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More Black Americans will end up in prison than receive college degrees – means the federal ban on prisoner Pell grants exacerbates racism

**Taylor 8** writes[[1]](#footnote-1)

According to USA Today editorial: Like it or not, college has become the new high school. This reality is why forward thinking educators and government **officials are** **looking for ways to ensure more** high school **graduates** go on to **get** associate, if not **bachelor**, **degrees. That’s** especially **important for** poor and **minority students at risk of falling** even **further behind and becoming part of a permanent underclass."** On average state invest as much as ($24,000) supporting their students’ public school earned baccalaureates as they spend annually ($25,000) incarcerating their prisoners. The standard return on the states’ higher education investments are approximately $2 million in economic stimulus and $375,000 in state tax revenues during each graduate’s working lifetime. This return on investment in the prisoner-student becomes further manifest when factoring in all the socio-economic savings from significantly reduced criminal behaviors, coupled with the increased state and federal tax revenues, and the productive and consumptive economic stimulus generated by the more highly educated worker. Consider this positive economic outcome as opposed to the all-too-common disruptive anti-social actions and demand for revenue-draining social services that recidivistic offenders can create. With the primary goal of education and treatment programs to reduce crime, in one of the first assessments of prison college programs nearly thirty-five years ago this holistic benefit was summarized as: "Simply, and aside from humanitarian concerns – it is cheaper in the no-so-long run to pay (adequately) for effective anti-recidivism measures, than to finance law enforcement, justice administration, and penal services and apparatus." Or as J. Michael Quinlan, the former director of the Federal Bureau of Prisons during the Reagan and Bush Administrations so bluntly put it, "I recognize," the director explains, "that the cost of college is really very insignificant (i.e., 10% of a year of annual cost of incarceration alone) when you compare the cost and damage done by crime." \*In 1930, the rate of African-American incarcerations was three times that of Anglo-Americans. By 1990, that ratio had increased to five times the number of blacks to whites. In 1996, there were eight African-Americans to every Anglo-American incarcerated in proportion to the racial composition of the nation. At the end of the millennium, one-in-three black men aged 20-29 were under some form of correctional supervision. One of the effects of this focused criminal justice effort is that **by their thirties,** almost **twice as many black men will** have been **cycle**d **through the penal system as have received baccalaureates.** Charles Sullivan, the executive director of the public advocacy group Citizens United for the Rehabilitation of Errants (CURE), claimed during the **exclusionary legislation** debate that it **"smacks of racism since the majority of the penal population is composed of minorities." and thus** Sullivan reasoned **minority groups had been clearly disproportionably affected by banning prisoners from** the **Pell Grant programs.** With more black males in prison than on college campuses, Sullivan wondered, as absurd as the concept was about having to go to prison to receive a college education, were we then going to close off that avenue as well? The answer is apparently yes. Across the country, the enrollment demographics of prison-college programs supported Sullivan’s contention. The composition of incarcerated collegiate student bodies generally mirrored the makeup of the penal populations. Thus once creating the most generally racially integrated university settings in the nation. Moreover, the racial composition that paid short-and-long term social dividends. Besides experiencing significantly reduced recidivism, these prisoner-students were some of the best behaved and also served as some of the few positive role models in a milieu normally bereft of such. Robert Powell, the assistant academic affairs officer at Shaw University observed in 1991, "**if you want to educate black men**, if you want **to reclaim that talent** out there, **you have to go into the prison.**" Ironically, Shaw University created its own prisoner-student fee-waiver scholarship program that was later negated by the state prison system, because it was in conflict with its’ policies prohibiting such inmate-exclusive funding programs.

Educational inequalities that descendants of slaves face are a result of slavery and segregation – reparations are key

**Diaz 14** writes[[2]](#footnote-2)

Notwithstanding the abolition of slavery, African Americans were only free in the literal sense of the word because they were not free from the shackles of poverty and limited educational opportunities. The **freed slaves were deprived of the opportunity to become economically self-sufficient**—all they had was their freedom and no reparations action was ever taken.31 **Poverty is a direct result of** the United States’ **failure to compensate** the **freed slaves** for the injuries that were inflicted upon them which would have enabled them to become economically independent.32 Because the descendants of slaves inherited that poverty, they are entitled to some form of reparations, like the Japanese Americans were compensated $20,000 per person for being placed in internment camps during World War II,33 and the restoration of property to some Native American tribes.34 **Not only did** the **descendants** of slaves **inherit poverty** because no reparations action was ever taken, **but because poverty has** its **collateral consequences**, African Americans’ **access to educational opportunities was** severely **limited**. During slavery, in the South, it was a crime to teach slaves how to read.35 And once slavery was abolished, and freed Blacks were allowed to learn to read and write,36 they attended racially segregated substandard schools with inadequate resources.37 Segregation deprived Blacks of equality of treatment because it required children to attend inferior facilities, and as articulated by the United States Supreme Court in Brown v. Board of Ed., segregation had “a tendency to (retard) the educational and mental development of [African American] children.”38 **If Blacks were** first **prohibited from learning how to read or write when** they **slaves, and** were **later required to attend schools that were substantially inferior** to those attended by whites when they were liberated, their **descendants have been** similarly **deprived** of the opportunities that were denied to their ancestors by virtue of inheritance. Accordingly, African Americans are more likely to be poor because one of the lingering vestiges of slavery is the economic inferiority of African Americans,39 and they are more likely to be less educated than whites because their ancestors were first prohibited from learning how to read or write, and were later required to attend inferior schools. **Because income inequality and disparities in education are direct consequences** and continuing effects **of slavery that are significantly connected to crime, Blacks are entitled to reparations in the c**riminal **j**ustice **s**ystem since there is an overwhelmingly disproportionate number of African Americans incarcerated for which the government is partly responsible.

Thus the **plan**: The United States federal government should grant access to Pell grants to Black American inmates in the United States criminal justice system.

The federal ban on Pell Grants for prisoners’ education was engrained in neoliberal logic of economic competitiveness that privileged vocational training over liberal arts education. **Yates 9**[[3]](#footnote-3)

In 1971, Supreme Court Justice Warren Burger spoke at the first National Conference on Corrections, “We know that today the programs of (prisoner) education range from nonexistent to inadequate, with all too few exceptions. However we do it, the illiterate and the unskilled who are sentenced for substantial terms must be given the opportunity, the means, and the motivation to learn his way to freedom” (Burger, 1985 p. 193). Prison-based programs have dated back to the 1800s as reformers sought to extend basic and vocational education, as well as moral education to those who had been convicted of crimes (Welch, 1996). Gehring and Wright (2003) propose that many of these early reformers were not just interested in improving the virtues of the inmates, but also had a sophisticated understanding of the anti-democratic nature of penal systems. They had the progressive notion that prisoners were capable of being agents in their own reformation by taking responsibility for education. Gehring and Wright call the presence of these early radical prison educators, “the hidden heritage of correctional education” (p. 52 5). They suggest this thread of progressiveness extended up through World War II after which Cold War pragmatism resulted in a return to basic education (Gehring & Wright 2003). Much of the **programs of the** 19**60s and** 19**70s** followed a functionalist approach that **equated an inmate’s** future **success** as a law-abiding citizen **with** the knowledge required to obtain lawful employment and negotiate legal society. These skill sets focused primarily on obtaining **vocational skills** and basic literacy. Howard Davidson describes this theory: “it propounds that crime results from individuals making poor (i.e. criminal) decisions when faced with life‟s many problems. **Out of neoliberalism comes the market metaphor, in which individuals make rational decisions based on calculating benefits against costs**” (Davidson, 1995, p.4). How did the modern functionalist approach to prisoner education take root? Much of the impetus seems to have arisen from human capital theory. **One** of the **primary feature**s **of neoliberal thought** and practice **is the reliance upon** human capital theory to explain the purpose of education. Human capital theory has been described by Robert Hart and Thomas Moutos (1995) as an investment of **skills training in workers that seeks to balance the costs of training with the return on** the **investment.** Even the proponents of human capital theory describe it as reductionist, mechanical and based upon “homogenized factors.” During the reign of neoliberalism, human capital theory slithered from its manufacturing origins into the corridors of education. Perhaps the most succinct description of the human capital theory of education is provided (without apparent irony) by Joop Hartog and Hessel Oosterbeek (2007): “The basic human capital model of schooling envisages two options (1) go to school for s years and earn an income Ys every year after leaving school, or (2) go to work right away and earn 53 annual income Yo” (p. 7). This reductionist view of the role of schooling does not take into account exogenous factors that can affect income level such as discrimination and availability of jobs in the market (Livingstone, 1997). The role of human capital theory in education reached a high level of urgency among neoliberals as concern arose regarding the United States competiveness in global markets. Chief among the proponents were Presidents George Bush and Bill Clinton through the Goals 2000 project which set the priority for education to create the workers who could increase the U.S. efficacy in international capitalism (Briscoe, 2000). A center-piece of the thrust toward implementation of human capital theory in education was the No Child Left Behind legislation which narrowed the focus of educational curricula toward those basic skills required for technical society such as math, reading and science at the expense of those for an active, well-rounded life such as social studies, art, music and physical education. According to Pauline Lipman (2007) No Child Left Behind is “explicitly designed to meet the needs and technical rationality of business… symbolically, as well as practically, national testing constitutes a system of quality control, verifying that those who survive the gauntlet of tests and graduate have the literacies and dispositions business requires” (Lipman, 2007, p. 46). Lipman sees the legislation as a disciplinary process with the end product being docile workers, the ultimate in human capital. Prisoner job training programs fulfilled this need. In the 1970s and 1980s, **in part due to** the availability of **the Pell Grant,** a **liberal arts** curriculum **became a major component of** many **prison education** programs in a way that it never had before**.** According to Mary Wright (2001) the correction education liberal arts programs remained in favor well into the 1990s even as it was de-emphasized in the 54 larger academic world. She gives several reasons, including the slow pace of change in prisons, the lack of flexibility and increased cost of obtaining equipment for technical job training programs. However, **in the** 19**90s, liberal arts** in a correctional setting **fell into disfavor, and** adult basic education and **vocational education programs reasserted their primacy** in the penal system (Wright, 2001). Vocational programs in prison included plumbing, carpentry, electrical wiring, painting, heating and air conditioning as well as computer literacy. In addition, the emphasis on job training spilled over into the **language arts and math** programs as they **were retooled to focus on technical** and applied **reading and writing** (Steuer, 2001). Between 1995 and 2000, **the percentage of state prisons offering college courses decreased** from 31% to 26% **while** those offering basic adult education increased from 76% to 80%. State prisons offering **vocational education increased** from 54% to 55% and in private prisons it increased from 25% to 44% in the same time period (Harlow, 2003). Several reasons are given for this change in addition to the dissolution of prisoner Pell Grants. One is the perceived threat liberal arts curricula pose to the penal institution. Wright (2001) states that “a **liberal arts** curriculum, **which** often **emphasizes critical thinking,** intellectual and **moral reasoning and development of an inmate’s sense of self may pose a challenge to the established order of a correctional facility**” (p. 13). In addition, **with Pell Grants gone, prison**er **education** programs **became** more **dependent** up**on outcome-based funding.** Performance-based management of these programs, like the parallel evolution in public schools, led to “school report cards” that evaluated the effectiveness of the programs in turning out their product (Linton, 2005). Curricula that can lend to empirical studies, such as testing in basic adult education, were given priority 55 over liberal arts, which seemingly has more nebulous outcomes. According to John Linton (2005) of the U.S. Department of Education‟s Correction Education division: “The current climate [requires] that expenditure of public funds be restricted to „scientifically proven‟ effective interventions” (p. 91). **Job training fits well to this regime because** the **results of the program could be measured empirically through** the **numbers** of the test group who are **able to obtain work.** In addition, recidivism rates could be obtained. Numerous studies have pointed to the inverse relationship between vocational technical programs and recidivism (Hall & Bannatyne, 2000; Mattuci & Johnson, 2003; Young & Mattuci, 2006, Gordon & Weldon, 2003). Empirical studies focusing strictly on recidivism as a measurement of achievement have not been without their faults. In his examination of the more recent works, Charles Ubah (2002) has found a tendency for the inmates to self-select into the programs. These participants were probably more motivated, as a whole, to succeed upon their release, than those who did not participate (Ubah, 2002). Ubah‟s findings bring up another important question: What about those who slip through the cracks in the empirical studies? An example may be found in Robert Mattuci‟s (2003) description of the vocational program that he set up in a New York state prison. It consisted of an eight session program to teach the students basic plumbing skills in order to increase their employment prospects upon release. Mattuci, who had a bachelor‟s degree in education and twenty years experience as a plumber, appeared to incorporate a well-thought out system of pedagogy. He relates that “many inmates have never known a positive schooling experience so they lack the needed confidence to succeed at learning something new. A key to the program is therefore validating their differences as 56 individuals and accommodating their multiple learning styles” (p. 16). Mattuci had them work in groups for all hands-on activities and encouraged group brainstorming and problem solving. Yet, despite the care in which the teacher took in order to facilitate a sense of community on the shop floor, there were a significant number of inmates who did not take to the class. “Especially for the younger inmates, gang activity is very evident. The dropout rate of the male youth in three of the groups was 90%. For those influenced by gangs, there is a total lack of respect for the process of setting goals and working toward them” (Mattuci & Johnson, 2003, p. 17). A conventional vocational program may not reach this group of inmates who, as dropouts of the program are more likely to return to prison. While recidivism is an important issue, it must be understood within context of the many variables that exist both within the inmates and, just as importantly, the conditions that exist once they are released. Barriers to post-release employment include lack of current job skills in a rapidly changing market, lack of available jobs in a tight market, the large hole in the employment history created by incarceration, and perhaps most significantly, the criminal record. With the rise of the information society, even jobs considered “menial,” require criminal background checks. The perceived and actual impediments to employment can decrease the seeker‟s motivation and self image (Pavis, 2002). Combined with conditions that facilitated a life of crime in the first place: poverty, discrimination, substance abuse, the deck is stacked against the average inmate. Conventional job training in itself is clearly not going to arm these people against the challenges of life on the outside. The attributes previously described that led some 57 prisons to reject liberal arts education; the “critical thinking, intellectual and moral reasoning” leading to a “sense of self,” must be cultivated (p. 1). Friere (2004), Giroux (2006) and others have called for a pedagogy that is freed from the bonds of the “bottom-line.” Mike Cole (2005) puts it succinctly, calling for schools to become sites where “teachers, other school workers and pupils/students not only agitate for changes within the classroom and within the institutional context of the school, but also support a transformation in the objective conditions in which students and their parents labor” (p. 16). In this vision, there is no room for docile workers. Schools would be transformed into emancipatory institutions where workers would not only be provided basic literacy, vocational skills and liberal arts, but would also learn to advocate for a better world. I explore this possibility further in Chapter 5.

Without Pell Grant funding, prison education programs are forced to rely on donations from the private sector. **Erisman and Contardo 5**[[4]](#footnote-4)

**Because of limitations on** both **public funding** and prisoner self-funding**, a number of prison systems have turned to private donors to help support postsecondary correctional education**al programs**. In Texas, for example, donors interested in helping prisoners gain access to higher education, including corporate donors and advocacy groups, have created scholarships** through some of the public colleges and universities that provide postsecondary instruction in the state’s prison system. Virginia has two private nonproﬁ t scholarship funds that cover the cost of tuition, fees, and textbooks for some inmates taking college courses. One program is sponsored by the estate of a physician who was Learning to Reduce Recidivism 31 incarcerated as a youth, and the other is funded by a foundation named for the ﬁ rst warden at the Virginia Correctional Center for Women. While most private funding sources are too limited to support the creation of new postsecondary correctional education programs, as opposed to simply funding additional students in already established programs, there may be potential in more active fundraising efforts. In Oregon, for example, a private foundation called New Directions funds 26 percent of the state’s incarcerated college students, using funds donated by individuals, businesses, and a local community college. Minnesota has also moved in this direction in recent years (Box 4).

Neolib relies upon privatization of public goods – this exacerbates multiple forms of oppression

**Hamann 9** writes[[5]](#footnote-5)

One of the significant developments in contemporary life that might fall under the heading of ”**neolib**eralism” **can be recognized through the various ways that** the traditional **distinctions between the public and** the **private** on the one hand, **and the political and** the **personal on the other have been gradually blurred**, reversed, or re-moved altogether. The exposure of formerly private and personal realms of life has occurred not only through the more striking examples of growing government and corporate surveillance (think of the telecoms and the warrantless monitoring of elec-tronic communications paid for with taxpayer dollars or the growing use of human implantable radio-frequency identification [RFID] microchips), but, more subtly and significantly, the extent to which activities of production and consumption typically practiced in public spaces are increasingly taking place in the home, a space once exclusively reserved for leisure time and housework. It has become more and more common to find such activities as telecommuting, telemarketing, and shopping via the Internet or cable television taking place within the home. Nearly ubiquitous technologies such as the telephone, home computers with worldwide web access, pagers, mobile phones, GPS and other wireless devices have rendered private space and personal time accessible to the demands of business and, increasingly, the inter-ests of government. To put it simply, it is no longer true, as Marx once claimed, that the worker “is at home when he is not working, and when he is working he is not at home.”5Reality television, social networking sites, personal webcams and confes-sional blogging have all contributed toward exposing the private realm in ways un-foreseen by the well-known feminist adage from the 1960’s: ”the personal is politi-cal”. Within this formerly public realm we now find that private interests or pub-lic/private amalgams have gained greater control and influence. In major urban areas Business Improvement Districts (BIDs) have appropriated many traditional governing functions from financially strapped municipalities including taxation, sa-nitation, and policing. **For years the** U.S. **federal gov**ernment **has given away** traditional **public goods** such as parklands, water, and the airways **to** profit-making **businesses**, often **in exchange for** shallow and **unfulfilled promises to serve the public interest.** Many formerly public or government institutions such as hospitals, schools, and **prisons are now managed** privately **as for-profit corporations as** increasing numbers of people go without healthcare, education levels drop, and **prison populations increase.** An ongoing effort has been made to further privatize if not eliminate traditional social goods such as healthcare, welfare, and social security. In addition, problems once recognized as social ills have been shifted to the personal realm: **poverty, environmental degradation,** unemployment, **homelessness, racism, sexism, and heterosexism: all have been reinterpreted as** primarily **private matters to be dealt with through voluntary charity, the invisible hand of the market,** by **cultivating personal “sensitivity” towards others** or improving one’s own self-esteem. **Corporations, churches, universities and other institutions have made it** part of **their mission** to organize the mandatory training of employees in these and other areas of personal development and self-management. Just as illness and disease are more of-ten addressed in the mainstream media as a problem of revenue loss for business than as an effect of poor environmental or worker safety regulations, corporations have stepped up the practice of promoting full worker responsibility for their own health and welfare, offering incentives to employees for their participation in fitness training, lifestyle management and diet programs. We can also find a sustained ex-pansion of ”self-help” and ”personal power” technologies that range from the old “think and grow rich” school to new techniques promising greater control in the self-management of everything from time to anger.6These and many other examples demonstrate the extent to which **so much** that was **once understood as social and political has been re-positioned within the domain of self-governance**, often through techniques imposed by private institutions such as schools and businesses.

Oppression is manipulation by one group over another – this turns deon NCs since (a) manipulation is by definition coercive, and (b) willing oppression leads to a contradiction in the will since if you will the oppression of others you in turn will oppression of yourself which undermines the value of your will.

The standard is **ensuring the preconditions for creative action**.

Action theory precedes ethics. We need a basic account of what an action is and its relation to intention before ethics can be sound. **Anscombe 58** writes[[6]](#footnote-6)

**That I owe the grocer** such-and-such **a sum would be one** of a set of **fact**s **which would be "brute" in relation to** the description **"I am a bilker."** "Bilking" is of course a species of "dishonesty" or "injustice." (Naturally the consideration will not have any effect on my actions unless I want to commit or avoid acts of injustice.) So far, in spite of their strong associations, I conceive "bilking," "injustice" and "dishonesty" in a merely "factual" way. That I can do this for "bilking" is obvious enough; "justice" I have no idea how to define, except that its sphere is that of actions which relate to someone else, but "injustice," its defect, can for the moment be offered as a generic name covering various species. E.g.: "bilking," "theft" (which is relative to whatever property institutions exist), "slander," "adultery," "punishment of the innocent." **In present-day philosophy an explanation is required how an unjust man is a bad man, or an unjust action a bad one**; to give such an explanation belongs to **ethics**; but it **cannot** even **be begun until we are equipped with a sound philosophy of psychology.** For the proof that an unjust man is a bad man would require a positive account of justice as a "virtue." This part of the subject-matter of ethics is, however, completely closed to us until we have an account of what type of characteristic a virtue is-a problem, not of ethics, but of conceptual analysis-and how it relates to the actions in which it is instanced: a matter which I think Aristotle did not succed in really making clear. For this **we** certainly **need an account at least of what a human action is at all, and how its description** as "doing such-and-such" **is affected by** its motive and by the **intention** or intentions in it; and for this an account of such concepts is required.

However, actions are not always pre-determined by intention. Many of our actions are influenced by the creative dimension of freedom. Creativity arises through spontaneous action in reaction to shifts in circumstances caused by natural forces.

**Connolly 13** writes[[7]](#footnote-7)

As individual and collective agents of multiple types, we exercise one dimension of freedom when we pursue existing desires and another when we reflexively reconsider them and seek outlets to act upon revised desires. But those desires are not merely given in the first instance, and the reflexive process in the second does not always render explicit what was already “implicit” in operative assumptions and desires. There is often more pluripotentiality in the rush of desire forward to consolidation in action than is captured by the lazy idea of the implicit. **There is** also **pluripotentiality during** those fecund **moments when an entire constituency coalesces under** new circumstances, with the change in “circumstances” often shaped by **rapid shifts in nonhuman force fields** with which they are involved. **In such circumstances the creative element of freedom comes into play**. To put the point briefly, neither the tradition of negative freedom nor that of positive freedom comes to terms sufficiently with the role of creativity in freedom. Creativity here means, as a first cut action by the present upon ambiguities arising from the past oriented toward the future in a way that is not entirely reducible to the past as either implicit in the present or an aggregation of blind causes that produce the future. It might involve an exploratory movement back and forth between different parties in a cloudy situation that issues in a new result none intended at the start. These initiatives may then be consolidated by disciplinary processes and tactics that help to sediment them into the soft tissues of cultural life. Reflexivity, you might say, begins to do its work after the uncanny, creative element in freedom has begun to unfold, for good or ill. Creative processes flow through and over us, and reflexivity doubles the creative adventure. **Actions are** thus **not entirely controlled by pre-existing intentions**; rather the creative dimension helps to compose and refine intentions as they become consolidated in action. To articulate the creative dimension of freedom, then, is to insert a fundamental qualification or hesitation into the ideas of both the masterful agent and agency as the activation of intentions already there. The creative element is located somewhere between active and passive agency. When creative freedom is underway in an unsettled context we may find ourselves allowing or encouraging a new thought, desire, or strategy to crystallize out of the confusion and nest of proto-thoughts that precede it. An agent, individual or collective, can help to open the portals of creativity, but it cannot will that which is creative to come into being by intending the result before it arrives. Real creativity is thus tinged with uncertainty and mystery. **The creative dimension of freedom** discloses an ambiguity that haunts extant ideas of intention, desire, agency, and reflexivity. It **exposes the ambiguity of agency** in the practice of freedom. This ambiguity may find expression**, say, in a basketball game as a**n accomplished **player** under intense defensive pressure **spontaneously fires up the first jump shot ever** attempted **amid the flow of action**. The shot, initially lacking a name, surprises the shooter and mystifies defenders. It was not implicit in the athlete’s repertoire; it emerged in the pressure of action. After being repeated, named, and perfected through relentless training, it may spread like wildfire across the basketball landscape, as that type of shot did in the 1950s in the United States. Everything else in the game now shifts to some degree too. Other players, coaches, and referees now adopt creative responses to it, generating changes in the game through a mélange of partisan mutual adjustments that no individual or organization intended at the outset. Or take a young point guard who spontaneously completes a fast break with a blind, behind-the-back pass and then finds himself negotiating with his coach to decide just when such passes can be allowed in the future. Such modes of **creative**, mutual **adjustment**, neither simply assignable to one player or coach, nor fitting neatly into extant notions of preformed intention, nor reducible to a reflexive dialectic, **occur all the time in multiple domains. They form part of the essence of freedom.**

This takes out practical reason – unity of action arguments don’t accurately describe action since in assuming pre-existing intentions are what causes our actions deon ignores action’s creative nature.

And, willing the undermining of creativity is a contradiction in conception since action would no longer be coherent if everyone willed that. This outweighs non-identity problem NCs on strength of link since alternate causality means slavery and segregation aren’t empirical necessities of a descendant’s existence.

Independently, creativity is key to value to life. **Connolly 13** writes[[8]](#footnote-8)

If **creativity finds expression in** the human estate, it will sometimes do so at surprising moments during a disruption in a practice, opening the door to a **scientific invention, a new concept,** a **political initiative,** a new **social movement,** an **artistic innovation, market spontaneity,** a **language change**, a cooking invention, teaching improvisation, a new type of film scene, a musical production, the use of new media, or the invention of a new product. And so on endlessly. Our **identification with life** – our tacit sense of belonging to a human predicament **worthy of embrace** – **is partly rooted in reflexive reconsideration of** established **desires and ends. But it is grounded too in** those **uncanny** experiences of **creativity by** means of **which something new enters the world**. This may be one of the reasons people cleave to the sweetness of life. **It ties the sweetness of life to a vitality of being**, even more than to a preordained end, purpose, or “fullness” with which it is officially invested. The intimate relation between freedom and creativity is why **freedom is never sufficiently grasped by** the idea of **a lack to be fulfilled,** successful action upon **preset desires, or the drive to render the implicit explicit**. The experience of uncertainty or incompleteness is sometimes an occasion of fecundity.

2 impacts

a. Value to life is a key framing issue – if an ethical theory can’t adequately explain why life has value, reject it since ethics would be irrelevant if our lives lacked value.

b. Creativity re-frames what freedom means in the first place so any freedom-based NC standard has to accept mine as preceding it.

Neoliberalism comes first under the standard – it destroys creativity

**Connolly 13** writes[[9]](#footnote-9)

The danger of “serfdom” today, you might say, is the emergence of a regime in which a few **corporate overlords monopolize creativity to sustain a bankrupt way of life**; in which military, prison, and security budgets are increased significantly to cling to American hegemony in a world unfavorable to it; in which the element of **creativity is squeezed out of work life** for many citizens; in which the ideology of **freedom is winnowed to** a set of **consumer choices between preset options**; and in which compensatory drives to extremism in secular dogmatism and religious faith intensify. Moderate neoliberalism cannot sustain itself under these circumstances. Its erstwhile proponents are today pressed either to allow a new priority to course through them or to give themselves to an extremism many have heretofore hesitated to accept. But is there not also a tension in the positive account pursued here? Yes. If you embrace both an ethos of responsibility encoded into multiple interacting practices and the creative element in freedom, you have introduced a tension between these two values. **Any theory that acknowledges only one value, as radical neoliberals tend to do in one way and holists in another, is not worth its salt.** The question is how to negotiate the tension. Perhaps **the best hope is to** keep one eye on each of these values. We **keep the door open to creativity** in the practices of art, citizen movements, entrepreneurial innovations, court interpretations, sports activity, scientific experiments, religious movements, consumption choices, state modes of regulation, and the like as we also commit ourselves to debate the quality of these innovations situationally with one eye on their probable effects upon the interim future. That is one reason the elements of care for the world and reflexivity are so important to a culture that prizes the element of creativity. There is no guarantee we will always get the balance right, particularly in a world that is periodically jolted by surprises. But at least we will have committed ourselves to pay due attention to the several elements in play, keeping in mind that both the element of creativity and participating with dignity in a larger system help to make life worth living.

Moral uncertainty also means err aff on the framework debate – since neoliberals prioritize only one value as my evidence says, we should reject neoliberalism in favor of enabling individuals to creatively pursue their own conceptions of the good.

Neoliberalism is the root cause of modern democracy’s breakdown and independently makes morality impossible

**Giroux 12** writes[[10]](#footnote-10)

As a theater of cruelty and mode of public pedagogy, economic Darwinism removes economics and markets from the discourse of social obligations and social costs. The results are all around us ranging from ecological devastation and widespread economic impoverishment to the increasing incarceration of large segments of the population marginalized by race and class. **Economics** now **drives politics, transforming citizens into consumers and compassion into an object of scorn**. The language of **rabid individualism and harsh competition** now **replace**s the notion of the public and all forms of **solidarity not aligned with market values**. As public considerations and issues collapse into the morally vacant pit of private visions and narrow self-interests, the bridges between private and public life are dismantled making it almost impossible to determine how private troubles are connected to broader public issues. Long term investments are now replaced by short term profits while compassion and concern for others are viewed as a weakness. As public visions fall into disrepair, the concept of the public good is eradicated in favor of **Democratic public values are scorned because they subordinate market considerations to the common good. Morality in this instance** simply **dissolves, as humans are stripped of** any **obligations to each other**. How else to explain Mitt Romney’s gaffe caught on video in which he derided “47 percent of the people [who] will vote for the president no matter what”?[i] There was more at work here than what some have called a cynical political admission by Romney that some voting blocs do not matter.[ii] Romney’s dismissive comments about those 47 percent of adult Americans who don’t pay federal income taxes for one reason or another, whom he described as “people who believe that they are victims, who believe the government has a responsibility to care for them, who believe that they are entitled to health care, to food, to housing, to you-name-it,”[iii] makes clear that the logic disposability is now a centralfeature of American politics. As the language of privatization, deregulation, and commodification replaces the discourse of the public good, all things public, including public schools, libraries, transportation systems, crucial infrastructures, and public services, are viewed either as a drain on the market or as a pathology.[iv] The **corrupting influence of money and concentrated power** not only supports the mad violence of the defense industry, but **turns politics** itself **into mode of sovereignty in which sovereignty** now **becomes identical with policies that benefit the rich, corporations, and the defense industry**.”[v] Thomas Frank is on target when he argues that “Over the course of the past few decades, the power of concentrated money has subverted professions, destroyed small investors, wrecked the regulatory state, corrupted legislators en masse and repeatedly put the economy through he wringer. Now it has come for our democracy itself.”[vi] Individual prosperity becomes the greatest of social achievements because it allegedly drives innovation and creates jobs. At the same time, massive disparities in income and wealth are celebrated as a justification for a survival of the fittest ethic and homage to a ruthless mode of unbridled individualism. **Vulnerable populations** once protected by the social state **are** now **considered a liability because they are viewed as either flawed consumers or present a threat to a right-wing Christian view of America** as a white, protestant public sphere. The elderly, young people, the unemployed, immigrants, and poor whites and minorities of color now constitute a form of human waste and are considered disposable, unworthy of sharing in the rights, benefits, and protections of a substantive democracy. Clearly, this new politics of disposability and culture of cruelty represents more than an economic crisis, it is also speaks to a deeply rooted crisis of education, agency, and social responsibility. **Under such circumstances**, to cite C. W. Mills, **we are seeing** the **breakdown of democracy**, the disappearance of critical intellectuals**, and “**the **collapse of** those **public spheres which offer** a sense of **critical agency and social imagination**.”[vii] Since the 1970s, we have witnessed the forces of market fundamentalism strip education of its public values, critical content, and civic responsibilities as part of its broader goal of creating new subjects wedded to consumerism, risk-free relationships, and the destruction of the social state. Tied largely to instrumental purposes and measurable paradigms, many institutions of higher education are now committed almost exclusively to economic goals, such as preparing students for the workforce. Universities have not only strayed from their democratic mission, they seem immune to the plight of students who have to face a harsh new world of high unemployment, the prospect of downward mobility, debilitating debt, and a future that mimics the failures of the past. The question of what kind of education is needed for students to be informed and active citizens is rarely asked.[viii]

2 impacts.

a. Rejecting neoliberalism comes prior to other frameworks – other moral theories can’t be action-guiding in a system where you’re taught to prioritize economic self-interest over compassion

b. An agent can’t undermine democracy without willing a contradiction in conception – if everyone willed non-participation in the political process that process would no longer exist

Underview

Reparations include a forward-looking aim

**Brophy 6** writes[[11]](#footnote-11)

There is another, equally important part of the story. **There are other programs** that **Posner and Vermeule should** have **classifi**ed **as reparations that they exclude**d from their narrow definition. Posner and Vermeule only classify programs as reparations if they are backward-looking. Yet, most reparationists define reparations more broadly. ' They define reparations as programs designed to make life better, searching for a way, as Ralph Ellison wrote in his posthumously published book Juneteenth, for "the future [to] deny the Past." Reparations are commonly defined as programs designed to repair for past injustice, without necessarily fitting the program to the exact amount or nature of the harm. The **forward**-looking**/backward**-looking **distinction** that Posner and Vermeule employ provides a bright line distinction. But that bright line **may hinder analysis** of the issues at stake. **Every policy is**, of necessity, **going to be both backward and forward looking** in certain ways. Straightforward compensation schemes are both backward and forward looking, for they provide compensation for past injuries, but the payment is not necessarily closely tied to harm. Moreover, the backward/forward distinction that Posner and Vermeule seek to draw confines the definition of reparations too greatly. **Most serious reparations scholarship is premised** in large part, though not exclusively, **on the idea that by repairing past harm, our country can build something better for the future**. Reparations are justified because past harm is causing current inequality.

1. Legal precision. It’s from a law review clarifying the literature that’s taken seriously – qualitatively better than normal lit reviews. Reparations is a legal term of art so my definition is the most accurate.

2. Debating about backward-looking reasons bad – most of the lit agrees with backward-looking concerns so has focused on forward-looking reasons

**McGary 3** writes[[12]](#footnote-12)

**Very few** contemporary U.S. citizens would **deny** that **U.S. slaves deserved reparations** for slavery. **The debate over reparations** for slavery **focuses on whether present day African Americans are entitled to reparations and** on **whom would** be obliged to **settle this debt; not** on **whether slaves were** the **victims** **of** a terrible **injustice**. The **critics question whether it would be just** and wise **for the U.S.** Government **to use tax dollars, tax exemptions or** some **other means to settle a debt of justice** **to present day African Americans**. The thoughtful and sincere criticisms of reparations for African Americans rest on the complications involved in providing a compelling case. The critics of reparations question the legitimacy of the demand because all present day African Americans are not the descendants of chattel slaves. In fact, some are fairly recent immigrants. Critics argue that the call for reparations conflates the following groups: (1) the willing perpetrators of injustice, (2) the culpable beneficiaries of injustice, (3) the non-culpable beneficiaries, and (4) the innocent bystanders. Or put in another way, all African Americans are not victims and all white Americans are not perpetrators.21

3. Historical context. Victims of past injustices that do not suffer from present-day harms have not called for reparations – only forward-looking reasons make sense

**Wenar 6** writes[[13]](#footnote-13)

Now Tan does not assert that his major reparative argument draws its force from distributive concerns, but it seems plausible to me that other reparative arguments do so. Consider first that **principles** of reparative justice **must explain not only when reparations are due, but** also **when they are not due**—and that reparative claims are only made on behalf of those potential claimants who are perceived as suffering a current injustice. Robert PennWarren asked, “Would the descendants of a mill girl in Lowell, Mass., who died of lint-lungs in 1845, have a claim onWashington DC in 1965?” The question has force not only because of perceived difficulties concerning counterfactuals and identities, but because we get no sense that “the descendants of a mill girl” are now worse off than they should be under plausible distributive norms. We find the same phenomenon at the level of potential corporate claimants. **We do not hear calls for reparations from** the **Germans for the Allied bombings of Dresden, or from the U**nited **S**tates **for** the Japanese surprise attack on **Pearl Harbor**, or for that matter from the United States for the British arson of the White House in 1814. **These are events which** many at least believe **were historical injustices, but** we do not hear demands for reparations from these believers because **there is little sense that those who could potentially claim reparations under backward-looking principles suffer from an unjust distribution** of rights or resources **at present.**

Historical context is key – my evidence is a summary of the lit

I’m willing to specify or clarify if the neg wants me to. It’s net beneficial since the neg would only ask me to defend an advocacy that they want me to so it’d be predictable, but if I defaulted to what I said in the AC it might be abusive – that makes CX checks key.

For evaluating neg T and theory against AC interps and practices, evaluate theory through reasonability with a brightline of in-rd structural abuse – as long as there’s link and impact turn ground under the AC standard, the aff is fair.

1. Side bias – There’s a 6-7-4 time skew and neg wins more rounds than the aff.

2. The neg is reactive, he can always form a strat that answers the aff so as long as it’s structurally fair that’s preferable since I can’t always predict the optimally fair interp.

3. It’s the perfect middle ground between diversity of positions and the fairness of positions – norm setting interps justify reading theory every round because there’s always a marginal benefit to anything I read, killing substantive education.

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7. William Connolly (Krieger-Eisenhower Professor of Political Science at Johns Hopkins University). The Fragility of Things: Self-Organizing Processes, Neoliberal Fantasies, and Democratic Activism. Duke University Press. 2013. [↑](#footnote-ref-7)
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10. Henry Giroux. “The Disappearance of Public Intellectuals: The Crisis of Education as a Public Good.” http://www.kritischestudenten.nl/bibliotheek/opinie-bibliotheek/the-disappearance-of-public-intellectuals/ [↑](#footnote-ref-10)
11. Alfred L. Brophy. “Reconsidering Reparations.” University of Alabama. Indiana Law Journal: Vol. 81, Iss. 3. 2006 [↑](#footnote-ref-11)
12. Howard McGary, Professor of philosophy at Rutgers University, Ph.D. University of Minnesota. My research focuses on collective responsibility, compensatory justice, distributive justice, justice and the distribution of health care, political liberalism, race and racism, and the virtues, especially forgiveness. I serve on the editorial boards of Encyclopedia of Ethics, Notre Dame Philosophical Reviews, The Journal of Ethics, The Philosophical Forum, and Social Identities. the Founder and Director of the Rutgers Summer Institute for Diversity in Philosophy. books include: The Post-Racial Ideal (2012), Race and Social Justice (1999), and Between Slavery and Freedom: Philosophy and American Slavery with Bill E. Lawson (1992), Dr. McGary has written hundreds of scholarly articles probing the alleged connection between racial identification and moral and political theories., “Achieving Democratic Equality: Forgivenes, Reconciliation, and Reparations”, Journal of Ethics vol. 7, No. 1, Race, Racism, and Reparations, 2003, DDA [↑](#footnote-ref-12)
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