



De-Segregation of Schools Negative
JV Pack 2017-18



DE-SEGREGATION OF SCHOOLS: YOU DECIDE

***BAUDL JV NEG PACK:
DE-SEGREGATION OF
SCHOOLS***



DE-SEGREGATION OF SCHOOLS

The Negative creates true Clash with the Affirmatives arguments about demanding the USFG to stop segregation amongst schools. The Negative says that the Affirmative has invested the solvency to the problem of Anti-Blackness in a corrupt system. The impact of re-segregation insures that this problem will not be solved with the Affirmatives plan, so the Negative gives an alternative way to achieve solvency.

Who is right and who is wrong? The answer is up to you.

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Dear JV Debater,

Welcome to a new season of debate! You will notice two things about this pack that make it different from novice. 1. This pack is longer. There are more strategies available for the neg and more aff cards in this pack. 2. Most cards aren't underlined. As experienced debaters, you can underline them yourself. It's a strategic choice that you are ready to make.

Good luck & Have Fun!

Love, BAUDL

JV PACK GUIDELINE: DEBATERS MAY PRODUCE THEIR OWN EVIDENCE BASED ON ARGUMENTS FOUND IN THE PACK.



WELCOME AND HOT TIPS

Welcome to JV Debate.

Congratulations on moving up divisions! JV is exciting because there will be more affirmative case areas and more negative strategy options. We hope you enjoy making strategic choices and using the power of your voice to be a critical thinker about the problems of the world. Below are a couple of tips for maximizing the power of the negative!

- Create a diverse negative strategy for the 1NC. Every core position you want to win in the 2nr should begin in the 1NC to guarantee there is enough time to develop the argument and beat the affirmative responses. Make sure to attack the case in the 1NC as well as make off case args.
- Divide the Negative Block. The negative gets two back-to-back speeches (the 2NC & the 1NR). Treat this portion of the debate like an extended 2nd Negative Constructive. Divide the arguments from the 1st Negative Constructive between you and your partner. For example, the 2nc will take the disadvantage and the counterplan; while the 1nr will take the case debate. Thoroughly answer the 2nd Affirmative Constructive responses to your part of the debate. Read additional evidence to refute 2AC claims.
- Think about the 2NR. Where do you want the debate to end? Plot how you and your partner can use each speech to build to the correct, most persuasive reasons to negate.

Speech	Time	General purpose
First Affirmative Constructive (1AC)	8 minutes	Present affirmative case (harms, inherency, plan, solvency)
Cross-examination by Second Negative	3	Ask questions, clarify affirmative's arguments
First Negative Constructive (1NC)	8	Present negative off-case and attack affirmative case
Cross-examination by First Affirmative	3	Ask questions, clarify negative's arguments
Second Affirmative Constructive (2AC)	8	Attack negative off-case arguments, rebuild affirmative case
Cross-examination by First Negative	3	Ask questions, clarify affirmative's arguments
Second Negative Constructive (2NC)**	8	Respond to some of 2AC arguments, rebuild negative arguments
Cross-examination by Second Affirmative	3	Ask questions, clarify negative's arguments
First Negative Rebuttal (1NR)**	5	Respond to rest of 2AC arguments, rebuild negative arguments
First Affirmative Rebuttal (1AR)	5	Rebuild affirmative arguments, respond to both 2NC and 1NR
Second Negative Rebuttal (2NR)	5	Explain why the negative team should win
Second Affirmative Rebuttal (2AR)	5	Explain why the affirmative team should win



EVIDENCE
FOR THE
NEGATIVE:
CORE NEG



POLITICAL ONTOLOGY OF PESSIMISM -1NC

THE AMERICAN POLITICAL SYSTEM IS ROOTED IN BLACK DEATH AND THE RHETORIC OF POLITICAL HOPE AND “PROGRESS” ONLY RESULTS IN THE ACCUMULATION OF MORE INJURED AND MUTILATED BLACK BODIES – BLACK NIHILISM IS THE ONLY FRAMEWORK THROUGH WHICH WE CAN ADDRESS THIS ANTAGONISM AND UNRAVEL POLITICAL HOPE.

Warren ‘15 (Calvin L Warren is Assistant Professor of American Studies at George Washington University: Columbian College of Arts and Sciences, Black Nihilism and the Politics of Hope, *CR: The New Centennial Review*, Volume 15, Number 1, Spring 2015, published by Michigan State University Press, p. 215-218)

Perverse juxtapositions structure our relation to the Political. This becomes even more apparent and problematic when we consider the position of blacks within this structuring. On the one hand, our Declaration of Independence proclaims, “All men are created equal,” and yet black captives were fractioned in this political arithmetic as three-fifths of this “man.” The remainder, the two-fifths, gets lost within the arithmetic shuffle of commerce and mercenary prerogatives. We, of course, hoped that the Reconstruction Amendments would correct this arithmetical error and finally provide an ontological equation, or an existential variable, that would restore fractured and fractioned black being. This did not happen. Black humanity became somewhat of an “imaginary number” in this equation, purely speculative and nice in theory, but difficult to actualize or translate into something tangible. Poll taxes, grandfather clauses, literacy tests, and extra-legal and legal violence made a mockery of the 14th amendment, and the convict leasing system turned the 13th amendment inside-out for blacks. Yet, we approach this political perversity with a certain apodictic certainty and incontrovertible hope that things will (and do) get better. The Political, we are told, provides the material or substance of our hope; it is within the Political that we are to find, if we search with vigilance and work tirelessly, the “answer” to the ontological equation—hard work, suffering, and diligence will restore the fractioned three-fifths with its alienated two-fifths and, finally, create One that we can include in our declaration that “all men are created equal.” We are still awaiting this “event.” The American dream, then, is realized through black suffering. It is the humiliated, incarcerated, mutilated, and terrorized black body that serves as the vestibule for the Democracy that is to come. In fact, it almost becomes impossible to think the Political without black suffering. According to this logic, corporeal fracture engenders ontological coherence, in a political arithmetic saturated with violence.

◆.....◆
Your Words.

Glossary Nihilism: extreme skepticism maintaining that nothing in the world has a real existence.



POLITICAL ONTOLOGY OF PESSIMISM -1NC

THE ONLY WAY TO ACHIEVE POLITICAL HOPE IS TO EMBRACE NIHILISM. IT BECOMES THE WAY WE MUST PHILOSOPHICALLY POSTURE OURSELVES.

Warren '15 (Calvin L Warren is Assistant Professor of American Studies at George Washington University: Columbian College of Arts and Sciences, Black Nihilism and the Politics of Hope, *CR: The New Centennial Review*, Volume 15, Number 1, Spring 2015, published by Michigan State University Press, p. 215-218)

We find similar logic in the contemporary moment. Renisha McBride, Jordon Davis, Kody Ingham, Amadou Diallo, Aiyana Stanley-Jones, Frederick Jermain Carter, Chavis Carter, Timothy Stansbury, Hadiya Pendleton, Oscar Grant, Sean Bell, Kendrec McDade, and Trayvon Martin, among others, constitute a fatal rupture of the Political; these signifiers, stained in blood, refuse the closure that the Political promises. They haunt political discourses of progress, betterment, equality, citizenship, and justice—the metaphysical organization of social existence. We are witnessing a shocking accumulation of injured and mutilated black bodies, particularly young black bodies, which place what seems to be an unanswerable question mark in the political field: if we are truly progressing toward this “society-that-is-to-come (maybe),” why is black suffering increasing at such alarming rates? In response to this inquiry, we are told to keep struggling, keep “hope” alive, and keep the faith. After George Zimmerman was acquitted for murdering Trayvon Martin, President Obama addressed the nation and implored us to keep fighting for change because “each successive generation seems to be making progress in changing attitudes toward race” and, if we work hard enough, we will move closer to “becoming a more perfect union.” Despite Martin’s corpse lingering in the minds of young people and Zimmer- 7 man’s smile of relief after the verdict, we are told that things are actually getting better. Supposedly, the generation that murdered Trayvon Martin and Renisha McBride is much better than the generation that murdered Emmett Till. Black suffering, here, is instrumentalized to accomplish pedagogical, cathartic, and redemptive objectives and, somehow, the growing number of dead black bodies in the 21st century is an indication of our progress toward “perfection”. Is perfection predicated on black death? How many more black bodies must be lynched, mutilated, burned, castrated, raped, dismembered, shot, and disabled before we achieve this “more perfect union”? In many ways, black suffering and death become the premiere vehicles of political perfection and social maturation. This essay argues that the logic of the Political—linear temporality, bio-political futurity, perfection, betterment, and redress—sustain black suffering. Progress and perfection are worked through the pained black body and any recourse to the Political and its discourse of hope will ultimately reproduce the very metaphysical structures of violence that pulverize black being. This piece attempts to rescue black nihilism from discursive and intellectual obliteration; rather than thinking about black nihilism as a set of pathologies in need of treatment, this essay considers black nihilism a necessary philosophical posture capable of unraveling the Political and its devastating logic of political hope. Black nihilism resists emancipatory rhetoric that assumes it is possible to purge the Political of anti-black violence and advances political apostasy as the only “ethical” response to black suffering

Your Words.

Glossary Structural racism: society is structured in a way that excludes substantial numbers of people from minority backgrounds from taking part in social institutions.



BROWN VS BOARD = FAILURE -1NC

THE AFFIRMATIVE IS AN EXAMPLE OF CRUEL OPTIMISM – BELIEVING THAT SOMETHING CAN OR WILL GET BETTER IS A TRICK OF TIME THAT ALLOWS FOR EVEN MORE VIOLENCE BECAUSE WE BELIEVE THAT THINGS WILL GET BETTER, JUST NOT NOW. BROWN VS BOARD IS A CLEAR EXAMPLE THAT THINGS WON'T GET BETTER

Warren '15 (Calvin L Warren is Assistant Professor of American Studies at George Washington University: Columbian College of Arts and Sciences, Black Nihilism and the Politics of Hope, CR: The New Centennial Review, Volume 15, Number 1, Spring 2015, published by Michigan State University Press, p. 220-223)//

This brilliant analysis compels us to rethink political rationality and the value in “means”—as a structuring agent by itself. What I would like to think through, however, is the distinction between “hope” and “despair” and “expectations” and “object.” Whereas Farred understands political participation as an act without a political object, or recognizable outcome—without an “end,” if we think of “end” and “object” as synonyms—I would suggest that the Politics of Hope reconfigures despair and expectation so that black political action pursues an impossible object. We can describe this contradictory object as the lure of metaphysical political activity: every act brings one closer to a “not-yet-social order.” What one achieves, then, and expects is “closer.” The political object that black participation encircles endlessly, like the Lacanian drive and its object, is the idea of linear proximity—we can call this “progress,” “betterment,” or “more perfect.” This idea of achieving the impossible allows one to disregard the historicity of anti-blackness and its continued legacy and conceive of political engagement as bringing one incrementally closer to that which does not exist—one’s impossible object. In this way, the Politics of hope recasts despair as possibility, struggle as triumph, and lack as propinquity. This impossible object is not tethered to real history, so it is unassailable and irrefutable because it is the object of political fantasy.

The politics of hope, then, constitutes what Lauren Berlant would call “cruel optimism” for blacks (Berlant 2011). It bundles certain promises about redress, equality, freedom, justice, and progress into a political object that always lies beyond reach. The objective of the Political is to keep blacks in a relation to this political object—in an unending pursuit of it. This pursuit, however, is detrimental because it strengthens the very anti-black system that would pulverize black being. The pursuit of the object certainly has an “irrational” aspect to it, as Farred details, but it is not mere means without expectation; instead, it is a means that undermines the attainment of the impossible object desired. In other words, the pursuit marks a cruel attachment to the means of subjugation and the continued widening of the gap between historical reality and fantastical ideal. The politics of hope masks a particular cruelty under the auspices of “happiness” and “life.” It terrifies with the dread of “no alternative.” “Life” itself needs the security of the alternative, and, through this logic, life becomes untenable without it. Political hope promises to provide this alternative—a discursive and political organization beyond extant structures of violence and destruction. The construction of the binary “alternative/no-alternative” ensures the hegemony and dominance of political hope within the ontoexistential horizon.

◆.....◆
Your Words.

Glossary: Political Hope: faith in the system to work out the problems of the world through the law and legislation.



ANTI-BLACKNESS -1NC

ANTI-BLACKNESS IS A STRUCTURAL ANTAGONISM THAT UNDERGIRDS POLITICAL LIFE. EDUCATION IS BASED IN IDEALS OF FREEDOM AND DEMOCRACY THAT RELY ON THE FUNGIBILITY OF THE BLACK BODY FOR COHERENCE. ONLY A PRIOR INTERROGATION OF THE STRUCTURES OF VIOLENCE THAT LED TO THE CURRENT CONDITIONS CAN LEAD TO REAL CHANGE, ANYTHING ELSE IS DOOMED TO FAILURE.

Pierce ‘17 As a chief neoliberal governing strategy, charter/choice reform models have been critiqued by Marxist, neo-Marxist, and race/class theorists (Buras, 2014; Dumas, 2013; Fabricant & Fine, 2012; Lipman, 2011; Saltman, 2005; Stovall, 2013).

Missing from this research, as Stern and Hussain (2015) argue, is a genealogical analysis of the charter/choice debate grounded in the epistemic tradition of Black radical thought. A strength of Du Bois’s caste analysis when applied to the neoliberal reform context is how it repositions the charter/choice debate within a historical framework that understands “a priori to neoliberalism, this has all happened before in a multiplicity of ways, means, and locales” (Stern & Hussain, 2015, p. 66). Caste provides a corrective to the lack of an audible or theoretical link . . . to understand gentrification, urban renewal, and charters as symptomatic of a longer colonial and inter- national history whereby brown and black populations have been the locus and alibi for capital accumulation and education an alibi to control knowledge and populations It also provides a robust bridge between race and blended race/class analyses of inequality and schooling. Many scholars who have studied the charter/choice governance model have pointed out how such free market reform policies continue legacies of population fragmentation and containment within urban cities along racial, class, and language lines (Buras, 2014; Lipman, 2011; Parker & Margonis, 1996; Wells, Slayton, & Scott, 2002). In her incisive study of the Chicago public school system, Lipman (2011) situates neoliberal economic policy and educational/urban reform within the historical projects of wealth accumulation and White supremacy. While Lipman gestures toward the “pivotal” 400- year legacy of White supremacy in the U.S. nation state, her analysis of the charter/choice debate is largely concerned with how to rehabilitate the project of public education from the damaging forms of enclosures brought on through neoliberal governance models (cf. Stern & Hussain, 2015 One contribution a caste analysis makes to the existing research literature on race/class and educational inequality is that it sheds a pessimistic light on the prospect of the public education system in the United States as a recuperable institution. Such a pessimistic assessment stems from the fact that a caste analytic is rooted in a genealogical understanding of U.S. schooling as a population management tool of the racial capitalist state. The founding of the public school in the United States, Du Bois (1935/1998, 1999) argued, was not born out of the application of Enlightenment ideals of democracy and equality but rather from a moment of crisis in the co- articulating projects of White supremacy and capital accumulation during the colonial-plantation period and aftermath of the Civil War. As such, liberal reform and Marxist strategies for dealing with economic and racial inequalities through schooling are untenable because even in these models, democracy and equity have not adequately been washed of their White supremacist and accumulatory origins.

◆.....◆
Your Words.

Glossary: Neo-liberalism: a modified form of liberalism tending to favor free-market capitalism.



ETHICS DEMAND- 1NC

THE ONLY ETHICAL DEMAND IS ONE THAT CALLS FOR THE END OF THE CIVIL SOCIETY THAT HAS CREATED ANTI-BLACKNESS

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! 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.

◆.....◆
Your Words.

Glossary: Ethical: relating to moral principles or the branch of knowledge dealing with these.



SLAVE HAS NO ACCESS TO THE STATE- 1NC

ANTI-BLACKNESS IS A STRUCTURAL ANTAGONISM THAT UNDERGIRDS POLITICAL LIFE. [THE AFF] CALLS FOR LARGER INSTITUTIONAL ACCESS WITHIN CIVIL SOCIETY WITHOUT QUESTIONING ITS VERY EXISTENCE. THERE IS NO ANALOGY FOR THE STRUCTURAL SUFFERING OF THE SLAVE, MEANING AUTHENTIC ENGAGEMENT WITH SOCIAL VIOLENCE MUST BEGIN WITH THE ANTI-HUMAN VOID KNOWN AS BLACKNESS

Dumas ‘16 ~Michael J. Dumas, Assistant Professor at the University of California, Berkeley in the Graduate School of Education and the Department of African American Studies, "Against the Dark: Antiblackness in Education Policy and Discourse," Theory Into Practice 55:11–19, 2016, published by The College of Education and Human Ecology, The Ohio State University, pg. 13-16~

Afro-pessimism theorizes that Black people exist in a structurally antagonistic relationship with humanity. That is, the very technologies and imaginations that allow a social recognition of the humanness of others systematically exclude this possibility for the Black. The Black cannot be human, is not simply an Other but is other than human. Thus, antiblackness does not signify a mere racial conflict that might be resolved through organized political struggle and appeals to the state and to the citizenry for redress. Instead, antiblackness marks an irreconcilability between the Black and any sense of social or cultural regard. The aim of theorizing antiblackness is not to offer solutions to racial inequality, but to come to a deeper understanding of the Black condition within a context of utter contempt for, and acceptance of violence against the Black. Afro-pessimist scholars contend that the Black is socially and culturally positioned as slave, dispossessed of human agency, desire, and freedom. This is not meant to suggest that Black people are currently enslaved (by whites or by law), but that slavery marks the ontological position of Black people. Slavery is how Black existence is imagined and enacted upon, and how non-Black people—and particularly whites—assert their own right to freedom, and right to the consumption, destruction, and/or simple dismissal of the Black. “Through chattel slavery,” Frank Wilderson (2010) argued, the world gave birth and coherence to both its joys of domesticity and to its struggles of political discontent; and with these joys and struggles the Human was born, but not before it murdered the Black, forging a symbiosis between the political ontology of Humanity and the social death of Blacks.

◆.....◆
Your Words.

Glossary Pessimism: a tendency to see the worst aspect of things or believe that the worst will happen; a lack of hope or confidence in the future.



USE EDUCATION TO BECOME THE FUGITIVE

EDUCATION HAS HISTORICALLY BEEN A SITE OF FUGITIVITY FOR BLACK FOLK AND THE MODERN STRUCTURE OF EDUCATION IS NO DIFFERENT, IT PLACES A CARICATURE OF MATURITY ON BLACK CHILDREN AND THRUSTS THEM INTO THE WORLD, LEFT TO THEIR OWN DEVICES WITH NOTHING TO PREPARE THEM FOR HOW TERRIBLE THIS WILL REALLY BE – ONLY AN ANALYTIC APPROACH TO BLACK STUDIES IN THE WAKE CAN HELP TO UNDO THIS CONDEMNATION

Sharpe ‘14 (Sharpe, Christina, Ph.D., Cornell University, MA, Cornell University, BA, University of Pennsylvania "Black Studies: in the wake." *The Black Scholar* 44.2 (2014): 59-69.
http://s3.amazonaws.com/academia.edu.documents/34790546/blackscholar.44.2.0059.pdf?AWSAccessKeyId=AKIAIWOWYYGZ2Y53UL3A&Expires=1498622735&Signature=v5ar4dd7ko%2BrBIHQlmYTIswjACk%3D&response-content-disposition=inline%3B%20filename%3DBlack_Studies_In_the_Wake.pdf)ls

To return briefly to Philadelphia and Temple University Hospital’s Cradle to Grave program, as the students hear about Lamont Adams’s horrible death, Mr. Charles says: “The wounds he finds most moving were those in the boy’s hands. ‘He holds up his hands and begs the boy to stop shooting, . . . He [the boy] had not prepared himself for how terrible this would be.’ As the details of Lamont’s story unfolded, one girl struggled to keep her composure. Another hid her face in her friend’s shoulder. Lamont died about 15 minutes after arriving at the hospital, . . . ” Following these graphic details, Dr. Goldberg concludes the lesson with a question. “‘Who,’ she asks, ‘do you think has the best chance of saving your life?’ Her answer? ‘You do’” (Hurdle n. p.). This is a narrative condemnation of urban youth; STET a wholesale abandonment of black children to their own devices; a making manifest under the guise of education that the lives of black children (not seen as children) are in their own hands (not in the hands of those who would protect them) as they face a series of catastrophes still wholly “unprepared for how terrible this would be.”³⁰ At the end of “Invisible Child,” when we read that Dasani imagines herself designing her own video game, and if she could, “she would call it ‘Live or Die’ and the protagonist would be an 11-year-old girl fighting for her own salvation” (Elliott n. p.), I am returned to the questions of who and what we imagine has the best chance of undoing our “narratively condemned status”? My answer is Black Studies: In the Wake.

Your Words.

Glossary Fugitive: a person who has escaped from a place or is in hiding, especially to avoid arrest or persecution.



ROLE OF THE JUDGE:

THE ROLE OF THE JUDGE IS TO THINK AND ACT FROM THE HOLD. THE HOLD STRUCTURES BOTH THE PRESENT AND EDUCATION SPACES LIKE DEBATE – UNDERSTANDING DEBATE IN RELATION TO THE HOLD (AS IN THE HOLD OF THE SLAVE-SHIP) IS NECESSARY

Sharpe 16 <Christina. Associate Professor of English at Tufts University. “In the Wake: On Blackness and Being” January 2016. Duke University Press. Pg. 103-105. CS>

Martial metaphors and the language of surveillance subtend the logics of the hold. The woman and the school-as-ship both are described as sanctuaries and sites of surveillance.⁴¹ Dasani’s homeroom has “inspirational words” like “Success does not come without sacrifice” (Elliott 2013). What brutal imagination positions a site of surveillance as a sanctuary and for whom? But who and what are to be sacrificed for such “success[es],” and on whose and what terms? Reading that Ms. Holmes suspends Dasani for a week for fighting, we are to understand that for Dasani, already homeless, “to be suspended is to be truly homeless” (Elliott 2013, emphasis mine). It is maritime and martial metaphors like ships, success, struggle, sacrifice, and surveillance that activate this narrative of Dasani Coates, invisible child. (I wrote “inviably” instead of “invisible” child, a mistake that is not a mistake because surely to be an invisible child is also to be an inviable child, and as phrases they both appear alongside that earlier sobriquet “former mother” attached to Aereile Jackson.) Dasani is another little girl with the word Ship on her forehead. As Wynter (2006, emphasis mine) has told us: “The function of the curriculum is to structure what we call ‘consciousness,’ and therefore certain behaviors and attitudes.” And these certain curricular attitudes structure our, all of our, consciousness. Education in the belly of the ship. Dasani’s narrative is one of her instruction in how to live in a world that demands her death, and it is used as curriculum. That is, not only does the “Invisible Child” series feature the education of Dasani but it is, itself, featured in the Times Education section, as this series becomes part of a larger curriculum as a narrative of individual resilience and overcoming—a “Teaching and Learning with the New York Times” that consists of the traumatizing and retraumatizing of Black children for the education of others. Traumatized children being forced to endure more trauma; children in pain being subjected to more pain.⁴² Both the school and the woman at its head are described as ships, ships in the storm. But we, in the wake, must acknowledge the ship as the storm.



IMPACTS - ANTI-BLACKNESS

SOCIAL DEATH HAS NO ETHICAL CONSIDERATIONS BEHIND IT – NONE OF THEIR IMPACTS MATTER TO THOSE WHO ARE ALREADY SOCIALLY DEAD - THE SLAVE'S SUBJECT POSITION IS ONE OF NON-ONTOLOGY – CIVIL SOCIETY CHECKS VIOLENCE AGAINST ANY NON-BLACK, BUT GUARANTEES IT AGAINST THE SLAVE

Wilderson- 2002

Frank Wilderson- The Prison Slave as Hegemony's (Silent) Scandal-Presented at #Imprisoned Intellectuals #Conference Brown University, April 13th 2002, NN

Civil society is not a terrain intended for the Black subject. It is coded as waged and wages are White. Civil society is the terrain where hegemony is produced, contested, mapped. And the invitation to participate in hegemony's gestures of influence, leadership, and consent is not extended to the unwaged. We live in the world, but exist outside of civil society. This structurally impossible position is a paradox, because the Black subject, the slave, is vital to political economy: she kick-starts capital at its genesis and rescues it from its over-accumulation crisis at its end. But Marxism has no account of this phenomenal birth and life-saving role played by the Black subject: from Marx and Gramsci we have consistent silence. In taking Foucault to task for assuming a universal subject in revolt against discipline, in the same spirit in which I have taken Gramsci to task for assuming a universal subject, the subject of civil society in revolt against capital, Joy James writes : The U.S. carceral network kills, however, and in its prisons, it kills more blacks than any other ethnic group. American prisons constitute an "outside" in U.S. political life. In fact, our society displays waves of concentric outside circles with increasing distances from bourgeois self-policing. The state routinely polices the 14 unassimilable in the hell of lockdown, deprivation tanks , control units , and holes for political prisoners (Resisting State Violence 1996: 34) But this peculiar preoccupation is not Gramsci's bailiwick. His concern is with White folks; or with folks in a White (ned) enough subject position that they are confronted by, or threatened by the removal of, a wage -- be it monetary or social. But Black subjectivity itself disarticulates the Gramscian dream as a ubiquitous emancipatory strategy, because Gramsci, like most White activists, and radical American movements like the prison abolition movement, has no theory of the unwaged, no solidarity with the slave If we are to take Fanon at his word when he writes, #Decolonization, which sets out to change the order of the world, is, obviously, a program of complete disorder # (37) then we must accept the fact that no other body functions in the Imaginary, the Symbolic, or the Real so completely as a repository of complete disorder as the Black body. Blackness is the site of absolute dereliction at the level of the Real, for in its magnetizing of bullets the Black body functions as the map of gratuitous violence through which civil society is possible: namely, those other bodies for which violence is, or can be, contingent. Blackness is the site of absolute dereliction at the level of the Symbolic, for Blackness in America generates no categories for the chromosome of History, no data for the categories of Immigration or Sovereignty; it is an experience without analog # a past, without a heritage. Blackness is the site of absolute dereliction at the level of the Imaginary for #whoever says #rape # says Black, # (Fanon) , whoever says #prison # says Black, and whoever says #AIDS # says Black (Sexton) # the #Negro is a phobogenic object # (Fanon).

Glossary: Ontological: relating to the branch of metaphysics dealing with the nature of being



ALTERNATIVE:

Negative Alternative Advocacy:

Because the Affirmative will not fix the Problem,

THE ALTERNATIVE IS TO EMBRACE THE POLITICAL ONTOLOGY OF PESSIMISM AND RAISE THE QUESTION TO A HIGHER LEVEL – ONLY THIS ALLOWS US TO THEORIZE ABOUT AGENCY AND BLACKNESS AND LEAD TO REAL CHANGE

Your Words.

1nc Educational Equality CP

Glossary: Advocacy: public support for or recommendation of a particular cause or policy.



LINKS-ACHIEVEMENT GAP

EDUCATIONAL REFORM MARKS BLACK CHILDREN AS PROBLEMS TO BE SOLVED – BY FRAMING POLICIES THROUGH THE DISCOURSE OF CLOSING THE ACHIEVEMENT GAP BETWEEN BLACK AND NON-BLACK STUDENTS THE LAW IS UNDERGIRDDED BY ANTI-BLACK FETISHIZING THAT RENDERS BLACK BODIES DEFICIENT

Connie 14 (Wun, Connie, Works at Mills College, at Transformative Research: An Institute for Research and Social Transformation, PhD from University of California, Berkeley "The anti-black order of No Child Left Behind: Using Lacanian psychoanalysis and critical race theory to examine NCLB." Educational Philosophy and Theory 46.5 (2014): 462-474.)

Drafted and implemented during President George W. Bush's administration, No Child Left Behind was the reauthorization of President Lyndon B. Johnson's Elementary and Secondary Education Act of 1965 (ESEA). Ostensibly crafted to address educational disparities, the policy mandated that federally funded schools be governed by an accountability system equipped with standards, measurements and yearly progress reports. NCLB's Statement of Purpose explains its intent, '[c]losing the achievement gap between high- and low-performing children, especially the achievement gaps between minority and nonminority students, and between disadvantaged children and their more advantaged peers'.⁸ Proponents of NCLB hailed the policy for bringing to national attention the issue of educational inequalities. The policy mandated disaggregating student data by income, race and language to monitor student, school and district performance. While there is some praise for this attention, I argue that NCLB has manifested itself as a part of a larger structural framework that fixates on Black bodies as problems.⁹ For example, the law requires that the performance of schools be determined by 'annual measurable objectives' (AMOs), which indicate the minimum percentage of students necessary to meet the proficiency level of reading and mathematical assessments. These measurement objectives also disaggregated data to assess the specific performance of limited English language learners, students with disabilities, major race and ethnic groups, and economically disadvantaged students. Schools are measured by the progress of these subgroups. Studies have shown that some of the subgroups identified by NCLB overlap such that Blacks often fit into a couple of the categories including race and ethnic majority and economically disadvantaged students (Kim & Sunderman, 2004). Thus, NCLB has popularized and institutionalized national attention on Black youth as problems to be solved. They operate as the premise for conversations on the failing educational system. The paradox is that while NCLB is supposed to be a beneficent policy, one designed to ensure accountability to historically marginalized youth, it is undergirded by an anti-Black fetishization—one that renders Black bodies as perennially deficient.



LINKS-ACHIEVEMENT GAP

EDUCATION REFORMS ARE NOT IN THE INTEREST OF CLOSING THE RACIAL ACHIEVEMENT GAP, BUT RATHER EXIST TO EXPLOIT BLACK PEOPLE – EDUCATION IS GROUND ZERO FOR THIS SYSTEMATIC EXPLOITATION TO LINE THE POCKETS OF RICH WHITE ENTREPRENEURS WHO WANT THE NEW EDUCATIONAL CONTRACTS BUT HAVE AN INCENTIVE TO KEEP BLACK FOLK DESTITUTE AND FUNGIBLE WHICH IS MADE POSSIBLE BY THE PERVASIVE FORCE OF ANTI-BLACKNESS

Buras 11, Kristen Buras is an associate professor in the Department of Educational Policy Studies at Georgia State University in Atlanta. She was a Wisconsin-Spencer Fellow and received her doctorate in curriculum and instruction from the University of Wisconsin-Madison. Summer 2011, “Race, Charter Schools, and Conscious Capitalism: On the Spatial Politics of Whiteness as Property (and the Unconscionable Assault on Black New Orleans)”

<http://search.proquest.com.go.libproxy.wakehealth.edu/docview/874155316?pq-origsite=summon> NN

In this article, I question the notion of socially conscious capitalism and argue that what is happening in New Orleans is, instead, unconscionable and has little to do with improving school performance for children of color. Educational reforms in New Orleans are not designed to respond to oppressed communities or to enhance public school performance, even if they are often couched in such language. Rather, this is a feeding frenzy, a revived Reconstruction-era blueprint for how to capitalize on public education and line the pockets of white entrepreneurs (and their black allies) who care less about working-class schoolchildren and their grandmothers and much more about obtaining public and private monies and an array of lucrative contracts. Schools are performing just as reformers tacitly, if not explicitly, intend because the educational reform model is not about improving urban education. These reforms are a form of accumulation by dispossession, which David Harvey (2006) defines as a process in which assets previously belonging to one group are put in circulation as capital for another group. In New Orleans, this has included the appropriation and commodification of black children, black schools, and black communities for white exploitation and profit. As I show, this process is intimately connected to the production of an urban space economy (Harvey, 1973) premised on capital accumulation and the politics of white supremacy. Here again, Harvey conceives of the city as a built environment that embodies the conditions and spatial ordering necessary for capital accumulation to proceed. Since every economic-spatial project is also a racial one - a point inadequately addressed by Harvey's largely Marxist framework - I also rely on Cheryl Harris's (1995) critical race theory of whiteness as property. For Harris, white identity has historically enabled its possessors to use and enjoy a host of benefits and assets and to exclude communities of color from such entitlements. In New Orleans, white entrepreneurs have seized control of a key asset in black communities - public schools - and through state assistance, charter school reform, and plans for reconstruction, have built a profitable and exclusionary educational system that threatens to reinforce rather than challenge the political economy of New Orleans. This economy has long been based on the economic exploitation of African Americans, particularly in the cultural tourism industry. Kalamu ya Salaam, a New Orleans poet and teacher, describes the interconnections between political economy, race, and schooling: Education is ground zero in the systemic exploitation of black people in New Orleans - ground zero because public schools are the direct feeder for the necessary, albeit unskilled, labor needed for the tourist-oriented economy



LINKS-ACHIEVEMENT GAP

EDUCATIONAL DISCOURSE IS PREMISED UPON THE THREAT OF BLACK PEOPLE ACTUALLY GETTING A GOOD EDUCATION, AS THEY ARE CONSTRUCTED AS PROBLEMS TO BE SOLVED AND THE FAILURES OF THE SYSTEM ARE DESCRIBED AS FAILURES OF THE STUDENTS – POLICY IS DISGUSTED WITH BLACKNESS WHICH IS REFLECTED IN THIS VIEW OF BLACK AS PROBLEM

Dumas 16 [Michael J. Dumas, Assistant Professor at the University of California, Berkeley in the Graduate School of Education and the Department of African American Studies, “Against the Dark: Antiblackness in Education Policy and Discourse,” *Theory Into Practice* 55:11–19, 2016, published by The College of Education and Human Ecology, The Ohio State University] NN

Although most educational researchers and practitioners would acknowledge all of these stories as lamentable examples of racism or (multi)cultural insensitivity (or in more critical scholarship, as the enactment of white supremacy), thus far there has been little theorizing in education on the specificity of anti-Black racism, or what I contend is the broader terrain of antiblackness. Intellectual inquiry on antiblackness, which is mostly situated in comparative literature, philosophy, performance studies, and cultural studies, insists that Black humanity is, as Frank Wilderson asserted, “a paradigmatic impossibility” because to be Black is to be “the very antithesis of a Human subject” (2010, p. 9). Antiblackness scholarship, so necessarily motivated by the question of Black suffering, interrogates the psychic and material assault on Black flesh, the constant surveillance and mutilation and murder of Black people (Alexander, 1994; Tillet, 2012). It also grapples with the position of the Black person as socially dead—that is denied humanity and thus ineligible for full citizenship and regard within the polity (Patterson, 1982). And in all the theorizing on antiblackness, there is a concern with what it means to have one’s very existence as Black constructed as problem—for white people, for the public (good), for the nation-state, and even as a problem for (the celebration of) racial difference (Gordon, 1997, 2000; Melamed, 2011). Inspired by this theoretical work on antiblackness, I argue here that any incisive analyses of racial(ized) discourse and policy processes in education must grapple with cultural disregard for and disgust with blackness. I aim to explain how a theorization of antiblackness allows one to more precisely identify and respond to racism in education discourse and in the formation and implementation of education policy. Briefly, I contend that deeply and inextricably embedded within racialized policy discourses is not merely a general and generalizable concern about disproportionality or inequality, but also, fundamentally and quite specifically, a concern with the bodies of Black people, the signification of (their) blackness, and the threat posed by the Black to the educational well-being of other students.



NO PERM TO THE ALT:

NO PERM: THE AFF'S REPRESENTATION OF EDUCATION POLICY IS WRONG – ONLY WAY TO PRESERVE POTENTIAL IS THE ALT. THE ALT SOLVES THIS AND CURRENT INSTANCES OF ANTI-BLACKNESS.

Dumas 16 [Michael J. Dumas, Assistant Professor at the University of California, Berkeley in the Graduate School of Education and the Department of African American Studies, “Against the Dark: Antiblackness in Education Policy and Discourse,” *Theory Into Practice* 55:11–19, 2016, published by The College of Education and Human Ecology, The Ohio State University] NN

What does it mean to suggest that education policy is a site of antiblackness? Fundamentally, it is an acknowledgment of the long history of Black struggle for educational opportunity, which is to say a struggle against what has always been (and continues to be) a struggle against specific anti-Black ideologies, discourses, representations, (mal)distribution of material resources, and physical and psychic assaults on Black bodies in schools. During the years of state sanctioned slavery, white slave-owners would often beat their Black property for attempting to learn to read; for Black people in bondage, learning to read was understood not only as a pathway to economic mobility, but, perhaps more importantly, as assertion of their own humanity, a resistance to being propertied (Anderson, 1988; Dumas, 2010). A century later, Black children faced down snarling, spitting mobs of white parents and elected officials who were incensed that their own white children would have to sit next to Black children, and fearful that their white education would be sullied by the presence of the Black. And this, then, is the essence of antiblackness in education policy: the Black is constructed as always already problem—as nonhuman; inherently uneducable, or at very least, unworthy of education; and, even in a multiracial society, always a threat to what Sexton (2008, p. 13) described as “everything else.” School desegregation is perhaps the most prominent education policy of the past century in which Black people have been positioned as problem. Racial desegregation of schools in the United States has been made necessary due to generations of state-supported residential segregation, a form of “American apartheid” (Massey & Denton, 1993) in which government housing policies allowed whites to accumulate land (and, therefore, wealth) at the expense of Black people (Dumas, 2015; Roithmayr, 2014). Residential segregation was rationalized as a necessary means to avoid race mixing—the presence of Black people particularly, but other people of color as well, was seen as a detriment to the quality of life and economic stability to which white people were entitled as a result of their skin color.

Glossary: Democracy: a system of government by the whole population or all the eligible members of a state, typically through elected representatives.



FRAMEWORK:

THEIR FRAMING OF DESEGREGATION IS A FORM OF RACIAL LIBERALISM THAT OFFERS FEEL-GOOD POLITICS, WHICH ALLOWS WHITE SUPREMACY TO PERPETUATE WITHOUT IDENTIFYING THE IMPACTS OF ANTI-BLACKNESS

Dumas, 13 (Michael J., Assistant Professor at the University of California, Berkeley in the Graduate School of Education and the African American Studies Department, “‘Waiting for Superman’ to save black people: racial representation and the official antiracism of neoliberal school reform,” *Discourse: Studies in the Cultural Politics of Education*, 34:4, 2013)//glen

One of the most prominent means of disseminating stories of black experience were protest novels, such as Richard Wright’s (1940) *Native Son*, in which black protagonists both experienced racism, but also sought to be saved from it. Unfortunately, in the view of critics, including James Baldwin (cited in Melamed, 2009), protest novels presented racism as merely a moral flaw, and black people as tragic figures whose salvation required their integration into the very system that terrorized them in the first place. As Baldwin recounts in his essay, ‘Everybody’s Protest Novel’, a white liberal once remarked to him, ‘As long as such books are being published ... everything will be alright’ (quoted in Melamed, 2009, p. xiii). In this view – and central to Baldwin’s critique – the very existence of the protest novel was seen to guarantee ‘everybody’s’ redemption, rescuing whites from white supremacy, and black people from the burden of their own blackness. As a result, Melamed explains: Rather than a challenge to normal orders, protest novel discourse came across as thoroughly normative, in the sense that it generated precisely the knowledges about race that contemporary epistemological and political forms of postwar American modernity required. (p. xiii) Thus, these kinds of Black representations destroyed a full sense of black humanity (since white racial salvation necessitated that black people also give up racial claims), and more materially, justified continued racial violence globally in the name of advancing a capitalist and colonialist US state that was now presumably antiracist. The protest novel appeared during the period of racial liberalism, which Melamed identifies as the first era of official antiracism, spanning from the mid-1930s through the 1950s. During the early part of this period, the focus was primarily on correcting the attitudes of white Southerners. The latter part of this period centered more on addressing white prejudices more generally, and opening up opportunities for black people to pursue their own social and economic mobility as American citizens. The primary – and ultimately destructive – limitation of racial liberalism is that it never required white citizens to take responsibility for their own complicity in, and benefit from, structural forms of racial inequality. Instead, racial liberalism invited black people to pursue mobility as individuals, as Americans, without acknowledging the intransigence of antiblack racism both in the market, and in state policies intended to ‘free’ that market for exploitation by individual capitalist-citizens.

◆.....◆
Your Words.

Glossary Liberalism: The holding of liberal views. The opposite of conservatives.



COUNTER-PLAN

THE UNITED STATES FEDERAL GOVERNMENT SHOULD FULLY COMMIT TO A STRATEGY OF ENSURING EDUCATIONAL EQUALITY, INCLUDING:

- **MANDATING THAT STATES PROVIDE EQUITABLE EDUCATION FUNDING;**
- **EMBRACING AND IMPROVING RACIALLY ISOLATED SCHOOLS;**
- **PROVIDING ALL NECESSARY SUPPORT AND FUNDING FOR CULTURALLY AFFIRMING SCHOOLS.**



COUNTER-PLAN SOLVES EQUALITY GAP

THE COUNTER PLAN IS COMPARATIVELY BETTER THAN A FOCUS ON INTEGRATION --- ENSURES EDUCATIONAL EQUALITY FOR MINORITY STUDENTS

Nelson, 09 --- Assistant Professor of Law, University of South Carolina School of Law, J.D. from Harvard (January 2009, Eboni S., University of Miami Law Review, "Examining the Costs of Diversity," 63 U. Miami L. Rev. 577, Lexis-Nexis Academic, JMP)

In the wake of the Supreme Court's decision in Parents Involved, school officials, scholars, and civil-rights advocates immediately began discussing constitutional ways by which to create and maintain racially integrated schools. They immediately clapped onto Justice Kennedy's presumably constitutional laundry list of integrative measures as their guide to pursue racial diversity. Interestingly, although, again, not surprisingly, conspicuously absent from many of these reported discussions were suggestions and strategies that could actually improve the educational resources and opportunities afforded to minority students. Instead, as evidenced below, recommendations mostly centered on the same type of ineffective integrative measures, such as busing and magnet programs, that succeeded in achieving racial representation but failed to ensure true educational equality. When asked the practical impact of having the race policy [in Parents Involved] struck down, Raj Manhas, the [Seattle] district superintendent, said, "In reality, none." Mr. Manhas said the district already was taking steps to encourage racial diversity through other means, including placing highly sought after International Baccalaureate and dual-language programs in locations where they are likely to draw a diverse student body. This response demonstrates the costly and detrimental perpetuation of the diversity-equality disconnect post-Parents Involved whereby school districts continue to implement measures to ensure racial representation, despite the likelihood that such measures will not lead to equal educational opportunities for the greatest number of minority students. We, the stewards of our children's future, cannot afford to allow this disconnect to persist. We must set aside our integrative ideals and approach the arduous task of providing equal educational opportunities to minority students with a renewed realism - a realism that not only recognizes the shortcomings of the diversity rationale but also responds to this recognition by shifting efforts away from the pursuit of diversity and towards the attainment of educational equality, especially for those minority students who find themselves being educated in racially concentrated schools. Obviously, there are tremendous challenges associated with embracing and improving racially isolated schools, n290 but until we commit to making that our goal, we will never truly take meaningful steps to achieve it.



STATES COURTS SOLVE BETTER

STATE COURTS SOLVE BETTER --- THEIR PROTECTIONS EXTEND BEYOND THE SUPREME COURT

Hilbert, 17 --- Associate Professor of Law at Mitchell Hamline School of Law, one of the plaintiffs' attorneys for the Minneapolis NAACP in the 1995 desegregation case (Winter 2017, Jim, Journal of Law & Education, "Restoring the Promise of Brown: Using State Constitutional Law to Challenge School Segregation," 46 J.L. & Educ. 1, Lexis-Nexis Academic, JMP)

Reliance on the federal constitution for school finance, however, did not last long. Two years after Serrano, the Supreme Court definitively addressed school finance litigation in federal courts. In San Antonio Independent School District v. Rodriguez, the Court reviewed the Texas education financing system under the federal Equal Protection Clause. n155 In a 5 to 4 decision, the Court concluded that education is not a fundamental right because the U.S. Constitution does not mention a right to education. n156 The Court concluded that the Texas school-financing scheme was rationally related to the legitimate state interest of local school control. n157 Rodriquez essentially foreclosed the federal courts from addressing the wide funding disparities between wealthy and low-income districts. State constitutions, on the other hand, provided a new window for advocates. Shortly after Rodriquez, Justice William Brennan suggested that "because a conservative U.S. Supreme Court had given a cramped reading to equal protection guarantees, state courts should take up the slack." n159 In Justice Brennan's words, "state constitutions, too, are a font of individual liberties, their protections often extending beyond those required by the Supreme Court's interpretation of federal law." n160 [*30] Justice Brennan specifically mentioned the Court's then-recent desegregation decision in Milliken, n161 which was decided the year after Rodriquez, as evidence that state courts may be a more promising venue for advocates of education reform. n162 School finance plaintiffs were already there. The Second Wave: A Focus on Equity, but this Time in State Courts. After the failure in Rodriquez and the first wave of school finance litigation, which was in federal court, n163 school finance advocates shifted to state constitutional provisions, something explicitly suggested by Justice Marshall in his dissent in Rodriquez. n164 Unlike the federal constitution, every state constitution contains specific language imposing a duty on states to provide at least some level of public education to schoolchildren. The court based its ruling on the Kentucky Constitution's requirement that the state provide an "efficient system of common schools" n183 and directed the state legislature to re-create and re-establish a system of common schools.' n184 As sweeping as its order striking down the entire system of education was, the court went even further. It also provided the legislature with specific criteria on what would constitute an "efficient" system of common schools, including what competencies students should receive and what characteristics a constitutional school system should exhibit. The court's now legendary ruling in Rose had an immediate impact both in Kentucky and in other states. n186 The remedy in Rose essentially transformed the education system in Kentucky overnight n187 and brought national attention to the remarkable commitment to fixing the problem that the court decision promoted.

◆.....◆
Your Words.

Glossary Efficient: Having a speedy and accurate outcome.



STATES COURTS SOLVE BETTER

STATE CONSTITUTIONAL LAW CAN BE USED TO CHALLENGE SEGREGATION

Hilbert, 17 --- Associate Professor of Law at Mitchell Hamline School of Law, one of the plaintiffs' attorneys for the Minneapolis NAACP in the 1995 desegregation case (Winter 2017, Jim, Journal of Law & Education, "Restoring the Promise of Brown: Using State Constitutional Law to Challenge School Segregation," 46 J.L. & Educ. 1, Lexis-Nexis Academic, JMP)

Part I of this article discusses the Brown decision and the federal jurisprudence of desegregation that has followed in the Supreme Court. While hailed as one of the Supreme Court's greatest accomplishments, the iconic Brown decision has been largely dismantled. Federal courts have not only allowed segregation to return; they have also gone so far as to place limits on school districts that are willing to address segregation on their own. It is no wonder that plaintiffs hoping to address segregation in their schools, like the ones in Cruz-Guzman, find themselves looking for options other than the federal courts. Part II discusses the promise of Brown and why addressing segregation in the courts remains a priority. Segregation has been so pervasive and enduring that by now there are decades of research on both the harms of segregation and the benefits of desegregation. The research is fairly clear: segregation impacts not only the educational outcomes of students, but it has long-lasting negative effects on social aspects as well. Desegregation has clear academic and social benefits, which remain as important today as they were in the days of the Brown decision. Discusses the divergent jurisprudence in state court, which has largely ignored segregation and focused instead on funding and educational adequacy to improve educational opportunities. Relying on state constitutions, which unlike the federal constitution recognize educational rights, plaintiffs in state courts have made important progress in reforming educational systems, particularly with respect to funding. A few state court cases have even addressed segregation, with mixed results. Part IV discusses how state constitutional claims can bring new life to the promise of Brown and address segregation in the schools. n14 Cruz-Guzman is in some respects a combination of the best of federal courts and state courts. While it is certainly too early to tell, the Cruz-Guzman litigation represents the next logical step in addressing inequality in our schools, combining the many advantages of state court litigation with the original promise of Brown.



COUNTER-PLAN SOLVES BEST:

COUNTERPLAN UNIQUELY PRESERVES BLACK SCHOOLS AND EDUCATORS AND IMPROVES MINORITY NEIGHBORHOODS --- THEY ARE EMPIRICALLY UNDERMINED BY DESEGREGATION

Nelson, 09 --- Assistant Professor of Law, University of South Carolina School of Law, J.D. from Harvard (January 2009, Eboni S., University of Miami Law Review, "Examining the Costs of Diversity," 63 U. Miami L. Rev. 577, Lexis-Nexis Academic, JMP)

Perhaps two of the most tragic and unintended consequences of desegregation were the closing of black-neighborhood schools and the expunging of African American educators from school systems throughout the South. Not only did black students lose positive and influential role models, but black communities also lost institutions that had historically played an essential role in sustaining their neighborhoods. As argued by former Topeka, Kansas school superintendent Robert McFrazier, "The closing of black neighborhood schools - with their traditions, yearbooks, mottoes, fight songs and halls of fame - ripped the centerpiece out of those communities." Unfortunately, these centerpieces have yet to be restored, which is why the embracement and improvement of racially identifiable schools are necessary endeavors. Effective racially identifiable schools also succeed in teaching students cultural values and skills that are necessary for them to overcome subcultures within their communities that can potentially impede their academic achievement. As recognized by Professor Bell in the context of independent black schools, These schools are designed to respond to the social ills disproportionately visited upon blacks - discrimination, joblessness, poverty, and crime, to name a few - by fostering a sense of cultural pride, providing students with positive black role models, and teaching the particular skills black children need to survive using pedagogical models that will attract and hold their interest. n280 By recruiting and employing highly qualified teachers to teach minority students "noncognitive skills" such as cooperativeness and self-discipline, effective minority schools can develop a school culture that combats the culture of poverty and the streets. Such efforts can help to improve minority students' educational outcomes. By embracing and reinvesting in minority neighborhood schools, we would also be embracing and improving minority communities. The reestablishment of good schools as minority communities' centerpieces would evidence our society's commitment to communities of color - a commitment that has been missing for far too long. Such commitment is necessary to awaken minority children's hearts and minds to the promise of achievement. In addition, those minority students who do attend racially diverse schools often find themselves segregated from their white colleagues whether by choice or by institutional practices. Consequently, the unfortunate reality is that, for most minority students, there simply are no diversity benefits to forgo by shifting the focus away from the diversification of racially identifiable schools and towards their improvement. Embracing and improving such schools can produce academic benefits, as well as social and democratic benefits, as they prepare minority students to be productive members of our society and also the future leaders of their communities.



BACKLASH: WHITE FLIGHT

DESEGREGATION CREATES A SELF-FULFILLING PROPHECY --- THE MEDIA AND PUBLIC LOWERS THE REPUTATION OF DESEGREGATED SCHOOLS AND PORTRAYS THEM AS INCREDIBLY DANGEROUS WHICH SPURS WHITE FLIGHT --- TURNING THE CASE

Wells, et. al, 04 - Professor of Sociology and Education, Columbia Teacher's College
(October 2004, Amy Stuart Wells, Anita Tijerina Revilla – Assistant Professor of Women's Studies at UNLV, Jennifer Jellison Holme – Post-doctoral Fellow, Graduate School of Education and Information Studies at UCLA, and Awo Korantemaa Atanda – Senior Survey Specialist, Mathematica Policy Research, Inc., Virginia Law Review, “50 YEARS OF BROWN V. BOARD OF EDUCATION: ESSAY: THE SPACE BETWEEN SCHOOL DESEGREGATION COURT ORDERS AND OUTCOMES: THE STRUGGLE TO CHALLENGE WHITE PRIVILEGE,” 90 Va. L. Rev. 1721, Lexis-Nexis Academic, SR)

Finally, one more finding related to the way in which the promise of Brown remained unfulfilled in the context of a highly unequal and stratified society is that the reputations of the six high schools we studied tended to rise and fall with the demographic changes of their student bodies. Echoing the rationales for closing black schools in the 1960s and early 1970s, we found that the public's perception of racially mixed schools tended to deteriorate as the racial makeup of those schools became predominately nonwhite and the enrollment of upper-middle-class students declined. As the African-American and Latino populations began to increase in the two schools, people in the local communities began to question their quality. Former educators and graduates of these schools talked about these changing public perceptions and said that their schools had been unfairly maligned by both the public and the media. Both educators and graduates firmly believed that the declining reputation of their schools had little to do with the quality of programs offered, since those had not changed, especially for students in the upper-level classes. Self-Fulfilling Prophecies Amid the Absence of White Privilege Today, more than twenty years after the period we studied, our interview data suggest that perhaps both Dwight Morrow and John Muir have become more like the schools that newspapers were reporting them to be in the 1970s: troubled by gangs and concentrated poverty. Total enrollment in both schools is down, there are virtually no white students left, and the range of course offerings has dwindled, leading to a more watered down curriculum. Average test scores are also down, leaving both high schools ranked very low on their state assessments. The greatest irony we learn from studies such as ours is that from the perspective of African-American and Latino parents, students, and educators, it is hard to live with white privilege and hard to live without it. In other words, because white privilege pervades so many aspects of our society, schools with large numbers of white and affluent students are likely to be the most prestigious. When these schools also have significant numbers of black and Latino students in them, they are likely to be fairly segregated by classrooms, with white students comprising the majority of the students in the upper-level classes. At the same time, once the white students leave and upper-level classes become more integrated, the reputation and eventually the quality of the schools decline because the resources and status decrease.



DIS-ADVANTAGE

CENTRALIZED FEDERAL EDUCATION POLICIES FAIL --- PLAN AND PERMUTATION UNDERMINE STATE BASED INNOVATION AND FEDERALISM

Roberts, 5/27/17 --- Ph.D., is a longtime educator and executive vice president of the Texas Public Policy Foundation (Kevin, “DeVos articulates a slimmer, more effective role for the feds in education,” <http://thehill.com/blogs/pundits-blog/education/335153-devos-articulates-a-slimmer-more-effective-role-for-the-feds-in>, accessed on 5/27/17, JMP)

There are, however, risks. The “education-industrial complex” is well-funded, well-organized, and hyperbolic. Secretary DeVos must be prepared for all manner of criticisms that the world will end because of expanded parental choice. But she should be buoyed by the preponderance of evidence showing that choice works. And most importantly, she should be buoyed by knowing it is the morally right thing to do for all children, especially those languishing in what she rightly calls “an antiquated system.” But an equally important risk is within the choice movement itself. If the administration overreaches, implementing a top-down policy—such as a federal ESA or a tax-credit scholarship with the typical strings attached—it will not only have overstepped its authority, perpetuating the big government approach that created this problem in the first place. It will have also undermined the excellent, state-level work that has been going on for decades, and that marches on steadily, one state, one student at a time. That work has already borne fruit, so the administration must be careful to tend—and not over-fertilize—the orchard of innovation. In sum, education reformers

There are, however, risks. The “education-industrial complex” is well-funded, well-organized, and hyperbolic. Secretary DeVos must be prepared for all manner of criticisms that the world will end because of expanded parental choice. But she should be buoyed by the preponderance of evidence showing that choice works. And most importantly, she should be buoyed by knowing it is the morally right thing to do for all children, especially those languishing in what she rightly calls “an antiquated system.” But an equally important risk is within the choice movement itself. If the administration overreaches, implementing a top-down policy—such as a federal ESA or a tax-credit scholarship with the typical strings attached—it will not only have overstepped its authority, perpetuating the big government approach that created this problem in the first place. It will have also undermined the excellent, state-level work that has been going on for decades, and that marches on steadily, one state, one student at a time. That work has already borne fruit, so the administration must be careful to tend—and not over-fertilize—the orchard of innovation.



CASE DEBATE:

The Affirmatives Strategy of Demands upon the USFG still allows for the Racial Hierarchy to exist

Mandell '8 [2008, Bekah Mandell is the Director of the Champlain Valley Office of Economic Opportunity Fair Housing Project Vassar College, J.D., Boston College Law School, Father Rober Drinan Family Fund Public Interest; Racial Reification and Global Warming: A Truly Inconvenient Truth; BOSTON COLLEGE THIRD WORLD LAW JOURNAL, Spring, 28 B.C. Third World L.J. 289]

Fear of eroding the hierarchies that define race explains why politicians and other elites have consistently championed ineffectual "market-based approaches" to global warming. By focusing public and private energy on relatively insignificant individual behavior changes, the Bush administration and other privileged elites are able to maintain the racial hierarchy that consolidates their economic and social power. n37 Politicians know that "[w]ithout white-over-black the state withers away." n38 Therefore, they have a profound incentive to maintain the racial hierarchy. Unsurprisingly, "because th[ese elites] accrue social and economic benefits by maintaining the status quo, they inevitably do." This white consensus to maintain the spatial and mobility hierarchies that reify race is possible because, "[w]hite privilege thrives in highly racialized societies that espouse racial equality, but in which whites will not tolerate being either inconvenienced in order to achieve racial equality . . . or being denied the full benefits of their whiteness" n40 With so much white privilege to lose, it becomes clear why even most passionate environmental advocates are far more willing to call for, and make all non-structural changes in their behavior to ameliorate global warming, but are unwilling to embrace significant or meaningful actions to address the crisis. n41 Even as global warming is starting to become the subject of increasing media coverage and as more environmental groups call for action to halt the crisis, most activism is limited to changes that maintain the existing spatial, social, economic and legal framework that defines American society. Despite knowing for decades that we have been living unsustainable lifestyles, and "hav[ing] had some intuition that it was a binge and the earth couldn't support it, . . . aside from the easy things (biodegradable detergent, slightly smaller cars) we didn't do much. This focus on maintaining one's privileged lifestyle while making minimal changes reflects the power of the underlying structural impediments blocking a comprehensive response to global climate change in the United States. n48 It is not just political inaction that prevents a meaningful response. n49 Real climate action would ultimately require relinquishing the spatial, social, and economic markers that have created and protected whiteness and the privilege it confers. Elite reformists make meaningful change even more remote as they push for behaviors to tweak, but not to change the existing social, economic, and legal hierarchy in the face of "problems, [like global warming] that arise to threaten the predominance of the traditionalist, capitalist ruling class."

◆.....◆
Your Words.

Glossary: Hierarchy: a system or organization in which people or groups are ranked one above the other according to status or authority.



CASE DEBATE:

Blacks will still be seen as non-human without a specific focus on the Negative

Wynter, '07 [2007, Sylvia Wynter is the Professor Emeritus in Spanish and Romance Languages at Stanford University, "The Human being as noun? Or being human as praxis? Towards the Autopoietic turn/overturn: A Manifesto," otl2.wikispaces.com/file/view/The+Autopoietic+Turn.pdf]

For if, as Time magazine reported in January 2007 (Epigraph 2), i.e., But who, we? That is, their attribution of the non-natural factors driving global warming and climate change to, generic human activities, and/or to "anthropocentric forcing's"; with what is, in effect, this mis-attribution then determining the nature of their policy recommendations to deal with the already ongoing reality of global warming and climate change, to be ones couched largely in economic terms. nevertheless, because in order to be natural scientists, they are therefore necessarily, at the same time, middle class Western or westernized subjects, initiated 15 as such, by means of our present overall education system and its mode of knowledge production to be the optimal symbolically encoded embodiment of the West's Man, it its second reinvented bio-humanist homo economics, and therefore bourgeois self-conception, over-represented as if it were isomorphic with the being of being human, they also fall into the trap identified by Derrida in the case of his fellow French philosophers. The trap, that is, of conflating their own existentially experienced (Western-bourgeois or ethno-class) referent "we," with the "we" of "the horizon of humanity." This then leading them to attribute the reality of behavioral activities that are genre-specific to the West's Man in its second reinvented concept/self-conception as homo economics, ones that are therefore as such, as a historically originated ensemble of behavioral activities as being ostensibly human activities-in-general. Therefore, with the acceleration of global warming and climate change gaining even more momentum as all began to industrialize on the model of homo economics, with the result that by the time of the Panel's issued April 2007 Report the process was now being driven by a now planetary homogenized/standardized transnational "system of material provisioning or mode of techno-industrial economic production based on the accumulation of capital; as the means of production of ever-increasing economic growth, defined as "development"; with this calling for a single model of normative behavioral activities, all driven by the now globally (post-colonially and post-the-1989-collapse-of-the-Soviet Union), homogenized desire of "all men (and women) to," realize themselves/ourselves, in the terms of homo economics. In the terms, therefore, of "its single (Western-bourgeois or ethno-class) understanding" of "man's humanity," over-represented as that of the human; with the well-being and common good of its referent "we"—that, not only of the transnational middle classes but even more optimally, of the corporate multinational business industries and their financial networks, both indispensable to the securing of the Western-bourgeois conception of the common good, within the overall terms of the behavior-regulatory redemptive material telos of ever-increasing economic growth, put forward as the Girardot-type "cure" for the projected Malthusian-Ricardo transmuted postulate of a "significant ill" as that, now, ostensibly, of mankind's threatened subordination to [the trope] of Natural Scarcity, this in the reoccupied place of Christianity of its postulate of that "ill" as that of enslavement to Original Sin."



CASE TURN:

EDUCATIONAL REFORM MARKS BLACK CHILDREN AS PROBLEMS TO BE SOLVED – BY FRAMING POLICIES THROUGH THE DISCOURSE OF CLOSING THE ACHIEVEMENT GAP BETWEEN BLACK AND NON-BLACK STUDENTS THE LAW IS UNDERGIRDED BY ANTI-BLACK FETISHIZATION THAT RENDERS BLACK BODIES DEFICIENT

Connie 14 (Wun, Connie, Works at Mills College, at Transformative Research: An Institute for Research and Social Transformation, PhD from University of California, Berkeley "The anti-black order of No Child Left Behind: Using Lacanian psychoanalysis and critical race theory to examine NCLB." Educational Philosophy and Theory 46.5 (2014): 462-474.)

Drafted and implemented during President George W. Bush's administration, No Child Left Behind was the reauthorization of President Lyndon B. Johnson's Elementary and Secondary Education Act of 1965 (ESEA). Ostensibly crafted to address educational disparities, the policy mandated that federally funded schools be governed by an accountability system equipped with standards, measurements and yearly progress reports. NCLB's Statement of Purpose explains its intent, '[c]losing the achievement gap between high- and low-performing children, especially the achievement gaps between minority and nonminority students, and between disadvantaged children and their more advantaged peers'.⁸ Proponents of NCLB hailed the policy for bringing to national attention the issue of educational inequalities. The policy mandated disaggregating student data by income, race and language to monitor student, school and district performance. While there is some praise for this attention, I argue that NCLB has manifested itself as a part of a larger structural framework that fixates on Black bodies as problems.⁹ For example, the law requires that the performance of schools be determined by 'annual measurable objectives' (AMOs), which indicate the minimum percentage of students necessary to meet the proficiency level of reading and mathematical assessments. These measurement objectives also disaggregated data to assess the specific performance of limited English language learners, students with disabilities, major race and ethnic groups, and economically disadvantaged students. Schools are measured by the progress of these subgroups. Studies have shown that some of the subgroups identified by NCLB overlap such that Blacks often fit into a couple of the categories including race and ethnic majority and economically disadvantaged students (Kim & Sunderman, 2004). Thus, NCLB has popularized and institutionalized national attention on Black youth as problems to be solved. They operate as the premise for conversations on the failing educational system. The paradox is that while NCLB is supposed to be a beneficent policy, one designed to ensure accountability to historically marginalized youth, it is undergirded by an anti-Black fetishization—one that renders Black bodies as perennially deficient.

◆.....◆
Your Words.

Glossary: Reform: make changes in (something, typically a social, political, or economic institution or practice) in order to improve it.



CASE TURN:

THEIR AFF REDUCES AN EPISTEMOLOGICAL AND ONTOLOGICAL CONDITION OF ANTI-BLACKNESS TO A MATERIAL QUESTION OF CAPITAL ACCUMULATION – THIS LEAVES THE COORDINATES OF ANTI-BLACK OPPRESSION INTACT

Woods 7 (Tryon Woods- Assistant Prof of Sociology, Anthropology, and Crime & Justice Studies at the University of Massachusetts, Dartmouth , The Fact of Anti-Blackness: Decolonization in Chiapas and the Niger River Delta, Human Architecture: Journal of the Sociology of Self-Knowledge, Volume 5, Article 29, Issue 3 Reflections on Fanon, 327-328)

Civil society cannot be ethically restored, however, simply by shifting its paradigm of resource accumulation and distribution; to produce, as Fanon would have it, a world of mutual human recognition, also requires adjusting the society's epistemological and ontological foundations. The living death of genocide for the indigenous figure, as with enslavement for the Black, can only be grasped by way of a narrative about something that it is not—sovereignty. This availability is the primary and enduring distinction between the Niger Delta and Chiapas. Although Zapatismo represents profoundly troubling possibilities for the nation-state and international capital, it is not an ethical restoration of humanity because it rests upon this silent disavowal of the suffering of the slave and of the genocide indigenous. While Zapatismo may not be an active form of anti-blackness, it nevertheless activates its ontological structure by articulating with the nation through the nameable loss of sovereignty. The gritty reality of this situation is that as the Zapatistas access the universal language of liberal political community, the logos of modern humanity, the Niger Delta recedes further into non-existence. In contrast to the Zapatistas, the discourse coming out of the Delta has not prominently featured calls for greater rights and inclusion within the Nigerian political body. Instead, it has explicitly linked the struggle against a neo-colonialist state and multinational corporations to a longer history and broader picture of imperial conquest. Military repression is intense, regular, and extensive—the historical timeline is dotted with numerous massacres of Delta communities and constant clashes between the state, the security forces of the oil companies, and various private militia groups. The spectacle always obscures the mundane, however, and it is the banality of violence that marks the post-colony in Africa. The form of power that governs this space is carnivorous: killing a human being proceeds from the same logic as killing an animal. Like that of the animal whose throat is cut, the death inflicted on a human being is perceived as embracing nothing. It is the death of a purely negative essence without substance, the emptying of a hollow, unsubstantial object that, falling back into loss, “finds itself only as a lost soul.” In other words, the hollow object dies of its own accord. (Mbembe 2001: 200) The neo-liberal carnivore delegates the killing to the colonized themselves, the negated subject who already experiences death at the very heart of his existence (Mbembe 2001: 201). Under structural adjustment, debt is the ideological mechanism through which the delegated killing in the Delta is understood: the black becomes the “locus of blame” for the inarticulable violence of colonialism and “the site of aberrance” for the repressed violence of the post-colony (Hartman 1997: 133). It is an inversion through which genocide appears as suicide.⁷

Glossary: noun: **civil society**; plural noun: **civil societies**
society considered as a community of citizens linked by common interests and collective activity.



CASE TURN:

SINGLE FOCUSED DISCRIMINATION LAWS DISPLACE BLAME ONTO INDIVIDUALS AND PAPERS OVER THE WAY POWER RELATIONSHIPS SHAPE THE ENTIRE INSTITUTION

Stanley and Smith, 11 (Eric Stanley, Nat Smith, a radical queer activist, outlaw academic, experimental filmmaker, “Captive Genders,” <https://theloon2013.wikispaces.com/file/view/Stanley-Eric-Captive-Genders-Trans-Embodiment-and-Prison-Industrial-Complex.pdf>, GG)

Discrimination laws and hate crimes laws encourage us to understand oppression as something that happens when individuals use bias to deny someone a job because of race or sex or some other characteristic, or beat up or kill someone because of such a characteristic. This way of thinking, sometimes called the “perpetrator perspective,”¹⁴ makes people think about racism, sexism, homophobia, transphobia, and ableism in terms of individual behaviors and bad intentions rather than wide-scale structural oppression that often operates without some obvious individual actor aimed at denying an individual person an opportunity. The violence of imprisoning millions of poor people and people of color, for example, can’t be adequately explained by finding one nasty racist individual, but instead requires looking at a whole web of institutions, policies, and practices that make it “normal” and “necessary” to warehouse, displace, discard, and annihilate poor people and people of color. Thinking about violence and oppression as the work of “a few bad apples” undermines our ability to analyze our conditions systemically and intergenerationally, and to therefore organize for systemic change. Captive Genders 24 This narrow way of thinking about oppression is repeated in law, policy, the media, and nonprofits. EXAMPLE: Megan’s Laws are statutes that require people convicted of sexual offenses to register and that require this information be available to the public. These laws have been passed in jurisdictions around the country in the last two decades, prompted by and generating public outrage about child sexual abuse (CSA). Studies estimate that 1 in 3 people raised as girls and 1 in 6 people raised as boys were sexually abused as children, as a result of intergenerational trauma, community- and state-sanctioned abusive norms, and alienation. Rather than resourcing comprehensive programs to support the healing of survivors and transformation of people who have been sexually abusive, or interrupt the family and community norms that contribute to the widespread abuse of children, Megan’s Laws have ensured that people convicted of a range of sexual offenses face violence, the inability to find work or a place to live, and severely reduced chances of recovery and healing.



CASE TURN:

DESEGREGATION CREATES A SELF-FULFILLING PROPHECY --- THE MEDIA AND PUBLIC LOWERS THE REPUTATION OF DESEGREGATED SCHOOLS AND PORTRAYS THEM AS INCREDIBLY DANGEROUS WHICH SPURS WHITE FLIGHT --- TURNING THE CASE

Wells, et. al, 04 - Professor of Sociology and Education, Columbia Teacher's College (October 2004, Amy Stuart Wells, Anita Tijerina Revilla – Assistant Professor of Women's Studies at UNLV, Jennifer Jellison Holme – Post-doctoral Fellow, Graduate School of Education and Information Studies at UCLA, and Awo Korantemaa Atanda – Senior Survey Specialist, Mathematica Policy Research, Inc., Virginia Law Review, “50 YEARS OF BROWN V. BOARD OF EDUCATION: ESSAY: THE SPACE BETWEEN SCHOOL DESEGREGATION COURT ORDERS AND OUTCOMES: THE STRUGGLE TO CHALLENGE WHITE PRIVILEGE,” 90 Va. L. Rev. 1721, Lexis-Nexis Academic, SR)

The Self-Fulfilling Prophecies of Becoming a "Bad" School: Challenge White Privilege and There Goes the School ... Finally, one more finding related to the way in which the promise of Brown remained unfulfilled in the context of a highly unequal and stratified society is that the reputations of the six high schools we studied tended to rise and fall with the demographic changes of their student bodies. Echoing the rationales for closing black schools in the 1960s and early 1970s, we found that the public's perception of racially mixed schools tended to deteriorate as the racial makeup of those schools became predominately nonwhite and the enrollment of upper-middle-class students declined. Increasing Racial Diversity, Declining Reputations Both Muir and Dwight Morrow high schools had maintained reputations as "good" and even "elite" schools as recently as the early 1970s, before they began to lose their wealthiest white students. [*1745] For instance, both of these schools were more than fifty percent white in the late 1960s, but they were rapidly losing their white populations by the late 1970s. As the African-American and Latino populations began to increase in the two schools, people in the local communities began to question their quality. Former educators and graduates of these schools talked about these changing public perceptions and said that their schools had been unfairly maligned by both the public and the media. Both educators and graduates firmly believed that the declining reputation of their schools had little to do with the quality of programs offered, since those had not changed, especially for students in the upper-level classes. For instance, Dwight Morrow High School shifted from a predominately white student population in the late 1960s to a predominately African-American student population by the late 1970s, and as wealthy white parents from both the city of Englewood and Englewood Cliffs began to pull their high school students out of Dwight Morrow, there was a real sense that the quality of the school was in decline, even before the teaching staff, course offerings, or Ivy League acceptances had changed. A former Dwight Morrow teacher observed, "as the population in the school changed, that's when the reputation began to change. As there was a change in the population then they said, "Oh the quality of education is not as good.'



***EVIDENCE
FOR THE
NEGATIVE: OFF CASE
ARGUMENTS***



DISPARITIES CONTINUE AMONGST STUDENTS OF COLOR

INTEGRATION HAS NOT ENSURED EQUAL EDUCATIONAL OPPORTUNITIES FOR MOST MINORITY STUDENTS – HASN'T RESOLVED THE ACHIEVEMENT GAP

Nelson, 09 --- Assistant Professor of Law, University of South Carolina School of Law, J.D. from Harvard (January 2009, Eboni S., University of Miami Law Review, "Examining the Costs of Diversity," 63 U. Miami L. Rev. 577, Lexis-Nexis Academic, JMP)

In both the K-12 and higher-education contexts, adherence to racial preferences in order to achieve diversity goals represents the status quo when it comes to providing educational opportunities to minority students - a status quo that has relied upon racial integration and minority representation to fulfill the promise of Brown. While such reliance has indeed provided educational access for many minority students, n140 it has not been tremendously successful in providing equal educational opportunities for the vast majority of minority students. As noted by Charles Ogletree with regard to affirmative action, the use of race-based admissions measures is "geared toward an attempt to remedy educational inequality that occurs too late to do any good to the majority of the population" n142 and has done little to change the existence of two Americas, "separated by race, income, and opportunity." Despite educational institutions' continuous reliance on race-based admissions and assignment plans, disparities continue to persist in minority students' academic achievement as measured by standardized- [*603] test scores, n144 high-school dropout and graduation rates, college-matriculation rates, and post-graduate degrees. In 2005, African American and Hispanic students combined to account for only 23.5% of the total number of students enrolled in a degree-granting institution. n148 And, while the percentage of black and Hispanic adults with bachelor's degrees or higher increased 12.8% and 6.5%, respectively, between the years of 1971 and 2007, the white-black gap regarding this measure increased 3.8%, and the Hispanic-white gap increased approximately 10.1%. n149 Despite many years of pursuing racial diversity in elementary, secondary, and higher education, racial minorities are increasingly underrepresented in postsecondary education and continue to lag behind their white counterparts. n150 Simply employing racial preferences to create diverse student bodies will not remedy these disparities.



AFFIRMATIVE DOES NOTHING

It's a structural question, there is Antiblackness within law, you are already linked. There is NO room within the Aff framework that can address it...

Sexton '10 ass't prof of African American studies & film and media studies – UC-Irvine 2010 Jared Social Text 28.2 duke journals

The upshot of this predicament is that obscuring the structural position of the category of blackness will inevitably undermine multiracial coalition building as a politics of radical opposition and, to that extent, force the question of black liberation back to the center of discussion. Every analysis that attempts to understand the complexities of racial rule and the machinations of the racial state without accounting for black existence within its framework which does not mean simply listing it among a chain of equivalents or returning to it as an afterthought—is doomed to miss what is essential about the situation. Black existence does not represent the total reality of the racial formation—it is not the beginning and the end of the story—but it does relate to the totality; it indicates the (repressed) truth of the political and economic system. That is to say, the whole range of positions within the racial formation is most fully understood from this vantage point, not unlike the way in which the range of gender and sexual variance under patriarchal and heteronormative regimes is most fully understood through lenses that are feminist and queer. 75 What is lost for the study of black existence in the proposal for a decentered, “postblack” paradigm is a proper analysis of the true scale and nature of black suffering and of the struggles—political, aesthetic, intellectual, and so on—that have sought to transform and undo it. What is lost for the study of nonblack nonwhite existence is a proper analysis of the true scale and nature of its material and symbolic power relative to the category of blackness. 76

This is why every attempt to defend the rights and liberties of the latest victims of state repression will fail to make substantial gains insofar as it forfeits or sidelines the fate of blacks, the prototypical targets of the panoply of police practices and the juridical infrastructure built up around them. Without blacks on board, the only viable political option and the only effective defense against the intensifying cross fire will involve greater alliance with an anti-black civil society and further capitulation to the magnification of state power.

Glossary: Anti-Black: opposed or hostile to **black** people.



AT: FATALISM/POLITICAL IMMATURITY

The law is STRUCTURED by Antiblackness, continuously guaranteed in Black suffering... Voting Neg is A Racial DECONSTRUCTION of law!

Tibbs Associate Professor of Law, Drexel University College of Law & **Woods** Assistant Professor of Criminology, Sonoma State University **2008** Donald F. & Tryon P. Seattle Journal for Social Justice 7 Seattle J. Soc. Just. 235 lexis

The Jena Six case emerges from a legal regime with a particular history of perversion regarding the lives of African Americans. Dating back to the slave codes of the South n28 and progressing through the Fugitive Slave Acts of 1793 and 1850 (which often exacted harsher punishment than plantation [*240] justice itself) n29 to several landmark legal decisions such as Plessy v. Ferguson (1896) n30 and Pace v. Alabama (1883), n31 the law has continuously guaranteed black suffering in terms of black people's status as negated subjects. This article proffers an analysis of the Jena Six grounded in this historical context, going beyond mere acknowledgment of the debts that our present-day criminal justice system owes to the institution of slavery to approach an assessment of the violence blacks regularly face in the law, an encounter almost so mundane it escapes representation. A wide range of scholars have well documented that the U.S. ruling class crafted the contemporary U.S. prison regime as a replacement for the system of chattel slavery. n33 This legacy can be seen in our nation's jails and prisons. As significant scholarship suggests, the Jena Six assumes its place within slavery's modern legacy. Born and raised in the French Caribbean colony of Martinique and later educated as a psychiatrist in Lyon, Fanon became an authority on how white supremacy renders the humanity of the colonized subject invisible. When he served as the head clinician at a psychiatric hospital in French-occupied Algeria during the mid-1950s, Fanon came to the realization that the Western discourse on man and civilization--whether in philosophy or medicine--literally expunged the black from existence. For Fanon, therefore, what it means to be "an object in the midst of other objects," to not be seen as a human being but instead objectified as if he were a chair or a log, is a question that is unapproachable: it exceeds the limits of representation. What Fanon means by this formulation, and why his insight matters for our purposes here, is that proper recognition of the problem before us is always and already circumscribed by the language we have available to us with which to identify our injuries. Insofar as the law establishes how we name and remedy injustice, it sets out the language in which we must locate our-selves. The problem of race, however, cannot be adequately understood through the language of law. In this way, analyzing the Jena case--and other mundane operations of white supremacy--necessitates deconstructing law itself as a racial project in which black existence has been systematically occluded. A major reason for the difficulty in getting close enough to the problem of racial injustice in the law to offer a just response to it is what we have referred to as the entanglements of raw life. The task before us, therefore, is to lay out the ways in which the age of raw life retains the depths of earlier eras: a contingent existence that reveals itself through the guise of legal life and the stark horror of premature death.



AT: PERMUTATION/ DELIBERATION ARG

STILL LINKS TO ALL OF OUR ARGUMENTS THAT FUNDAMENTALLY INDICT THE PREMISE OF INTEGRATION, INCLUDING OUR BACKLASH TURN. CP ALONE IS BEST --- THE PERMUTATION PERPETUATES THE DIVERSITY-EQUALITY DISCONNECT AND PREVENTS A NECESSARY FOCUS ON EDUCATION EQUALITY. NEG HAS TRUE DELIBERATION. THE PLAN AND PERMUTATION STILL RETAIN THE FLAWED DIVERSITY RATIONALE --- DETRACTS OFFICIALS FROM ACHIEVING RACIAL EQUALITY OF EDUCATIONAL OPPORTUNITY

Nelson, 09 --- Assistant Professor of Law, University of South Carolina School of Law, J.D. from Harvard (January 2009, Eboni S., University of Miami Law Review, "Examining the Costs of Diversity," 63 U. Miami L. Rev. 577, Lexis-Nexis Academic, JMP

Likewise, in the wake of Parents Involved, proponents of race-based measures will seek refuge in the protections of Justice Kennedy's concurring opinion in which he pronounces the achievement of a diverse student body and the avoidance of racial isolation as constitutionally permissible goals in the context of elementary and secondary education. Indeed, scholars, school officials, and civil-rights advocates have already armed themselves with Justice Kennedy's concurrence as they continue the pursuit of racially diverse student bodies. This Article questions the wisdom of such a pursuit. As this Article will demonstrate, the origins of the diversity rationale are established in the Supreme Court's desegregation jurisprudence. n21 Therefore, a discussion questioning the efficacy of employing the rationale to achieve educational equality naturally implicates questions regarding the effectiveness of integration to provide equal educational opportunities for minority students. The integration debate has a long and well-known history during which numerous scholars and civil-rights advocates have questioned the pursuit of integration to achieve educational equality. n23 For example, upon reflection on his prior work to desegregate schools, former NAACP civil-rights attorney Professor Derrick Bell concluded that the employment of integrative measures has been unsuccessful in ensuring educational equality for black children. This Article serves as a continuation of this debate; however, it shifts the inquiry from the context of court-imposed desegregation to schools' voluntary consideration of race to create and maintain racially diverse student bodies. While this Article fully acknowledges the benefits of racial diversity in education, it also recognizes the costs and casualties associated with the relentless pursuit of the Holy Grail that is racial diversity. n30 While integration and diversity efforts have by no means been fruitless endeavors, their current incarnations, which, unfortunately, focus on quantitative approaches for achieving racial representation rather than qualitative measures for improving minority students' educational opportunities, have distracted school officials from achieving the true promise of Brown - racial equality of educational opportunity. This Article contends that currently a disconnect exists between the theory of racial diversity and the reality of educational equality. Proponents of diversity who advocate for the use of race-based and race-neutral measures to create and preserve racially diverse student bodies have been lured into a false sense of security that such quantitative measures will adequately address the qualitative challenges that many minority students must overcome to achieve academic success.



BLACK SUFFERING HAPPENING NOW:

Black people were never meant to be incorporated or incorporative The aff structurally impossible position is a paradox because the Black subject, is vital to civil society's political economy—Black death is always already a condition of possibility.

Dumas 16 [Michael J. Dumas, Assistant Professor at the University of California, Berkeley in the Graduate School of Education and the Department of African American Studies, “Against the Dark: Antiblackness in Education Policy and Discourse,” *Theory Into Practice* 55:11–19, 2016, published by The College of Education and Human Ecology, The Ohio State University] NN

A similar narrative emerged as whites organized in opposition to school integration; anti-Black racism was at least one primary cause of white flight from school districts that were ordered to desegregate (Kohn, 1996). In many cities, whites went to great lengths to create districts or school-assignment plans that concentrated whites in the most heavily resourced schools, and relegated Black children to underfunded schools with less experienced teachers and crumbling physical infrastructures (Dumas, 2011, 2014; Horsford, Sampson & Forletta, 2013). In short, school desegregation policy was precipitated by antiblackness. However, school desegregation researchers are more likely to frame their analyses through the lenses of access and diversity, emphasizing the educational benefits of cross-cultural interaction and the importance of providing more equitable allocation of educational resources (Orfield & Eaton, 1996; Orfield & Lee, 2004; Wells, 1995; Wells, Duran, & White, 2008). In contrast, theorizing antiblackness in school desegregation policy shifts the focus to interrogation of policies that led to the displacement of Black educators and the destruction of school communities that affirmed Black humanity (Tillman, 2004). Antiblackness allows one to capture the depths of suffering of Black children and educators in predominantly white schools, and connect this contemporary trauma to the *longue dure'e* of slavery from bondage to its afterlife in desegregating (and now resegregating) schools. And taking Sexton's (2008) analysis of multiracialism into account leads to a more nuanced and careful critique of how schools pit the academic success of (some) Asian American students against and above the academic difficulties of Black students. Here, schools can be celebrated as diverse despite the absence of Black students in the building and/ or in the higher academic tracks. Ultimately, the slave has no place in the most privileged and highly-regarded school spaces; the Black becomes a kind of educational anachronism, not quite suited for our idealized multicultural learning community.

Glossary: Political Economy: is a term used for studying production and trade, and their relations with law, custom, and government, as well as with the distribution of national income and wealth.



DESEGREGATION POLICY FAILS

RACE-BASED INTEGRATION FAILS --- ENSURING EDUCATIONAL EQUALITY IS NECESSARY TO SOLVE

Robinson, 16 --- resident fellow in education policy studies at the American Enterprise Institute (6/8/16, Gerald, Washington Post.com, “The biggest threat to education today isn't school segregation; Color-coding classrooms won't ensure equality of opportunity,” Factiva, JMP)

Diamonds are forever. Desegregation orders will be, too, if our end goal for *Brown v. Board of Education* and the Civil Rights Act of 1964 is merely to color-code American classrooms rather than to create equality of opportunity. Yet if this race-balancing philosophy is the guiding logic for desegregation cases moving forward, a recent Government Accountability Office report on racial and economic disparities in public schools shows that progress will be an uphill battle. According to the report, between 2000 and 2014, the percentage of public schools with 75 percent to 100 percent poor black or Hispanic students increased from 9 percent to 16 percent. To rectify discrimination in high-poverty, segregated schools, the Education Department and Justice Department have supported the continuation of desegregation orders. The implementation of desegregation orders has had its share of unintended consequences. On May 4, Missouri resident La'Shieka White filed a lawsuit against the state's Voluntary Interdistrict Choice Corporation, a nonprofit responsible for the implementation of a metropolitan area desegregation program, because it denied her son, E.L. White, admission to a St. Louis public school in another district because he is black. If E.L. White was white, his fate may have been different. Why? Because VICC's black-white interdistrict transfer plan from St. Louis County to the City of St. Louis gives a preference to skin color as part of a desegregation remedy dating to the Liddell case of the 1970s. These examples illustrate the fact that over time, educating students wherever they live has often taken a backseat to a "desegregation by any means necessary" mantra. So, where do we go from here? Fixing the "school segregation problem" is a tough web to untangle. With the majority of our 50 million public school students coming from Hispanic, black, Asian and multi-racial households, it is unlikely that we will be fully able to integrate them with a shrinking pool of white students, many of whom are poor, too. But exceptions to the rule exist. For example, the Metropolitan Council for Economic Opportunity program, which began in 1966 as an outgrowth of a parent-led effort to address racial imbalance in public schools, has more than 3,300 Boston and Springfield students (the majority black and Hispanic) attending school in surrounding, mostly white suburbs each year. However, the biggest threat facing education today is inequality of opportunity, not school segregation. Closing the opportunity gap requires, among other things, smart investments in technology to deliver cost-effective educational services to students in rural and city schools, and strategic partnerships with social entrepreneurs and nonprofit organizations with proven track records of success.

Your Words.

Glossary: Hip-Hop: An African-American Culture. Usually associated with its Music and its Dressing styles



INTEGRATION DOES NOT MEAN EQUALITY

FORCED INTEGRATION WON'T OVERCOME WHITE PRIVILEGE THAT IS THE BASIS FOR SEGREGATION. THE IMPACT OF WHITE SUPREMACY WILL STILL NOT BE SOLVED.

Gross, 2/8/17 --- writer for Latino Ed Beat (Natalie, "The Benefit of Racial Isolation; The charter schools praised by Education Secretary Betsy DeVos are notoriously segregated. In some cases, that's a benefit," <https://www.theatlantic.com/education/archive/2017/02/the-benefit-of-racial-isolation/516018/>, accessed on 5/27/17, JMP)

But is racial isolation necessarily a bad thing? Stewart, who also is a regular contributor to the Citizen Ed blog, described a "homegrown" charter system in his home state of Minnesota that's divided by choice, where the top priority is educating students and meeting their needs in ways the school district has not. "We have Somali schools, we have Hmong schools, we have schools for Native American kids," Stewart said. "And those communities don't really see their schools as segregated or as isolated, they see them as kind of culturally affirming environments for kids that they can't get in a very white state like Minnesota." Stewart later added, "When the government assigns you by race to inferior schools, that is traditionally what we have considered to be segregation. When parents pick a culturally affirming program for their child and they are from a historically marginalized population like Indians or black people—I happen to be a black Indian—that is so far from the traditional understanding of segregation that it's almost insulting to call it that."

But while Orfield sees nothing wrong with a school of choice emphasizing and celebrating a culture, he said charter schools should not be designed to limit entry to students who are not of that race and culture. "They have a right to have schools of their own on their reservation, on tribal lands," he said of Native Americans. "They don't have a right to have a school for just one race using public funds and public spaces. That's against our Constitution. That's what the [Brown v. Board] decision is about." For her part, Dragon said "integration in and of itself will not solve anything," and described integrated schools that look diverse on paper but operate on two separate tracks based on students' race—one college-bound and the other not. While her charter network is committed to matching the demographics of the neighborhoods that surround its schools, that's not the same thing as integration, she said. Families who send their children to Citizens of the World charter schools are pursuing a diverse learning environment, and their buy-in makes a difference. "There are a lot of things that need to be considered ... because even with a genuine desire to bring families together, we're still living in a country that has real income disparity and a long—I would say dark—history around race and race relations," Dragon said. "Both of those things will be present in these integrated schools." Ultimately, Stewart said, "durable, enduring white privilege" is at the root of segregation, and he sees "no basis" for claims that charters drive or aggravate segregation in schools.

◆.....◆
Your Words.

Glossary: Optimism: hopefulness and confidence about the future or the successful outcome of something.



AT: PERMUTATION

It's a structural question, you haven't addressed the Antiblackness within law, you have already linked. There is NO room within the Aff framework that can address it... Don't footnote the Impacts of Anti-Blackness

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The upshot of this predicament is that obscuring the structural position of the category of blackness will inevitably undermine multiracial coalition building as a politics of radical opposition and, to that extent, force the question of black liberation back to the center of discussion. Every analysis that attempts to understand the complexities of racial rule and the machinations of the racial state without accounting for black existence within its framework which does not mean simply listing it among a chain of equivalents or returning to it as an afterthought—is doomed to miss what is essential about the situation. Black existence does not represent the total reality of the racial formation—it is not the beginning and the end of the story—but it does relate to the totality; it indicates the (repressed) truth of the political and economic system. That is to say, the whole range of positions within the racial formation is most fully understood from this vantage point, not unlike the way in which the range of gender and sexual variance under patriarchal and heteronormative regimes is most fully understood through lenses that are feminist and queer. 75 What is lost for the study of black existence in the proposal for a decentered, “postblack” paradigm is a proper analysis of the true scale and nature of black suffering and of the struggles—political, aesthetic, intellectual, and so on—that have sought to transform and undo it. What is lost for the study of nonblack nonwhite existence is a proper analysis of the true scale and nature of its material and symbolic power relative to the category of blackness. This is why every attempt to defend the rights and liberties of the latest victims of state repression will fail to make substantial gains insofar as it forfeits or sidelines the fate of blacks, the prototypical targets of the panoply of police practices and the juridical infrastructure built up around them. Without blacks on board, the only viable political option and the only effective defense against the intensifying cross fire will involve greater alliance with an antiblack civil society and further capitulation to the magnification of state power.

Glossary: Footnote: an ancillary piece of information printed at the bottom of a page. Not of great importance.



FRAMEWORK:

Their rejection of argumentative stasis leads to spur-of-the-moment ethics and inability to respond to violence

Ruti, professor of Critical Theory at the University of Toronto, '15
(Mari, *Between Levinas and Lacan: Self, Other, Ethics*, Bloomsbury Publishing, pg.164-166)

I do not here wish to revisit the details of these critiques of Habermas. which I mostly agree with, but merely to point out that the problem of power discrepancies may be even more pronounced in Badiou's paradigm, where the event is supposed to produce a generic truth without any of the checks and balances of democratic deliberation. Though the event, like the Lacanian act, can be a private revelation—one of Badiou's examples is the amorous event as an experience of unconditional love—its ethical valences are most clearly discernible in the context of collective situations where participants are supposed to arrive at a shared truth through a miraculous galvanization of their passions. Ethics becomes a matter of the kind of leap of faith—the kind of inspired moment of certainty (and even of madness)—that does not recognize any grounding principle external to itself. What matters is the strength of conviction and the capacity to rally others behind this conviction, with the consequence that those with charismatic or forceful personalities are likely to overpower more reticent ones. The heat of the truth-event, in other words, favors those who do not hesitate to dominate. It may be true that the resolutions that result from a democratic process are no more objective than those that are extracted from a specific situation through the irruption of the event, but at least they have the advantage of being open to challenge. And while it is undoubtedly true that a priori norms that sustain unjust social systems are oppressive, so are, potentially at least, ethical decisions based on spur-of-the-moment evaluations that carry a mystical, quasi-theological force. I understand why Badiou does not want to determine the content of good and evil a priori, ahead of the specific necessities of a given situation, for in his view, this effectively precludes the possibility of any genuinely new, surprising, or unprecedented perspectives. Jamieson Webster explains the matter beautifully when she claims that Badiou's ethical vision—what she describes as an "ethics of that which is not yet in being"—can be likened to the position of the analyst who does not seek to fix the truth of the analysand's desire ahead of time but rather waits for this truth to reveal itself through the gradual exploration of the unconscious."



TOPICALITY:

Limits: Our interpretation of centered on a static point of debate is better than their model of limitless affirmation – creates the condition for rigorous educational discussion and argument testing which make us better political agents – their politics tacitly relies on the same liberal assumptions they criticize

Ruti, professor of Critical Theory at the University of Toronto, '15
(Mari, *Between Levinas and Lacan: Self, Other, Ethics*, Bloomsbury Publishing, pg. 170-177)

After the collapse of metaphysical justifications for universality, we do not have any choice but to admit that the version of universality we conjure into existence – and the a priori norms that support this universality – inevitably arises in a particular context: it is historically and culturally specific even as it strives to transcend this specificity. But – and my point here mirrors the argument I made about rationality above – this does not mean that our universalism is intrinsically worthless; while the loss of metaphysical foundations for our normative systems complicates their claim to universality, it does not automatically invalidate them. An important part of this recognition is the admission that "it may turn out from some future vantage point that our normative ideals are themselves, in some ways that we have yet to realize, pernicious and oppressive" (PS 180). That is, we need to be "more historically self-conscious and modest about the status of our normative principles" (PS 180); among other things, we need to be open to the possibility that our principles can be contested. Yet this does not imply that "we are incapable of making normative judgments in light of such principles" (PS 180). Allen is looking for a way out of nihilistic relativism by proposing that our awareness that we must continuously interrogate our ethical principles does not mean that these principles are devoid of all value. As Allen explains, "The historical specificity of our a priori categories, their rootedness in historically variable social and linguistic practices and institutions" (PS 31-2) does not cancel the power of these categories to order our existence. However, if we want others to be convinced by our a priori ideals, we need to persuade them through a democratic process. If the Enlightenment resorted to aggression to spread its views, the Habermasian democratic method, according to Allen, relies on more collectively formed public opinions. Allen's point is akin to the one Benhabib makes through her notion of "democratic iterations": rather than the solitary Kantian subject trying to figure out in the abstract what everyone might conceivably agree on, the Habermasian approach offers a model where social agents collaborate with each other to forge a perspective that everyone can agree on. This junction of compatible views, then, becomes the current "historical a priori," the current version of the universal. Like agonistic models, reflexive justice valorizes the moment of opening, which breaches the exclusions of normal justice, embracing claimants the latter has silenced and disclosing injustices the latter has occluded—all of which it holds essential for contesting injustice. Like discourse ethics, however, reflexive justice also valorizes the moment of closure, which enables political argument, collective decision-making, and public action – all of which it deems indispensable for remedying injustice. In this manner, Fraser declares the standard opposition between the Habermasians and the agonists to be a false one, for it is possible to admit the best insights of both by acknowledging the value of both opening (contestation) and closure (binding norms that enable ethical and political decisions). Such an approach rejects relativism, enabling normative judgments and political interventions, but without thereby locking the content of such judgments and interventions into a fixed, immutable definition.



TOPICALITY:

Their focus on body-toxicity and subjective performance against dominant codes of power prevents institutional struggle essential to contest neoliberalism

Schwartz, Associate Professor of Political Science at Temple University, '15

(Joseph, "Being Postmodern While Late Modernity Burned: On the Apolitical Nature of Contemporary Self-Defined "Radical" Political Theory," in *Radical Intellectuals and the Subversion of Progressive Politics*, ed. Gregory Smulewicz-Zucker and Michael J. Thompson, Chapter 7)

But if a pure politics of "difference" cannot provide a complete moral foundation for a politics of pluralism, equality, and solidarity, can poststructuralist theory aid intellectuals and political activists in developing such a compelling radical democratic public philosophy? Wendy Brown's States of Injury, Judith Butler's work, particularly her more explicit political commentary in Feminist Contentions, and William E. Connolly's The Ethos of Pluralization, represent three now almost canonical works that attempt to theorize a politics of radical democratic solidarity that draws heavily upon post-structuralist precepts. Each of these theorists embraces the "post-structuralist" critique of both liberal individualism and groupbased identity politics.³² Yet a profound tension remains between these theorists' commitment to radical democracy and their post-structuralist theoretical orientation. For if efforts to construct communities of shared values and interests are rejected as efforts to "norm" the self, then the possibility for human beings to transform political reality remains dim indeed. If all forms of cohesive communities and coherent individual identities are suspect, then the only form of "resistance" possible is that of isolated, "fragmented selves." The post-structuralist "deconstruction" of the concepts of human subjectivity and agency pose new intellectual barriers to coherent theorizing about the activity of real human beings. As Susan Hekman points out, many feminist and 'radical' theorists embrace the post-structuralist orthodoxy that the concepts of "the subject" and "agency" are "fictive universals" that negate the role that the "repressed other" plays within "fragmented selves." According to this by-now standard post-structuralist narrative, coherent subjects do not exist and agency is a fictive "norm" imposed upon individuals by "disciplinary institutions." Rather, human actors are "subject-positions" that struggle, in a Sisyphean manner, to "fix" identities and institutions that are inherently unstable.³³ Drawing upon Foucault, these theorists imply that any recognition by the state of groups or even state-regulation of economic or political behavior, "norms" individuals through the "discursive" constitution of "bio-power." That is, the state, through bureaucratic and statistical classifications tries to "norm" citizens into coherent identities. As if to affirm Michael Walzer's view that Foucauldian analysis yields a political sensibility of resigned resistance (resistance inevitably involves only a "rearranging of the bars on the cage" of modern institutions),³⁴ post-structuralist's most influential theorist, Judith Butler, counsels a strategy of "resistance" grounded upon the "ironic" transmutation of the "performative" roles that power-knowledge discourses "norm" upon us. But an adequate theoretical understanding of how people practice politics must grapple with the social reality that individuals in the modern world believe that they are capable of exercising individual choice. Poststructuralist analysis offers no coherent theory of intersubjectivity and social action and appears to imply that a human being who thinks they have agency and choice is deluded. In reality, the post-structuralist theory of the "performative self" is a peculiar form of radical methodological individualism, as the "labile" self can volutaristically engage in "performative resistance" (although, in contrast to the "rational chooser" of public choice theory, here the individual is incoherent and fragmented).



TOPICALITY:

Their affirmation leads to abstraction and hubris as an end in itself – radical democratic politics is the only way to attack underlying logics of power

Smulewicz-Zucker, Editor of *Logos* and adjunct professor of Philosophy at Baruch College, CUNY, and **Thompson**, Associate Professor of Political Science at William Paterson University, ‘15

(Gregory and Michael J., “Introduction,” in *Radical Intellectuals and the Subversion of Progressive Politics*, pg. 1-32)

Radical politics in contemporary Western democracies finds itself in a state of crisis. When viewed from the vantage point of social change, a progressive transformation of the social order, political radicalism is found wanting. This would seem to go against the grain of perceived wisdom. As an academic enterprise, radical theory has blossomed. Figures such as Slavoj Žižek openly discuss Marxism in popular documentaries, new journals have emerged touting a radical “anti-capitalism,” and whole conferences and subfields are dominated by questions posed by obscure theoretical texts. Despite this, there is a profound lack in substantive, meaningful political, social, and cultural criticism of the kind that once made progressive and rational left political discourse relevant to the machinations of real politics and the broader culture. Today, leftist political theory in the academy has fallen under the spell of ideas so far removed from actual political issues that the question can be posed whether the traditions of left critique that gave intellectual support to the great movements of modernity—from the workers’ movement to the civil rights movement—possess a critical mass to sustain future struggles. Quite to the contrary, social movements have lost political momentum; they are generally focused on questions of culture and shallow discussions of class and obsessed with issues of identity— racial, sexual, and so on—rather than on the great “social question” of unequal economic power, which once served as the driving impulse for political, social, and cultural transformation. As these new radical mandarins spill ink on futile debates over “desire,” “identity,” and illusory visions of anarchic democracy, economic inequality has ballooned into oligarchic proportions, working people have been increasingly marginalized, and ethnic minority groups turned into a coolie labor force. This has been the result, we contend, of a lack of concern with real politics in contemporary radical theory. Further, we believe that this is the result of a transformation of ideas, that contemporary political theory on the Left has witnessed a decisive shift in focus in recent decades—a shift that has produced nothing less than the incoherence of the tradition of progressive politics in our age. At a time when the Left is struggling to redefine itself and respond to current political and economic crises, a series of trends in contemporary theory has reshaped the ways that politics is understood and practiced. Older thinkers such as Michel Foucault, Jacques Lacan, and Jacques Derrida, and newer voices like Alain Badiou, Jacques Rancière, David Graeber, and Judith Butler, among others, have risen to the status of academic and cultural icons while their ideas have become embedded in the “logics” of new social movements. As some aspects of the recent Occupy Wall Street demonstrations have shown, political discourse has become increasingly dominated by the impulses of neo-anarchism, identity politics, postcolonialism, and other intellectual fads. This new radicalism has made itself so irrelevant with respect to real politics that it ends up serving as a kind of cathartic space for the justifiable anxieties wrought by late capitalism, further stabilizing its systemic and integrative power rather than disrupting it. These trends are the products as well as unwitting allies of that which they oppose.