dallas News, https://www.dallasnews.com/opinion/commentary/2014/05/30/why-the-u.s.-should-pay-reparations-to-black-americans

On the education front, state governments could end education budgets based on local property taxes — which disadvantage poor communities and disproportionately hurt blacks — and the federal government could invest in school reconstruction, modernization and vouchers for parents who want their children in private schools, in addition to higher education subsidies for black Americans. These “in-kind” benefits have the virtue of freeing up disposable income, thus acting as de facto cash payments. It almost goes without saying that this move for policy reparations would include an end to the war on drugs, an end to mass incarceration and a national re-evaluation of police procedures to reduce racial profiling. And, looking forward, it could include progressive “baby bonds” — federally managed investment accounts with modest annual growth rates. At $60 billion a year, according to one proposal, this would help ameliorate wealth inequality for future generations.

### Extra cards

#### State and local governments can fund reparations

Joe Feagin, May 28, 2014, Joe Feagin is Ella C. McFadden Professor in sociology at Texas A & M University, “A Legal and Moral Basis for Reparations”, Time, http://time.com/132034/a-legal-and-moral-basis-for-reparations/

Contemporary reparations might take several forms. One would be the gradual transfer of compensating wealth from unjustly enriched white communities to unjustly impoverished black communities, a government transfer linked to explicit restorative goals. The National Coalition of Blacks for Reparations in America has sought $400 million for both individual compensation and asset-generating programs enabling impoverished black communities to prosper. Substantial reparations would include providing well-funded government programs, over generations, at local and state levels for upgrading education, job training, housing and incomes for African Americans – as individuals, families and communities.

#### State governments are responsible for wrongdoings therefore they should be responsible to pay reparations

Nate Wahrenberger, March 25, 2016, writer for the flat hat, “Tackling The Question: To Pay Reparations Or Not”, http://flathatnews.com/2016/03/25/tackling-the-question-to-pay-reparations-or-not/

At the end of the debate, the participants opened the floor for floor speeches. Several members of the audience took the podium and gave their personal perspectives on the debate. Brian Meyer ’16 said that state and local governments, rather than the federal government, should be responsible for paying reparations. “I feel like it is the state government’s responsibility to largely right a lot of wrongs that were conducted, whether that’s the Jim Crow laws were passed in the South, very discriminatory, or whether it is even after the federal government intervened with stuff like the Civil Right’s Act and Voting Right’s Act,” Meyer said. “I do believe the state governments are largely responsible.”

## Afropessimism

#### Reparation initiatives often skirt interrogating larger systemic changes and the nonrepetition of anti-black acts.

Burkett 2K7 [MAXINE, Associate Professor of Law, University of Colorado Law School. Williams College, B.A.; University of California, Berkeley (Boalt Hall School of Law), J.D. “Reconciliation and Nonrepetition: A New Paradigm for African-American Reparations”]

The **contemporary paradigm for African-American reparations fundamentally fails to address what should be its most vital component**. Of the three essential elements of a successful reparations campaign - apology, award, and nonrepetition through reconciliation - the most vital is **nonrepetition**. **In past** "successful" **reparations campaigns**, the offending parties have issued apologies and awards, but have **neither challenged nor dismantled the attitudes or infrastructures from which wrongful acts emerged, leaving open the likelihood of wrongful acts occurring again. Any campaign that neglects the nonrepetition element runs the risk of strengthening the status quo.** In this Article, Professor Burkett argues that **in order for a reparations campaign to be a true success for African-Americans, it must include a nonrepetition element. To do so, the reparations movement must embrace a reconciliation model that is forward looking, and concerned with the methods of deterring future bad acts for ultimate, complete, and successful repair**. **In the current discourse on African-American reparations, Professor Burkett argues, nonrepetition through reconciliation is woefully underemphasized**. The incorporation of the nonrepetition element is particularly important in the American context. From the nation's earliest days, **the American political and economic landscape has evolved in a particularly pernicious manner, creating and entrenching a racial and economic hierarchy that persistently subjugates African-Americans and other of-color and low-income communities.** Professor Burkett argues that in this context, a multiracial, multiethnic, and cross-class reconciliation model is vital to the success of the African-American campaign. This broad-based approach, the author maintains, is the only way to ensure nonrepetition. **The contemporary paradigm for African-American reparations for slavery and its legacy fundamentally fails to address what should be its most vital component. Any successful reparations must contain three critical elements. The first element on the path to repair is an apology. The second element is a monetary or other award that gives actual or symbolic weight to that apology. However, the true weight of an apology and redress is felt in the commitment by the perpetrator not to repeat the act.** It follows the simple lesson taught to children - "sorry" is limited in its effect. One must promise to try, vigilantly, not to commit the act again. An apology and remuneration alone are, therefore, insufficient. The third and **most vital element of a reparations campaign is the guarantee of nonrepetition. The current movement for reparations, however, fails to demand and secure this most important element of repair. The movement for African-American reparations thus seeks remedies that fall short of forcing structural change that will produce true social transformation.** **It makes an impossible request in a hostile arena, and at the same time does little to dissipate the very cloud of hostility that makes the social, legal, and political space so inhospitable. In short, the current movement for African-American reparations simply asks for too little. In the current discourse on African-American reparations for slavery and its legacy, the focus on monetary reparations for injuries suffered by African-Americans is misguided**. [n1](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.83234.51155192574&target=results_DocumentContent&returnToKey=20_T26218541384&parent=docview&rand=1499362266626&reloadEntirePage=true" \l "n1" \t "_blank)The **emphasis on reparations with respect to actual monetary losses, as well as psychological and community damages, pulls energy away from efforts to address larger systemic changes that need to occur in a race-riddled society.** Furthermore, **in accepting traditional forms of reparations, African-Americans aid in perpetuating the very system that allows for their persistent subjugation** and the subjugation of other of-color communities. Although a number of proposed remedies focus on building programs, arguments demanding monetary liability are often said and heard most loudly, and, to be sure, money transfers are integral to erecting necessary programs. This focus on money transfers or payments is based largely on the belief that American society is so riddled with racism and its permanency that monetary awards are the only true means of change for which African-Americans can hope. Closing the economic gap between black and white Americans is a vital component in remedying the plight of African-Americans. It is impossible, however, for money allotments to have substantive and lasting meaning beyond temporary currency in the marketplace. **Rather than risking reinforcement of the status quo with respect to widening class divides and the formidable power of monied groups, challenging the economic structure and the manner in which economic and political power exists in America is the conceptual core around which reparationists must frame their argument and the ensuing debate**. Thus, I contend that **the reparations movement should focus on the larger goal of transformation by meeting the demands of the nonrepetition prong**. I fully acknowledge that this is a far-reaching task, but it is necessary to repair the damage done. Realization of any number of alternative futures that may pull American society out of its current loop requires an adequate response to centuries of legalized subjugation followed by extralegal oppression, individual and systemic. This may well demand a fundamental shift in America's economic, political, and social structures. While crafting and implementing differing structures may be a daunting task, African-Americans must begin the long march toward realizing these alternative futures. The reparations debate itself provides an incomparably valuable opportunity for all Americans to come to terms with the truth of their history. It is an historic moment that offers a chance to rediscover, or perhaps introduce, compassion in and for all Americans. **[n2](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.83234.51155192574&target=results_DocumentContent&returnToKey=20_T26218541384&parent=docview&rand=1499362266626&reloadEntirePage=true" \l "n2" \t "_blank)This debate provides unparalleled potential to explore the racial and economic hierarchies that have defined American social construction for over three centuries. Yet the dangers of pursuing reparations without faithfully pursuing the third element of repair are great, as African-Americans risk perpetuating American social hierarchy by reshuffling the players without dismantling the game.**

#### The call for reparations invests hope in the system to remedy its injustices.

Craven ‘16

We Absolutely Could Give Reparations To Black People. Here’s How.

[By Julia Craven](http://www.huffingtonpost.com/author/julia-craven) 02/22/2016

Only **6 percent of white Americans support cash payments to the descendants of enslaved Africans**, according to that [HuffPost/YouGov poll](https://today.yougov.com/news/2014/06/02/reparations/). Only **19 percent favor reparations in the form of education and jobs programs**, while **50 percent of whites don’t even believe that slavery is one of the reasons why black Americans have lower levels of wealth.** They’re wrong. “**The connection between slavery and the pillars of American society are tight. There are no pillars of American society without slavery,” Miller said. “You might think about that even literally. The columns of the White House and the Congress were built by slave labor**.” **To deflect discussing why reparations are needed, some people request a developed strategy for reparations or a detailed legislative proposal before they’ll contemplate the issue. The suggestion, in itself, fits into a tired line of thinking that victims of injustice must explain themselves fully — and convincingly — to the system that harmed them before any recognition is provided.** “These demands always struck me as akin to demanding a payment plan for something one has neither decided one needs nor is willing to purchase,” [Coates wrote](http://www.theatlantic.com/politics/archive/2016/01/tanehisi-coates-reparations/427041/). As he has [tirelessly](http://www.theatlantic.com/business/archive/2014/06/the-radical-practicality-of-reparations/372114/) [reiterated](http://www.theatlantic.com/politics/archive/2016/01/tanehisi-coates-reparations/427041/), we must start with a robust discussion on why reparations are owed to black Americans. If anything, the expansive U.S. history of anti-black racism is the deterrent — but letting that deter us today is itself anti-black. This returns us to the criticism of Sanders. **The symbolism of specifically calling for reparations matters. A white presidential candidate who vows only to fight police violence and other modern ills affecting black Americans is essentially urging that we put a bandage on past injustices without true reconciliation.** If we don’t look back and reckon with what has been done, there is no moving forward.

#### The only possible demand is one that calls for the end of the world itself—the affirmative represents a conflict within the paradigm of America but refuses to challenge the foundational antagonism that produces the violence that undergirds the that same paradigm

Wilderson, ’10 [2010, Frank B. Wilderson is an Associate Professor of African-American Studies at UC Irvine and has a Ph.D. from UC Berkeley, “Red, White & Black: Cinema and the Structure of U.S. Antagonisms,”]

Leaving aside for the moment their state of mind, it would seem that the structure, that is to say the rebar, or better still the grammar of their demands—and, by extension, the grammar of their suffering—was indeed an ethical grammar. Perhaps their grammars are the only ethical grammars available to modern politics and modernity writ large, for they draw our attention not to the way in which space and time are used and abused by enfranchised and violently powerful interests, but to the violence that underwrites the modern world’s capacity to think, act, and exist spatially and temporally. The violence that robbed her of her body and him of his land provided the stage upon which other violent and consensual dramas could be enacted. Thus, they would have to be crazy, crazy enough to call not merely the actions of the world to account but to call the world itself to account, and to account for them no less! The woman at Columbia was not demanding to be a participant in an unethical network of distribution: she was not demanding a place within capital, a piece of the pie (the demand for her sofa notwithstanding). Rather, she was articulating a triangulation between, on the one hand, the loss of her body, the very dereliction of her corporeal integrity, what Hortense Spillers charts as the transition from being a being to becoming a “being for the captor” (206), the drama of value (the stage upon which surplus value is extracted from labor power through commodity production and sale); and on the other, the corporeal integrity that, once ripped from her body, fortified and extended the corporeal integrity of everyone else on the street. She gave birth to the commodity and to the Human, yet she had neither subjectivity nor a sofa to show for it. In her eyes, the world—and not its myriad discriminatory practices, but the world itself—was unethical. And yet, the world passes by her without the slightest inclination to stop and disabuse her of her claim. Instead, it calls her “crazy.” And to what does the world attribute the Native American man’s insanity? “He’s crazy if he thinks he’s getting any money out of us”? Surely, that doesn’t make him crazy. Rather it is simply an indication that he does not have a big enough gun. What are we to make of a world that responds to the most lucid enunciation of ethics with violence? What are the foundational questions of the ethico-political? Why are these questions so scandalous that they are rarely posed politically, intellectually, and cinematically—unless they are posed obliquely and unconsciously, as if by accident? Return Turtle Island to the “Savage.” Repair the demolished subjectivity of the Slave. Two simple sentences, thirteen simple words, and the structure of U.S. (and perhaps global) antagonisms would be dismantled. An “ethical modernity” would no longer sound like an oxymoron. From there we could busy ourselves with important conflicts that have been promoted to the level of antagonisms: class struggle, gender conflict, immigrants rights. When pared down to thirteen words and two sentences, one cannot but wonder why questions that go to the heart of the ethico-political, questions of political ontology, are so unspeakable in intellectual meditations, political broadsides, and even socially and politically engaged feature films. Clearly they can be spoken, even a child could speak those lines, so they would pose no problem for a scholar, an activist, or a filmmaker. And yet, what is also clear—if the filmographies of socially and politically engaged directors, the archive of progressive scholars, and the plethora of Left-wing broadsides are anything to go by—is that what can so easily be spoken is now (five hundred years and two hundred fifty million Settlers/Masters on) so ubiquitously unspoken that these two simple sentences, these thirteen words not only render their speaker “crazy” but become themselves impossible to imagine. Soon it will be forty years since radical politics, Left-leaning scholarship, and socially engaged feature films began to speak the unspeakable. In the 1960s and early 1970s the questions asked by radical politics and scholarship were not “Should the U.S. be overthrown?” or even “Would it be overthrown?” but rather when and how—and, for some, what—would come in its wake. Those steadfast in their conviction that there remained a discernable quantum of ethics in the U.S. writ large (and here I am speaking of everyone from Martin Luther King, Jr., prior to his 1968 shift, to the Tom Hayden wing of SDS, to the Julian Bond and Marion Barry faction of SNCC, to Bobbie Kennedy Democrats) were accountable, in their rhetorical machinations, to the paradigmatic zeitgeist of the Black Panthers, the American Indian Movement, and the Weather Underground. Radicals and progressives could deride, reject, or chastise armed struggle mercilessly and cavalierly with respect to tactics and the possibility of “success,” but they could not dismiss revolution-as-ethic because they could not make a convincing case—by way of a paradigmatic analysis—that the U.S. was an ethical formation and still hope to maintain credibility as radicals and progressives. Even Bobby Kennedy (a U.S. attorney general and presidential candidate) mused that the law and its enforcers had no ethical standing in the presence of Blacks. One could (and many did) acknowledge America’s strength and power. This seldom, however, rose to the level of an ethical assessment, but rather remained an assessment of the so-called “balance of forces.” The political discourse of Blacks, and to a lesser extent Indians, circulated too widely to credibly wed the U.S. and ethics. The raw force of COINTELPRO put an end to this trajectory toward a possible hegemony of ethical accountability. Consequently, the power of Blackness and Redness to pose the question—and the power to pose the question is the greatest power of all—retreated as did White radicals and progressives who “retired” from struggle. The question’s echo lies buried in the graves of young Black Panthers, AIM Warriors, and Black Liberation Army soldiers, or in prison cells where so many of them have been rotting (some in solitary confinement) for ten, twenty, thirty years, and at the gates of the academy where the “crazies” shout at passers-by. Gone are not only the young and vibrant voices that affected a seismic shift on the political landscape, but also the intellectual protocols of inquiry, and with them a spate of feature films that became authorized, if not by an unabashed revolutionary polemic, then certainly by a revolutionary zeitgeist. Is it still possible for a dream of unfettered ethics, a dream of the Settlement and the Slave estate’s destruction, to manifest itself at the ethical core of cinematic discourse, when this dream is no longer a constituent element of political discourse in the streets nor of intellectual discourse in the academy? The answer is “no” in the sense that, as history has shown, what cannot be articulated as political discourse in the streets is doubly foreclosed upon in screenplays and in scholarly prose; but “yes” in the sense that in even the most taciturn historical moments such as ours, the grammar of Black and Red suffering breaks in on this foreclosure, albeit like the somatic compliance of hysterical symptoms—it registers in both cinema and scholarship as symptoms of awareness of the structural antagonisms. Between 1967 and 1980, we could think cinematically and intellectually of Blackness and Redness as having the coherence of full-blown discourses. But from 1980 to the present, Blackness and Redness manifests only in the rebar of cinematic and intellectual (political) discourse, that is, as unspoken grammars. This grammar can be discerned in the cinematic strategies (lighting, camera angles, image composition, and acoustic strategies/design), even when the script labors for the spectator to imagine social turmoil through the rubric of conflict (that is, a rubric of problems that can be posed and conceptually solved) as opposed to the rubric of antagonism (an irreconcilable struggle between entities, or positionalities, the resolution of which is not dialectical but entails the obliteration of one of the positions). In other words, even when films narrate a story in which Blacks or Indians are beleaguered with problems that the script insists are conceptually coherent (usually having to do with poverty or the absence of “family values”), the non-narrative, or cinematic, strategies of the film often disrupt this coherence by posing the irreconcilable questions of Red and Black political ontology—or non-ontology. The grammar of antagonism breaks in on the mendacity of conflict. Semiotics and linguistics teach us that when we speak, our grammar goes unspoken. Our grammar is assumed. It is the structure through which the labor of speech is possible. Likewise, the grammar of political ethics—the grammar of assumptions regarding the ontology of suffering—which underwrite Film Theory and political discourse (in this book, discourse elaborated in direct relation to radical action), and which underwrite cinematic speech (in this book, Red, White, and Black films from the mid-1960s to the present) is also unspoken. This notwithstanding, film theory, political discourse, and cinema assume an ontological grammar, a structure of suffering. And the structure of suffering which film theory, political discourse, and cinema assume crowds out other structures of suffering, regardless of the sentiment of the film or the spirit of unity mobilized by the political discourse in question. To put a finer point on it, structures of ontological suffering stand in antagonistic, rather then conflictual, relation to one another (despite the fact that antagonists themselves may not be aware of the ontological positionality from which they speak). Though this is perhaps the most controversial and out-of-step claim of this book, it is, nonetheless, the foundation of the close reading of feature films and political theory that follows.

## Case

#### Turn- Reparations can aggravate racial tensions and resurge the “one drop rule”

Harvard Law Review 2002 [The Harvard Law Review Association, in conjunction with the [*Columbia Law Review*](https://en.wikipedia.org/wiki/Columbia_Law_Review), the [*University of Pennsylvania Law Review*](https://en.wikipedia.org/wiki/University_of_Pennsylvania_Law_Review), and the [*Yale Law Journal*](https://en.wikipedia.org/wiki/Yale_Law_Journal), publishes the [*Bluebook*](https://en.wikipedia.org/wiki/Bluebook)*: A Uniform System of Citation*, a widely followed authority for [legal citation](https://en.wikipedia.org/wiki/Legal_citation) formats in the United States. “BRIDGING THE COLOR LINE: THE POWER OF **AFRICAN**-AMERICAN REPARATIONS TO REDIRECT AMERICA'S FUTURE”]

Reparations advocates **must build a logical and convincing bridge across the color line**, one that overcomes certain notions [\*1697] of reparations as retribution; [n39](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.673312.6416320237&target=results_DocumentContent&returnToKey=20_T26222473682&parent=docview&rand=1499437738615&reloadEntirePage=true" \l "n39) otherwise, even an unsuccessful legal claim could **severely aggravate racial tensions**. [n40](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.673312.6416320237&target=results_DocumentContent&returnToKey=20_T26222473682&parent=docview&rand=1499437738615&reloadEntirePage=true" \l "n40) Bridging the gap is only possible through the reshaping of public opinion. The components of such a bridge should identify the following: the injustice, the victims and the perpetrators, and the causal connection between the harm experienced by current members of the victimized group and the past injustice. [n41](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.673312.6416320237&target=results_DocumentContent&returnToKey=20_T26222473682&parent=docview&rand=1499437738615&reloadEntirePage=true" \l "n41) There is little public debate over the first component; [n42](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.673312.6416320237&target=results_DocumentContent&returnToKey=20_T26222473682&parent=docview&rand=1499437738615&reloadEntirePage=true" \l "n42)repair will begin when blacks and nonblacks are convinced of the remaining two, which this Note addresses separately below. 1. Victims. - During their respective periods, slavery and Jim Crow directly affected anyone with known African ancestry, but immigration has made it difficult to identify their descendants. [n43](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.673312.6416320237&target=results_DocumentContent&returnToKey=20_T26222473682&parent=docview&rand=1499437738615&reloadEntirePage=true" \l "n43) This forces reparations advocates to confront the controversial problem of defining the parameters of who is "black." What kind of proof would be required? DNA evidence demonstrating African heritage? [n44](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.673312.6416320237&target=results_DocumentContent&returnToKey=20_T26222473682&parent=docview&rand=1499437738615&reloadEntirePage=true" \l "n44) Genealogical evidence indicating slave ancestry? [n45](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.673312.6416320237&target=results_DocumentContent&returnToKey=20_T26222473682&parent=docview&rand=1499437738615&reloadEntirePage=true" \l "n45) [\*1698] **A resurgence of the "one drop rule"?** [n46](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.673312.6416320237&target=results_DocumentContent&returnToKey=20_T26222473682&parent=docview&rand=1499437738615&reloadEntirePage=true" \l "n46) Such methods, especially the "one drop rule," are demeaning and ultimately unnecessary - current educational affirmative action programs have been successful without requiring recipients to "prove" their race. Although the identification problem would be of great concern if monetary reparations were awarded directly to individuals, reparations as proposed in this Note would augment programs that already have a feasible distribution system, such as race-preference programs and subsidies to black-owned businesses, and would invest in institution-building in black communities and in grassroots organizations that would ultimately help both **black and nonblack members of the community**. [n47](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.673312.6416320237&target=results_DocumentContent&returnToKey=20_T26222473682&parent=docview&rand=1499437738615&reloadEntirePage=true" \l "n47) The notion of compensating members of a historically victimized group, even nonvictim members of that group, is not unprecedented. Reliance on loose connections between victim and beneficiary have found both constitutional and statutory acceptance. [n48](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.673312.6416320237&target=results_DocumentContent&returnToKey=20_T26222473682&parent=docview&rand=1499437738615&reloadEntirePage=true" \l "n48) Current Supreme Court affirmative action doctrine upholds race-based programs designed specifically to address past discriminatory acts and to provide a benefit that does not necessarily flow to the harmed individual, but rather to members of the victim's racial group.

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#### The aff exacerbates wealth disparities and inequities. Specific mandates need to be thought out

Frum 14 [David Frum is a senior editor at *The Atlantic*. In 2001–02, he was a speechwriter for President George W. Bush. “The impossibility of Reperations” https://www.theatlantic.com/business/archive/2014/06/the-impossibility-of-reparations/372041/]

Affirmative action’s quirks and injustices are notorious. But they will be nothing compared to the strange consequences of a reparations program. Not all black people are poor. Not all non-black people are rich. Does Oprah have a housecleaner? Who changes the diapers of Beyonce’s baby? Who files Herman J. Russell’s taxes? Will their wages be taxed and the proceeds redirected to their employers? Within the target population, will all receive the same? Same per person, or same per family? Or will there be adjustment for need? How will need be measured? Will convicted criminals be eligible? If not, [the program will exclude perhaps one million African Americans](http://www.naacp.org/pages/criminal-justice-fact-sheet). If yes, the program would potentially tax victims of rape and families of the murdered for the benefit of their assailants. And if reparations were somehow delivered communally and collectively, **disparities of wealth and power and political influence within black America will become even more urgent.** Simply put, when government spends money on complex programs, the people who provide the service usually end up with much more sway over the spending than the spending’s intended beneficiaries. The poorer the beneficiaries, the more powerfully this rule holds—and it has held strongest of all in programs intended to aid the black poor. The District of Columbia public schools have excelled at delivering stable jobs to their unionized employees. They have failed their students.

The reparations movement faces significant problems in trying to name people who have a legitimate claim against individual defendants. There are no slaves alive today who can bring suit, and there are no slave-owners who can be sued. This is a distinct difference between reparations for slavery and reparations paid to Japanese Americans or to victims of the Holocaust. Here, proponents cannot show direct harm. Instead, they are seeking to have the government pay reparations to individuals who are several generations removed from slavery. They claim that the United States government has never acknowledged or apologized for the evil institution of slavery. Black Americans deserve payment for the wealth slave labor created, they continue. 6 8 When opponents point out that both slaves and enslavers are long dead, proponents have an answer. The government must, they contend," pay for the "lingering effects," "vestiges" or "legacy" of slavery that, they claim, still affect black America today.69 However, it is impossible to determine whether a link exists between slavery and the problems facing Blacks today. For example, reparations proponents bludgeon the opposition into submission with a wealth of data about poverty, infant mortality rates, health care and the number of black men in the prison system.7° However, many of these problems have only surfaced within the last forty years and cannot be traced directly to slavery. In addition, there is no way to accurately identify who were descendants of slaves and those of slave-owners. Generations of people were bom who belonged to both groups. Our nation today is a eflection of many different cultures and ethnicities coalescing into one "melting pot." As a result, asking for reparations based solely on the fact that a person is black actually perpetuates the same racism that proponents vigorously argue to curtail. It would be unfair to penalize and simultaneously reward reparations to people today when our history is incredibly convoluted. Reparationists refuse to acknowledge that slavery had a negative impact on everyone. Reparations advocates will give short shrift to white poverty, perhaps even denying that slavery was meant to, and in fact did, impoverish the masses of white people as much as it did the Blacks. Soon, everyone will want reparations, even neo-Confederates who cherish their ancestors who fought to preserve slavery. This petition does not mention the South's enslavement of millions of Blacks, its deliberate impoverishment of and mis-education of the masses of Whites and Blacks or of its cramming the Fugitive Slave Law, which resulted in some free Blacks who were never slaves being kidnapped and sold, down the throats of an unwilling nation. There is not a hint that Southerners were in any way to blame for the fate that befell them. Here we see the likeness of minds of the neoConfederate and the black reparations supporter. Both embrace perpetual victim hood. Both claim to still suffer the agony inflicted not on themselves, but on ancestors long since dead. Neither is able to put what happened over 135 years ago behind them

#### Reparations won’t generate long term black economic growth

Smith 14 [Kyle, “Why Reperations wouldn’t work”

There is much talks about reparations payments for black Americans these days. [Ta-Nehesi Coates](http://www.theatlantic.com/ta-nehisi-coates/)’ much-praised article in The Atlantic, “The Case for Reparations,” frames slavery as merely the founding injustice of black American life, one that was followed by many others and amounted to a catastrophic theft of value from blacks. No doubt. Yet the case for reparations is tied up in the question of what would happen if black Americans received large lump-sum payments. Let’s put aside the many details that surround how reparations would work and assume that huge payments were indeed made to black Americans. What would happen? Reparations probably wouldn’t accomplish what they’re meant to do: Place black Americans on a permanently raised economic plateau, one near that of white Americans. Statistics about the economic disparities of these two groups are grim, and shocking: As of 2012, for instance, the median household net worth of white Americans was [more than twenty times](http://money.cnn.com/2012/06/21/news/economy/wealth-gap-race/) that of blacks. Median adjusted [household income](http://www.pewresearch.org/fact-tank/2013/08/30/black-incomes-are-up-but-wealth-isnt/) for blacks is only 59 percent of that for whites. The reparations plans that have been suggested, however, would work a lot like lotteries. Coates suggests a large lump sum distributed to a single generation over a period of "a decade or two." Slate’s Jamelle Bouie [suggests](http://www.slate.com/articles/news_and_politics/politics/2014/05/reparations_should_be_paid_to_black_americans_here_is_how_america_should.html)either a cash boost for existing government social-welfare and infrastructure projects (which might sound too indirect to count as reparations, at least to the average American) or “baby bonds” which black Americans, who have been given low-yield government-guaranteed savings funds at birth, would be able to cash in for perhaps a $60,000 lump sum at age 18. Both of these ideas sound like lotteries. What happens to lottery winners? Do they and their descendants go on to a permanently higher socioeconomic bracket? A [survey](http://www.marketwatch.com/story/why-lottery-winners-go-bankrupt-1301002181742) of Florida lottery winners shows that this group is twice as likely to go bankrupt as others. The primary difference between winners of large sums and those who won smaller prizes is that the winners of large sums isn’t in bankruptcy rates but in timing: big winners took a bit longer to go bust. Lottery winners (contrary to myth) are actually older and more affluent than the typical American, but The [Wall Street](http://www.forbes.com/wall-street/) Journal summarized the research as follows: “Sudden wealth only exaggerates your current situation. If you’re unhappy, bad with money and surrounded by people you don’t trust, money will make those problems worse. If you’re fulfilled, careful with money and enjoy a life of strong relationships, the lottery could make those strengths better.” Today’s lotteries are too new to tell us much about what happens to the descendants of lottery winners, but history suggests that if reparations are meant to lift the economic status of American blacks who are poor, they will fail. Economists often cite the study of the Georgia land lottery of 1832, in which hugely valuable parcels of land were distributed randomly. What happened to the descendants of these fortunate few? Are they the richest families in Georgia? No. A [paper](http://freakonomics.com/2013/09/26/would-a-big-bucket-of-cash-really-change-your-life-a-new-freakonomics-radio-podcast/) by economists Hoyt Bleakley and Joseph Ferrie traced the results of the Georgia land lottery down the generations. They found that, “one generation after the distribution of the Georgia land, sons of winners have no better adult outcomes (wealth, income, literacy) than the sons of non-winners, and winners’ grandchildren do not have higher literacy or school attendance than non-winners’ grandchildren.” Bleakley believed that a large sum of literal capital was, across generations, less relevant than human capital in the building of wealth: “We see a really huge change in the wealth of the individuals, but we don’t see any difference in human capital,” he noted. “We don’t see that the children are going to school more.” [Investing](http://www.forbes.com/investing/) preferences would also play a major role in the capital accumulation that might follow reparations payments. A 1999 [paper](http://www.sciencedirect.com/science/article/pii/S1057081099000396) by economists Yaw A. Badua, Kenneth N. Daniels and Daniel P. Salandro found that black investors are more risk-averse and focused on safety than white investors, and perhaps consequently place a higher percentage of their assets in property than do whites. They predicted that these preferences would cause an increase in the wealth gap between whites and blacks. So it has come to pass. In 1990, median household net worth among black Americans was about $4,418 -- one-tenth of the same figure for whites. Two decades later, that figure had reached only $4,955. Yet among white households, median net worth skyrocketed from $45,740 to $110,729 in the same period. Black America missed out almost entirely on the [massive stock market boom](http://en.wikipedia.org/wiki/Closing_milestones_of_the_Dow_Jones_Industrial_Average) of the past quarter-century. “If particular population subgroups tend to be more risk averse in their asset and liability choices, their long-term wealth will be expected to be less than households who choose to be less risk averse,” wrote the economists. “For instance, households that preclude stocks from their portfolio will undoubtedly have less wealth over the long run, because the long term return on common stock investments are higher than the long term return on less volatile investment opportunities.” The reparations debate is an important one, and discussion should continue. But the question of what effects reparations would have on black socioeconomic levels down the generations is central to the conversation.

#### The demand for reparations and unrealistic and will undermine our entire economic system

Kane 2K3 [Gregory, n 1997, Kane was nominated along with Baltimore Sun reporter Gilbert Lewthwaite for the [Pulitzer Prize](https://en.wikipedia.org/wiki/Pulitzer_Prize) in [Explanatory Journalism](https://en.wikipedia.org/wiki/Pulitzer_Prize_for_Explanatory_Reporting) for a three-part series about slavery in [Sudan](https://en.wikipedia.org/wiki/Sudan).[[2]](https://en.wikipedia.org/wiki/Gregory_Kane_(journalist)#cite_note-baltimoreexaiminer-2) Both men won the [Overseas Press Club](https://en.wikipedia.org/wiki/Overseas_Press_Club) award for best reporting on [human rights](https://en.wikipedia.org/wiki/Human_rights) and an award from the [National Association of Black Journalists](https://en.wikipedia.org/wiki/National_Association_of_Black_Journalists) for the series. “Why the Reparations Movement Should Fail” http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1040&context=rrgc]

Proponents are so absorbed in demanding a payout that they fail to realize there is no practical means by which to administer reparation payments to Blacks. Some advocates claim that the government owes Blacks approximately $1.6 trillion for slavery and its lingering effects.75 Others claim the number is as high as $24 trillion. Separate from the cash amount, some advocates demand social programs, including continued affirmative action, communitybuilding initiatives that are not granted to other disadvantaged groups, and preferential treatment.77 In 2000, the total output for our entire economy was about $9.8 trillion.78 Trying to meet these unreasonable demands would overwhelm our national resources and substantially increase our national debt. Given the current state of our economy, everyone would suffer as a result. Currently, the federal government funds the economy either through taxes or by assuming the debt.79 Paying reparations would essentially hold all citizens accountable for the debt and would undermine our entire economic system. 8 These demands are completely unrealistic. Moreover, no country has an equal class system, which is not to suggest that we as a society should not strive for one. However, reparation payments are not the medium to create such a system. Forcing some people to pay money to others solely based upon racial ethnicity would only further divide the country and enhance the racial problems currently plaguing our society. Reparations proponents would be hard pressed to find a society where all people live equally in bliss. The nature of a capitalist economy is that there will always be classes of people who have advantages over others.81 Several classes of minorities have lower incomes than the majority class, including Hispanics and women.8 2 Yet, those classes of people are not seeking reparations despite being discriminated against and disadvantaged.

#### Reparations will never alleviate the problems the black community faces. It opens up the gate way for other minority groups asking for reparations which will tank the countries economy

Kane 2K3 [Gregory, n 1997, Kane was nominated along with Baltimore Sun reporter Gilbert Lewthwaite for the [Pulitzer Prize](https://en.wikipedia.org/wiki/Pulitzer_Prize) in [Explanatory Journalism](https://en.wikipedia.org/wiki/Pulitzer_Prize_for_Explanatory_Reporting) for a three-part series about slavery in [Sudan](https://en.wikipedia.org/wiki/Sudan).[[2]](https://en.wikipedia.org/wiki/Gregory_Kane_(journalist)#cite_note-baltimoreexaiminer-2) Both men won the [Overseas Press Club](https://en.wikipedia.org/wiki/Overseas_Press_Club) award for best reporting on [human rights](https://en.wikipedia.org/wiki/Human_rights) and an award from the [National Association of Black Journalists](https://en.wikipedia.org/wiki/National_Association_of_Black_Journalists) for the series. “Why the Reparations Movement Should Fail” http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1040&context=rrgc]

Reparations advocates fail to realize that reparation handouts will never cure the ills Blacks face today as individuals and as a community.' 0' Reparations will not give Blacks self-worth. It will not lower poverty, the crime rates or out of wedlock birth rates, even though proponents try to use these statistics to justify their claim that the government should pay reparations. These problems are engrained within our culture. They are a mindset that cannot be changed by any proposed reparations. Instead, proponents should devote their time and energy to alleviate theses problems by proposing viable solutions that will truly impact Blacks in a positive way. Reparations supporters should preach self-reliance to the black community rather than advocating for an unreasonable and unrealistic fix to current social ills. When people are not forced to take responsibility for their lives, this attitude actually reinforces the perpetual cycle of problems facing the black community.' 0 2 Blacks should stop treating themselves as victims and take responsibility for their lives.'0 3 But reason has been the first casualty in the Victimhood Sweepstakes, from which the reparations movement gets it casus belli. Will the reparations issue rear its head again if paid to black Americans? It certainly will. Many other ethnic groups will ask for handouts until our country is bankrupt, which ultimately harms everyone. Therefore, Blacks in this country would better reach their goals by relying on themselves to attain the American Dream. As such, the focus should be on strengthening the economic base of the black community. One theory on how to do this is through cooperative economics, which promotes the reinvigoration of a community by encouraging community residents to financially patron local businesses. In turn, these businesses will reinvest their resources into community development enterprises.' 0 4 Black Cooperative Economics is an attempt to reinvigorate the black community by establishing a system of economic selfsufficiency within the community. 0 5 Black residents support black businesses while these same businesses provide the capital base for the community, thus a creating a beneficial cyclical effect. 10 6 The premise behind black cooperative economics is that Blacks should not depend upon anyone, especially the government, to invest money into black communities in order to strengthen the black community. The result of this cyclical economic structure and the element of exclusivity yield a self-sufficient economic system that is durable and permanent. In addition to encouraging responsibility of black businesses to reinvest within the black community, black middle-class professionals are encouraged to prime the capital pump by investing within black communities. 1° 8 Consequently, a self-sufficient enterprise is born and sustained by the black community for its own benefit. These ideas would be a healthier and more productive way to address the problems of black today instead of wasting time and energy on the reparationists' lost cause.

#### Reifies ONE-DROP-RULE

Kane 2K3 [Gregory, n 1997, Kane was nominated along with Baltimore Sun reporter Gilbert Lewthwaite for the [Pulitzer Prize](https://en.wikipedia.org/wiki/Pulitzer_Prize) in [Explanatory Journalism](https://en.wikipedia.org/wiki/Pulitzer_Prize_for_Explanatory_Reporting) for a three-part series about slavery in [Sudan](https://en.wikipedia.org/wiki/Sudan).[[2]](https://en.wikipedia.org/wiki/Gregory_Kane_(journalist)#cite_note-baltimoreexaiminer-2) Both men won the [Overseas Press Club](https://en.wikipedia.org/wiki/Overseas_Press_Club) award for best reporting on [human rights](https://en.wikipedia.org/wiki/Human_rights) and an award from the [National Association of Black Journalists](https://en.wikipedia.org/wiki/National_Association_of_Black_Journalists) for the series. “Why the Reparations Movement Should Fail” http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1040&context=rrgc]

second approach in determining the eligibility of those persons entitled to receive reparations for slavery would be simply to apply the "one-drop rule," a rule of hypodescent that is inherent in the American system of racial classification. Simply stated, the rule denoted that "any trace of African ancestry makes one Black," regardless of physical appearance. Implicit in this rule was [\*2544] the premise that not only would those persons whose black or African ancestry was visible be considered black, but also those persons with any known trace of African ancestry. [n64](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.597712.9545041953&target=results_DocumentContent&returnToKey=20_T26225449318&parent=docview&rand=1499539593450&reloadEntirePage=true" \l "n64) In practice, the rule resulted in the classification and designation of "Negro," "colored," or "black" for any person who possessed even one drop of African blood. Historically, the rule found its roots in the institution of American slavery and was established to perpetuate its vestiges. [n65](http://www-lexisnexis-com.proxy.uchicago.edu/lnacui2api/frame.do?tokenKey=rsh-20.597712.9545041953&target=results_DocumentContent&returnToKey=20_T26225449318&parent=docview&rand=1499539593450&reloadEntirePage=true" \l "n65) The one-drop rule was created primarily to discourage racial mixing between blacks and whites through marriage, to prevent persons of African ancestry from gaining economic power in the United States, and to ensure that all children with any degree of African ancestry, no matter how small, remained chattels. Although during the eighteenth and early nineteenth centuries, state legislatures throughout the country struggled to define the specific amount of black blood necessary to overcome a claim of whiteness, they uniformly adopted and followed the rule of hypodescent--that racial identity was to be determined by blood. Adopting the one-drop rule in defining eligibility for black reparations is problematic. First, the test fails to accurately sift out those individuals of African ancestry who are not the descendants of the masses of Africans who were brought to the United States during slavery. Because the test fails to differentiate between the descendants of U.S. slaves and those of other nationalities with African heritage such as Haitians, Caribbean blacks, or European blacks, a literal application of the test for determining eligibility for reparations [\*2545] could open the door for the submission of claims by blacks who may possess the visual characteristics of African ancestry and current U.S. citizenship, but who lack any relationship at all to those Africans brought to the United States between 1619 and the abolition of the slave trade. Racism toward blacks in America, however, has never differentiated between the various subgroups or nationalities of blacks, but has primarily focused on the black phenotype. Consequently, even Haitians, Caribbean blacks, and others with African ancestry are subjected on a daily basis to discrimination and other modern-day remnants of slavery. Second, the rule fails to address the more subtle issue of the eligibility for reparations of those persons whose ancestors were the products of unions between African slaves and whites, but who were light enough in skin color to "pass" as whites, thus escaping any of the negative consequences of being labeled black by society. Technically, the descendants of slaves who passed as whites would be eligible to submit claims under the one-drop rule even though most of their ancestors did not experience the dehumanizing consequences of slavery. In either case, however, persons seeking reparations for slavery would still be required to produce evidence of their lineage. Thus, all claimants would face many of the same obstacles inherent in demonstrating their ancestry as discussed in the previous section. Notwithstanding its political incorrectness in modern society as a means of determining race, the one-drop rule is so engrained in our nation's psyche that it remains an unofficial way of distinguishing between blacks and whites. Today, society continues to designate any individual with any indicia of black ancestry (such as skin color, physical characteristics, or blood) as African-American. This was evident in 1986 when the Louisiana Supreme Court refused to review the case of Susie Guillory Phipps--a Louisiana woman raised as a white woman--who wanted the racial classification on her birth certificate changed [\*2546] from black to white after she learned that she had a black ancestor. Finally, even black people with mixed ancestral heritage continue to be strong proponents of the one-drop rule. For example, as a response to the common enemy of discrimination during the Civil Rights Movement of the 1950s and 1960s, blacks from all ancestral backgrounds adopted the one-drop rule as a means of promoting racial solidarity. Today, many blacks continue to support the rule on the basis that it further perpetuates the interests of blacks in a society in which skin color, even in the black community, continues to operate as a determining factor in deciding which blacks will benefit economically and socially

#### Their already policies in place to combat racism and discrimination

Kane 2K3 [Gregory, n 1997, Kane was nominated along with Baltimore Sun reporter Gilbert Lewthwaite for the [Pulitzer Prize](https://en.wikipedia.org/wiki/Pulitzer_Prize) in [Explanatory Journalism](https://en.wikipedia.org/wiki/Pulitzer_Prize_for_Explanatory_Reporting) for a three-part series about slavery in [Sudan](https://en.wikipedia.org/wiki/Sudan).[[2]](https://en.wikipedia.org/wiki/Gregory_Kane_(journalist)#cite_note-baltimoreexaiminer-2) Both men won the [Overseas Press Club](https://en.wikipedia.org/wiki/Overseas_Press_Club) award for best reporting on [human rights](https://en.wikipedia.org/wiki/Human_rights) and an award from the [National Association of Black Journalists](https://en.wikipedia.org/wiki/National_Association_of_Black_Journalists) for the series. “Why the Reparations Movement Should Fail” http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1040&context=rrgc]

The Government has Already Paid Reparations in the Form of Social Programs. **The government has already implemented programs to help Blacks combat racism and discrimination.** For example, Upward Bound, Headstart, the Higher Education Act, 87 the Elementary and Secondary Education Act and the Job Corps were all designed to aid the poor who, at the time, were disproportionately African American. 89 By some estimates, the total cost of the Great Society programs over the years amounts to $305.7 billion. Since the civil rights legislation of the 1960's, fifty percent of Blacks are now in the middle-class and **over seventy-eight percent are above the poverty line**. Black women hold twenty-four percent of all professional and/or managerial jobs, and black men hold seventeen percent. Today black women own thirty-eight percent of the nation's black-owned firms, which is a higher percentage of female owners then any other minority race. The latest census figures show a black poverty rate of 22.5 percent is down from twenty-five percent in the previous census and down from eighty-seven percent in the 1950's. 94 That is not data reparations advocates want to hear. But their depiction of American Blacks in 2003 as poor, impoverished and oppressed overstates the true reality of the status of Blacks in this country. The government has been compassionate about the plight of Blacks. **Over the past forty years, the government enacted legislation to combat racism and help Blacks become self-sufficient**. 95 On June 4, 1965, former President Lyndon Baines Johnson gave the commencement address at Howard University. 96 The head of the United States government spoke directly to the injustice of the "lingering effects" and "vestiges" and "legacy" of slavery on Negroes. African-American poverty is not white poverty. Many of its causes are the same. But there are differences - deep, corrosive, obstinate differences - radiating painful roots into the community, and into the family, and the nature of the individual. These differences are not racial differences. They are solely and simply the consequence of ancient brutality, past injustice, and persistent prejudice. They are anguishing to observe. **For the African-American, they are a constant reminder of oppression. For the white, they are a constant reminder of guilt.** But they must be faced and they must be dealt with and they must be overcome .... Nor can we find a complete answer in the experience of other American minorities. They made a valiant and a largely successful effort to emerge from poverty and prejudice. **The African-American, like these others, will have to rely mostly upon his own effor**ts. **But he just cannot do it alone.** For they did not have the heritage of centuries to overcome, and they did not have a cultural tradition which had been twisted and battered by endless years of hatred and hopelessness, nor were they excluded - these others - because of race or color a feeling whose dark intensity is matched by no other prejudice in society. This quote is reminiscent of the assertions of today's reparations supporters. It sounds familiar because they are simply repeating what has been said many times before. It is largely acknowledged that slavery was a horrible blemish in American's history. But we must not allow our history to dictate our future. On August 6, 1965, Johnson signed the Voting Rights Act and explicitly elaborated on slavery. He stated: Three and a half centuries ago, the first Negroes arrived at Jamestown. They did not arrive in brave ships in search of a home for freedom. They did not mingle fear and joy, in expectation that in this New World anything would be possible to a man strong enough to reach for it. They came in darkness and they came in chains. And today we strike away the last major shackle of those fierce and ancient bonds**. Today the Negro story and the American story fuse and blend. And let us remember that it was not always so**. The stories of our Nation and of the American Negro are like two great rivers. Welling up from that tiny Jamestown spring they flow through the along divided channels. When pioneers subdued a continent to the need of man, they did not tame it for the Negro. When the Liberty Bell rang out in Philadelphia, it did not toll for the Negro.99 But Johnson did more than just echo the sentiments of reparations supporters. He acted, along with the great black New York Congressman Adam Clayton Powell, and pushed through a plethora of Great Society programs that sought to correct the alleged lingering effects the reparationists claim have not been corrected.**100** Many if not all of these programs are still in effect, which allows those "descendents" to take full advantage of those programs. At this juncture in our history, any debt owed has been paid in full.

#### Reparations fail to distinguish former victims and and non-victims

Gray 10 [David C. Assistant Professor of Law, University of Maryland School of Law. “A NO-EXCUSE APPROACH TO TRANSITIONAL JUSTICE: REPARATIONS AS TOOLS OF EXTRAORDINARY JUSTICE”]

While objections to group reparations come from all quarters, the driving concern is one of scope. Reparations provided to a group as a whole fail to distinguish among former victims, providing benefits to all members without regard to the degree of harm suffered,  potentially even benefitting some who did not suffer at all or who are themselves implicated in abuses. This indiscriminate approach to reparations raises concerns for victims and payers alike. Affirmative action, for example, frequently is met with objections from critics on all sides that the access it guarantees goes mainly to those who, by virtue of their social, economic, and educational backgrounds, do not need tshe help and therefore take opportunities from others who do. In response to concerns of this sort, Germany limited reparation payments to victims or their direct heirs. Standing and privity represent another species of scope objection, particularly in conversations about historical reparations. Standing and privity are concepts core to stable state contract and tort law, and generally limit obligations and claims of benefit to those who directly incurred a duty, entitlement, or loss, or those who have a sufficiently close relationship with an original claimant or obligor. Standing plays a spoiler role in reparations debates, challenging recipients to demonstrate not only harm, but harm distinct from that suffered by the public at large. Privity also suggests that only those who suffered direct or indirect harm may claim a right to reparation. Group reparations frequently threaten this intuition by failing to distinguish between victims and nonvictims. Privity is particularly relevant in the case of historical claims, such as proposals for slavery reparations in the United States. In this context, critics ask how "a claimant (or alleged victim) [can] establish privity between himself (or his group) and the perpetrator when the latter belongs to a different era" and judges point out that "there is a fatal disconnect between the [slaves] and the plaintiffs." Finally, group-based reparations must confront the twin concerns of essentialism and perpetuating a culture of victimhood. Paying reparations to a group ignores differences among individuals in the beneficiary group. So doing risks reifying and perhaps providing renewed legitimacy to the lines of opposition implicated in past abuses. Perhaps more troubling is that beneficiaries may again and forever be identified as victims, denying full autonomy to individuals and the authority of identity creation to groups. For example, Justice Clarence Thomas, among others, has argued that affirmative action should be abandoned because it casts a shadow over the accomplishments of all African Americans and marks blacks as victims, incapable of succeeding on their individual merits.

#### The aff ignores the necessity for national reconciliation

McGary 10 [Howard, Howard McGary is Professor of Philosophy at Rutgers, the State University of New Jersey. “Reconciliation and Reperations”pp555]

I accept the value of reconciliation, but it does not follow from this acceptance that reconciliation is a necessary condition of reparations. Although I believe reconciliation is an important vehicle for maintaining healthy moral, social, and political relationships, I don't believe that reparations can occur without an effort to rectify past wrongs, and correcting past wrongs does not guarantee reconciliation. In order to why I think the way I do, I shall take a closer look at the requirements of reconciliation. According to Audrey R. Chapman, "National reconciliation is a long term process with two major dimensions. First, it requires the transformation of relationships among former antagonists. The goal is to enable them to achieve sufficient accommodation and trust to be able to live together peacefully and cooperate and collaborate with one another. Second, it involves the establishment of a new type of relationship between the citizens and the government, resting on political institutions based on the rule of law and respect for human rights and thus facilitating cooperation across boundaries, leading to a shared commitment to a common future" (2009, 143). Although reconciling with a victim or transgressor is often good for all involved, we should not conclude from this that reparation must be understood as a species of reconciliation. If this were true, cases where it is logically impossible for reconciliation to occur between transgressor and victim would necessarily be ruled out. I hope to show that mandating reconciliation as a necessary component of reparation minimizes the value that "debts of justice" play in our live.

#### Reparations help whites rather than benefiting blacks

**Darity, Lahiri, Frank** Review of Development Economics 14(2), 248–261, 20**10** DOI:10.1111/j.1467-9361.2010.00550.x Reparations for African-Americans as a Transfer Problem: A Cautionary tale William A. Darity, Jr., Bidisha Lahiri, and Dania V. Frank

The general-equilibrium model we advance offers new insights about the debate over reparations for African-Americans. First, we add to the discussion the idea that a **reparations payment might enrich the donors**. This sheds new light on arguments against reparations that claim that reparations payments would be too much of a burden for the payer to bear. It also provides a perverse incentive to the payer—other than altruism and atonement—to pay reparations. Second, and perhaps more important, this model provides a cautionary note towards the design of a reparations plan. If one believes that one important purpose of repa-rations is to bridge the income and/or wealth gap between blacks and nonblacks, then the way in which reparations are financed and carried out, as well as the economic conditions at the time of the payment, greatly affect success in achieving the goal. We have shown that if blacks do not have productive capacity in place prior to the repa-rations payment, there will be no ultimate effect on black income. We also have shown that **reparations** payment that either mandate or provide incentives for blacks to use the payment towards goods and services produced by nonblacks **will increase the** **income of nonblacks while possibly decreasing the income of blacks**. Both of these results run counter to the goal of closing the racial income gap. Black income will rise under a reparations program designed to induce blacks to spend largely on black commodities, while inducing nonblacks to finance the repara-tions payment primarily by reducing consumption of nonblack commodities. A reparations policy designed to improve the productive capacity of blacks also would increase the relative income of blacks but would impose a secondary burden or adverse terms-of-trade effect on blacks. Unless the latter effect is unusually large the net consequence of this type of program would be to close the gap. Thus, our paper uncovers some of the complexities of the effects of a reparations program and under-scores the importance of carefully considering the form reparations should take in order to achieve a narrowing of racial income or wealth disparities in America.

#### Reparations wont do jackshit for the econ

**Darity, Lahiri, Frank** Review of Development Economics 14(2), 248–261, 20**10** DOI:10.1111/j.1467-9361.2010.00550.x Reparations for African-Americans as a Transfer Problem: A Cautionary tale William A. Darity, Jr., Bidisha Lahiri, and Dania V. FrankConsider a supply-side policy—for example, improvement in schooling/training— that increases the skilled labor endowment of blacks. Simultaneously, this policy is financed by reducing funds for schooling/training of nonblacks, reducing their endow-ment of skilled labor. What would be the impact of this policy on the respective supply functions? To analyze these effects, let us evaluate the shift of the aggregate supply (AS) curve for a given price level. A constant price level also means a fixed real wage for unskilled labor. If skilled labor were allocated in a perfectly competitive manner across sectors with equalization of values of marginal products across sectors, this education policy would not affect the aggregate real income of the economy. Change in skilled labor exports would offset the change in education effects. However, when nonblacks choose skilled labor exports in an optimizing manner, causing the value of the marginal product of labor in the nonblack sector to be lower than in the black sector, the above policy would result in a higher aggregate income. In the standard 5 case, the following results arise. 6 An increase in the skilled labor endowment of nonblacks raises their optimal skilled labor exports. An increase in the skilled labor endowment of blacks lowers the optimum quantity of skilled labor exports by nonblacks. change in education shifts the AS supply curves.The nonblack AS function shifts left while the black supply function shifts out. Nonblack income goes down because non- blacks are able to exercise “optimal discrimination” only on the smaller volume of skilled labor exports. Black income goes up because instead of being dependent on skilled labor imports which came at a discriminatory rate, the black skilled labor endowment has gone up, of which they can make optimal use. Aggregate income of the overall economy goes up because skilled labor gets reallocated to the sector where its marginal product is higher. So the educational policy leads to a Pareto-superior outcome, which can make both parties better off under a suitable transfer payment from blacks to nonblacks (!) to compensate for the losses suffered by the change in educational policy. With a supply-side reparations scheme that affects skilled labor endowments, there is no direct transfer that affects the demand. The respective shifts in the supply function imply that blacks face an increase in income and the nonblacks face a decrease in income even in the face of skilled-labor mobility across subnationalities. 7 This happens because changes in endowments represent a method of circumventing the discrimina-tory export policies practiced by nonblacks in order to maximize the income of the nonblack subnationality. Additionally, what is different in the supply-side policies is that blacks face a secondary burden in the form of deteriorating terms of trade as can be seen in Figure 4 (A→C) while in the direct transfer reparations policies that affect demand, the secondary burden is, in most scenarios, borne by the nonblacks (A→B)

#### Black women remain invisible in the black radical imagination of the 1AC – The radical architects of reparations homogenize black experience making black male lived experience the sin qua non for the Black – Like black resistance movements in the past the aff will sacrifice black women for the “good of the race”

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What is the position of women in black radical visions of freedom?  Prone…to disappear, that is.  **The dream of African redemption comes to us largely as a male dream of armies liberating the motherland from their imperialist adversaries.  Women do have a place in a postredemption Africa, but rarely do they deviate from their traditional roles as nurturers and caretakers.**  The position of women has been debated in socialist and communist circles, but even there it is usually left as a question.  And **black women specifically**?  They **have never been a primary subject of the American Left, always falling somewhere in the cracks** between the Negro Question and the Woman Question.  As we’ve seen, **key interventions** by the likes of Ida B. Wells or Claudia Jones **attempted to disrupt color-and class-struggle-as-usual, but few leftists paid attention.**  Nearly half a century ago, black playwright and critic Lorraine Hansberry took the Communists to task for failing to recognize that the Woman Question stood alongside class, race, colonialism, and the struggle for peace as “the greatest social question existent.”  **Third World-identified revolutionaries had much to say about class, culture, and internationalism, but very little to say about women.  When women appeared in the radical imagination**of the 1960s and 1970s, **it was often as the iconic gun-slinging, baby-toting, Afro-coifed Amazon warrior.**  **Even the radical architects of reparations completely collapsed black women within an undifferentiated mass called the black community.**    Here lay the crux of the problem:  **The relative invisibility of black women in these radical freedom dreams is less a matter of deliberate exclusion than *conception*, or the way in which the interests and experiences of black people are treated.  The black community is too often conceived as an undifferentiated group with common interests.  The men and even many of the women who lead these movements see the yoke of race and class oppression and accordingly create strategies to liberate the race, or black working people in particular.  This ostensibly gender-neutral conception of the black community** (nothing is really gender neutral),**presumes that freedom for black people as a whole will result in freedom for black women.**  **Oppressions of sex and gender went unacknowledged or were considered the secondary residue of racial capitalism that would eventually wither away.**  **A long list of black women challenged these ideas**-running the gamut from Sojourner Truth, who challenged white feminists and male abolitionists to acknowledge the oppression and potential of black women, to turn-of-the-century intellectual Anna Julia Cooper, whose writings offered a withering analysis of how race and gender worked to oppress white women and all communities of color.  Indeed, **these women flipped the script on the black freedom movement, arguing that freedom for black women would result in freedom for black people as a whole-better yet, all people.**  But it was not until the formation of an autonomous radical black feminist movement in the late 1960s and early 1970s that we find the most thorough, sustained interrogation of sex and gender as part of a general challenge to conceptions of black liberation.    **Radical black feminists have never confined their vision to just the emancipation of black women or women in general, or all black people for that matter.  Rather, they are the theorists and proponents of a radical humanism committed to liberating humanity and reconstructing social relations across the board.**  When bell hooks says “Feminism is for everybody,” she is echoing what has always been a basic assumption of black feminists.  **We are not talking about identity politics but a constantly developing, often contested, revolutionary conversation about how all of us might envision and remake the world.**  Of course, one might argue that we should be talking about feminism writ large, and that identifying something called “black feminism” is itself essentialist, if not divisive.  But I am using *black* in order to be historically precise, because the ideas and visions I discuss in this chapter grew primarily out of the black freedom movement and black women’s experience, not interracial sisterhood solidarity.  **Radical black feminists not only struggled against race, class, and gender oppression, but also critically analyzed the racial ideologies underlying patriarchy and challenged mainstream feminist conceptions of woman as a universal category.     It would also be a mistake to read radical black feminism as a negative response to black male sexism within the movement.**  **Instead, as** Paula Giddings, Evelyn Brooks-Higginbotham, Deborah Gray White, Beverly Guy-Sheftall, Rosalyn Terborg-Penn, Elsa Barkely Brown, Patricia Hill-Collins, and **countless historians of the movement attest, black feminism’s core vision grows out of a very long history of black women attempting to solve the general problems of the race but doing so by analyzing and speaking from both “public” and “private” realms.  To be more precise, their work exposes the false wall erected between public and private, especially given the importance of black women’s labor in the maintenance of white households as well as the critical role of sexual violence and lynching in upholding race and gender hierarchies here and abroad.     In the end,** perhaps we *are* talking about feminism writ large; or better yet, freedom writ large, for **these women profoundly deepened the black radical imagination, producing a vision of liberation expansive enough for all.**