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DECOLONIZING AMERICAN DEMOCRACY AND THE PROBLEM OF

GERRYMANDERING: IMPLICATIONS OF BORDER DESIGNS FROM A

COMMUNICATION ETHICS PERSPECTIVE

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Duquesne University

In partial fulfillment of the requirements for

the degree of Doctor of Philosophy

By

Mark Gardner

December 2019

DECOLONIZING AMERICAN DEMOCRACY AND THE PROBLEM OF

GERRYMANDERING: IMPLICATIONS OF BORDER DESIGNS FROM A

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Approved November 8, 2019

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ABSTRACT

DECOLONIZING AMERICAN DEMOCRACY AND THE PROBLEM OF

GERRYMANDERING: IMPLICATIONS OF BORDER DESIGNS FROM A

COMMUNICATION ETHICS PERSPECTIVE

By

Mark Gardner

December 2019

Dissertation supervised by Dr. Ronald C. Arnett

This project attempts to understand the powerful force of political borders from a

historical and communicative perspective. Of particular importance to this research is the role

that political borders play in shaping individuals' relationship to structures and practices of

democracy. Following insights of decolonial and communication ethics scholars, this work

understands the importance of ethically framing deliberations surrounding physical,

metaphorical, and categorical political borders. Five chapters make up this work in the

culmination of analyzing political gerrymandering as a form of democratic competition grounded

in the rhetoric of colonialism. Tracing the colonial history of borders throughout American

democracy provides this project the ground to discuss the evolution of challenges that

gerrymandering has presented for democratic ethics. The aim of this research is to call attention

to the hidden competitive forces that political borders have justified throughout the vast history

of colonialism in America. The project does not conclude by calling for a deconstruction of borders, but rather a stronger understanding of the responsibilities that borders create in political society. Through decolonial border thinking and communication ethics, this work can show the necessary frameworks that democracy requires and to shine a light on how the manipulation of borders can corrupt the democratic ethics of public discourse.

Keywords: Gerrymandering, Communication Ethics, Decolonialism, Democratic Ethics, Border Rhetoric, Deliberative Democracy

DEDICATION

This project is dedicated to the professional teachers in my family who have set a high
bar of excellence in compassion, creativity, and patience in their classrooms which I strive to
embody. I am overwhelmed at the dedication to their craft and their willingness to mold younger
generations into intelligent and capable humans that the world desperately needs. It is through
their under-appreciated work where I found my motivation to complete this project. I hope to
build my own path upon the foundation of care for students in the inspirational ways that I have
witnessed in them over the years. I will be forever in the debt of my parents, sister, grandpops,
aunts, uncles, and cousins for the example they have set for me.

ACKNOWLEDGEMENT

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Chapter 1

Political Motivations of Borders: A Review of Decolonial Scholarship

Frederick Douglass concludes his autobiography by describing a type of religion that has populated America in which slaveholding, physical abuse, and theft are all noble traits of its followers. This religion is referred to as "Christianity of this land," but he soon explains how the term "Christianity" cannot and should not be used to name this brand of belief and worship. He states, "I look upon it as the climax of all misnomers, the boldest of all frauds, and the grossest of all libels" (Douglass 85). It is a brand of religion that embeds slavery and the ideals of colonialism while ignoring inherent hypocrisies within Christian doctrines of love and acceptance. The belief system that Douglass describes is vastly different from our expectations of any sort of spiritual-based religion (like Christianity), and yet sits perfectly aligned with the philosophical concept of modernity as its own belief system which has extended from the Age of Enlightenment to the present. The focus of this chapter will be on characterizing the religious-like spirit of modernity as a historical subjugation of others through the colonial acquisition of land, the manipulation of political borders, and the political deliberations embedded within Western/white privilege.

As a political movement, modernity has centered on universalizing conceptions of human progress and created the need for socially-constructed nationalist identities that legitimized colonial expansion and oppression of cultural difference by hegemonic ideologies beginning in the 15th century. The self-identified privileged existence of such ideologies can be historically traced through the negotiation and enforcement of political boundaries and borders. This is an important undertaking to understand the systematic political oppression of the subaltern and the rhetorical impositions within which we understand colonialism as a human relational power

dynamic in democratic politics today. The overall aim of this project is to contextualize the communicative gain that deliberative, decolonial rhetoric can have on American democratic participation within a context that relies so heavily on competitive manipulation and enforcement of political borders.

In the current historical moment where multiple perspectives infiltrate social communities and when assumptions of a shared subjective nature are impossible, the over-reliance on modern structures to categorize will consistently result in conflict. The violent histories of colonialism, have been perpetuated on the North American continent over the last four centuries as prime examples dominant forces working arduously to categorize others as "less-than" and the authoritative indoctrination of individuals into a flawed dominant ideology of progress.

Colonialism and modernity, according to Argentinian semiotician Walter Mignolo, are synonyms that describe points in time when one system of human knowledge is subalternized by another, thus creating a dominant hegemonic narrative that re-enforces itself while continually exerting an assumed power over outsiders. Mignolo describes the logic of coloniality as having embedded traits of "discrimination, racism, domination, unilateralism, [and] exploitation" (*The Darker Side of Western Modernity* 281). It is not far-fetched to assume that thousands of rich cultures have been extinguished throughout the course of human history due to the totalizing nature of the modern spirit. Mignolo's concept of 'border thinking,' the focus of this project, provides a method for recouping some of the narratives lost and forgotten (*Local Histories,* x). The importance of this method lies squarely in the fact that dominated, subaltern voices have rarely dictated the documentation of history.

The colonial/modern spirit has evolved throughout history; always shifting its focus from

one problem to the next in the name of human "progress." But this brand of progress is difficult to exactly pinpoint. At times, modern progress can come in the form of intentional designs that are meant to manage the people of the world. Impositions of religious beliefs on indigenous populations throughout the 15th and 16th centuries, modern day imperialism beginning in the 18th and 19th centuries and the current trends in economic neoliberalism can all be thought of as examples of managerial designs. Through these examples, we can see distinct economic interests as the driving force for control. Once indigenous or minority populations are under the control of dominant culture, those in power are able to exploit the othered-humans for profitable gain. This ideal of progress surely shoulders much of the blame for the violence enacted for centuries around the world.

Modern progress can also originate from a religious-like "emancipatory" framework in which the people from a position of power attempt to rationalize the need to help the "lower" populations be more like those in power in order to "improve" their quality of life. Human cultural difference in this way is treated like a sickness that needs to be quarantined and cured. Notable 16th century ethicist Immanuel Kant thought that indigenous populations in central America and Africa did not hold the capacity for philosophy or moral authority due to their "savage" upbringing (Kant, *Science of Right*, 30). American colonists and their westward expansion were the root cause of the annihilation of countless Amerindian languages and cultures due to the violence that erupted from their attempted conversions. For Kant, these "civilizing missions" were blind to colonial difference because they assumed that any different way of life was uncivilized. Enrique Dussel also writes of the 16th century debates propagated by Spanish humanist Juan Ginés de Sepúlveda in which violence was justified against the Amerindians in order to bring them into civilization (Dussel *Underside of Modernity,* 52).

Colonial/modernity created a seemingly invincible ideology that made negotiation and co-construction of knowledge impossible between these communities. The justification of violence in coloniality/modernity is unquestionably linked throughout decolonial scholarship to the rhetorical act of dehumanization.

Decolonialism in modernity is primarily concerned with the how subjugated others experience and endure positions of privileged power and knowledge. Mignolo uses colonial expansion to apply Foucault's attention to the "locus of enunciation" to the experiences of the colonized. The idea is that in a colonial situation, human difference was first recognized and problematized through how people spoke. In doing decolonial work, attention must be given to where languages originated, how languages evolved through time, and what divisions languages reveal in various human societies. "Border thinking" identifies the first stage of colonialism as the imposition and indoctrination of specific language use and cultural practices and values (*Local Histories* x). Mignolo provides several examples of times when a colonized population was made to re-shape their identities to conform to specific hegemonic narratives. Exploration into the "new world" from Europe in the late 15th century was propagated by a desire to find gold and spread Christian teachings to the indigenous populations for the purpose of strengthening the Spanish Empire. Mignolo largely credits Elio Antonio de Nibrija for his development of one of the first grammars of vernacular language. Nibrija's texts published in 1492 and 1517 created the grounds for the invention and evolution of alphabetic writing with the goal of unification and the spread of the Spanish empire across the globe. When indigenous populations were encountered on foreign expeditions, the teaching of dominant European languages became an important first step. The colonial explorers wanted to persuade native populations to identify where gold could be found in the "new" territory. The unification of the Spanish empire under the Catholic church

also meant that the church would grow in size to be able to justify its existence during the increase of Protestant movements of the time period (*The Darker Side of Renaissance* 29-67).

Obviously, many native populations resisted these impositions and were slaughtered because of it. But those who conformed quickly realized that the new languages and religious practices were meant to make them more manageable. When gold ended up a scarce commodity, the explorers justified expeditions and settlements in the "new world" by the cultivation of sugars, coffee, and tobacco. These crops required the complicit natives to work as slaves. The imposition of language and cultural values was solely for the benefit of the colonizer, not meant to improve the standard of life of native populations as was originally promoted.

Forms of subjugation of knowledge systems abound in studies of colonial/modernity. It is no coincidence that the study of philosophy arose out of a Greek tradition that prioritized alphabets and literacy in the West (Mignolo, "Philosophy and the Colonial Difference," 36). Coloniality/Modernity even facilitated conventionalizing reading left to right and top to bottom on the page (Mignolo, "Putting the Americas on the Map," 55). The assumption that followed was that subaltern, non-Western forms of communication lacked any conception of philosophy and were thus unable to achieve reason. Kant, for example, believed that Amerindians, Africans, and Hindus were incapable of experiencing moral maturity based on his perception of their language and reliance on nature (Eze 117-119). These historical anecdotes outline only a few examples of how dominant cultures justified subjugating, if not outright murdering, other populations.

Once members have an understanding of the colonized culture and language, Mignolo argues, colonialism then takes a turn toward the physical spaces in which people reside. Of

particular importance for this project is the artifact of political borders and how they have been

used for centuries as a cataloging measure to differentiate between different types of knowledge.

Mignolo has spent his scholarly career identifying the ways in which the globe has been

designed through the rhetorical use of political borders to justify the "universal" good of

colonialism. Mignolo identifies universal principles of colonial/modernity as the origin for many

global conflicts that have dictated the human condition (*Local Histories* 66). For Mignolo,

however, tracing the evolution of the modern universal spirit is the same project as tracing the

establishment and enforcement of political borders; these cannot be mutually exclusive. Borders

have served the simultaneous purposes of including people in a community and rationalizing the

exclusion of outsiders. Describing a rhetoric of borders, Mignolo's deliberative "border

thinking" is needed to respond to the colonial difference that borders create in communities

(*Local Histories* 38). Paying attention to borders means deliberatively acknowledging those who

have been left on the outside.

Political Borders as Rhetoric

Political borders are the cause for drawn shapes on a negotiated map. Viewing nations as

socially constructed through the imaginations of its included members provides effective insight

into the reason political borders exist in the first place. Before cartography gained traction as a

science in the public sphere, communities erected walls and barriers to create a contained

community. These walls were justified as a form of protection for all who resided inside,

implying that anything exterior was unsafe or unworthy of inclusion. Eventually, as humans

became more ambitious in striving for utopian empires, scientific maps became the main mode

of communicating that power. Original national lines were erased and extended outward from

the capital symbolizing conquests of strength and divine will. However, every territorial empire was a contained space that relied on negotiated peripheries that explicitly constructed an alterity. The increase and spread of the human population meant that more expansive and accurate maps were needed.

Archeologists have agreed that Hadrian's Wall, built by the Roman Empire in 122 A.D., which spans 73 miles in the territory that is now known as Scotland, is the oldest boundary structure still standing today (Bell 116). There is some discrepancy as to the original purpose of the border wall and it is clear from King Hadrian's biographer's account that as the wall continued to grow upwards with fortified gateways, turrets, and forts, the "barbarians" who lived on the opposite side became increasingly hostile towards the Roman army—further justifying the need for a fortified border (Martin 30). While sections of Hadrian's wall have long since disappeared from the British and Scottish terrain, Western expansion and the violent result of its boundary establishment remain consistent themes for how humans have excessively relied on borders to negotiate difference throughout history.

As republic forms of government gained popularity, so did the need for nationally contained borders to create representative electoral districts. With each evolution of the political border and as colonial expansion transformed the globe, more reliance on political negotiation was needed. These boundary negotiations, as we will see, ultimately propelled modernity forward through a competitive and emotivistic nationalism that justified implicit and explicit ethical claims pertaining to the allotment of human rights. Borders inherently create an emotive population that must deliberate and rationalize why a person is thought to be more worthy of inclusive rights than others. This worthiness tends to move towards placing value judgments on excluded groups as being less rational ("barbaric") versions of human life, which inevitably leads

to incommensurable division among groups. Often political borders are used by those in power to justify the means of human division, creating hegemony of privileged power over knowledge.

Josue David Cisneros summarizes the study of borders as a way of understanding individual identities and agencies within a larger social context. "Border rhetoric," for Cisneros, is unavoidably tied to a type of "vernacular discourse" that speaks to the cultivation and performance of cultural identities (Cisneros 564). To adopt this point of view of borders means that we are better able to understand conflicts that arise in the negotiation of these borders. Conflicts arise from communicative differences of metaphorical categories that describe the parameters of a contained unit. These include natural geographical entities, like rivers and cliffs, which humans have adopted as political fortifications, or the territorial spaces of borderlands that humans have drawn or erected.

Walter Mignolo argues that the un-reflective, philosophical nature of modernity can be traced back through the studies of political borders and boundaries (*Local Histories* ix). He explains that these borders are some of the earliest artifacts we have to study the modern world because it is through this history of national segregations and colonial impositions that we can best lay witness to the creation of hegemonic ideologies formed around the ordering of perceived human differences. For Mignolo the colonial lens of "border thinking" from the modern world has largely been ignored in linear philosophical studies of Western history (ix). In his book *Local Histories/Global Designs*, Mignolo resists the urge to trace a lineage of modern conceptions of knowledge through Western philosophy because he argues that linear progressions take for granted the "spatial dimension" that has always been imbedded within the modern world system (ix). In other words, modernity has always been described and theorized from within the modern system itself and any attempt at highlighting the colonial experience

within this system has been portrayed as "subaltern knowledge" or ways of thinking that is "other" and less valid (ix). Human differences, then, are framed as colonial differences by Mignolo to better comprehend and recognize the spaces where the colonial spirit or the "coloniality of power" has been enacted to segregate particular localities in order to justify truth-making in a hegemony. Interpreted through this decolonial lens, the positioning of political borders can be seen as an explicit demarcation of ideological evaluations that are motivated by the rhetoric of exclusion.

Exclusionary Rhetoric of Borders

Borders, whether in physical or in metaphorical form, are not naturally given to us; they do not exist without creative human mediations and motivations. The story of borders thus becomes a story that traces human deliberations centered on privileged truths. Boundaries and political borders are so closely linked with the rhetoric of exclusion that in order to understand what purpose these segregating features have in human existence, we must first examine the linking elements of human and political communication. Exclusionary processes have at their center a unity of contraries in that they simultaneously define who is allowed to stay and who is left out. Ruth Wodak and Salomi Boukala explain that exclusionary rhetoric often times has to rely on language to "determine and define similarities and differences" to construct knowledge about the dangers and threats that a bounded group fears they will experience without clear parameters of exclusion (89). Fear of the unknown or of the radically different, be it justified or imagined, is one of the predominant forces that drive boundary and border establishment. History has shown that borders established due to these fears often times result in violent conflicts between the haves and the have-nots.

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As an element of communication, borders not only work to keep people out but also work to strengthen the bonds of those contained within. Fear of the unknown can be categorized as one such bond. Zygmunt Bauman explains that this fear creates the first obstacle for human solidarity in that it refuses to acknowledge the importance of dialogue (*Strangers at Our Door* 19). Adherence to political borders of fear can move humanity toward a mutual alienation characterized by the silence of "self-alienation, aloofness, inattention, disregard, and, all-in-all, indifference" (19). Bauman states that drawing borders focuses too much on the duality of love and hate and often negates the dialectic importance of indifference or coexistence. Borders that are created out of an inclusionary love and exclusionary hate will usually guarantee a political atmosphere of a state of emergency in which governmental officials use the threat of potential conflicts to increase a population's anxiety. Once these fears exist in a population, modern governmental structures continue to hold power over those they promise to protect—whether the threat of violence is real or not. Borders are provided as infallible solutions to keep populations "safe" from outsiders, and the rhetoric used to justify their existence will typically feature fear and disgust of what is being excluded.

In the same way that borders use fear to justify their own existence, another human bond that is formed within borders relies on what Martin Buber would refer to as an "existential mistrust" of others ("Prophecy, Apocalyptic, and the Historical Hour" 205). This version of mistrust is grounded in a person's sense of being and greatly impedes an individual's ability to genuinely dialogue with other individuals because it centers on suspicion and judgment of another's motives. Suspicion of the other usually predates knowledge of the other and political borders are the main cause for this historically relational discrepancy. If communities of difference have no communicative systems in place to enhance dialogue and understanding, then

there is little hope for a world in which political borders do not result in fear and conflict. Once outside groups of people are relegated to unknown existences, there is little hope for building trust that coexistence requires. As a byproduct of modernity, political borders promote an individualistic mentality that negates the importance of cooperation and co-existence. Deliberating border designs that are created out of fear and existential mistrust will always remove the literal "in between" space and ideological middle ground that is needed for genuine dialogue and human relationality. The "between," for Buber, is the necessary site of dialogic discovery. Borders created and manipulated for fear of the unknown remove the possibility of the dialogic space between. For Buber, these types of political borders can be seen as having propagated existential mistrust as the "sickness" that poisons human ability to dialogue and coexist ("Prophecy, Apocalyptic, and the Historical Hour" 224).

Dating back to ancient Athens, walls have been erected as exclusionary safety measures. The Themistoclean Wall was erected as a response to the first Persian invasion of Greece in 480 BC. By the time the wall began construction in the 5th century, Athens was entering into war with Sparta, its one-time ally who stood in staunch opposition to wall structures and other flashy architectural details (Frye, *Walls*, 36-8). The culture of Athens used wall-like structures as protection, but also as ornate symbols of status. David Frye explains that quality of life of the Athenian Greeks was dictated by a fanciful culture of surplus and that the original wall was a symbol of their success. Once Sparta had conquered Athens, Greek historian Xenophon wrote that the Peloponnesians made a great spectacle of tearing down the border structures. The demolition was serenaded by "music of flute-girls" and the act celebrated as the "beginning of freedom for Greece" (Xenophon, *Hellenica,* 2.2.23). In their Peloponnesian conquests, Spartans saw the walls as a symbol of greed and cowardice and thus were quick to demolish them and re-

build the city in the name of human freedom.

The Great Wall of China, one of the most famous border structures standing today, presents another important artifact of the history of exclusionary rhetoric. Eventually spanning over 13,000 miles, the Great Wall was originally constructed by the Qi Dynasty around 500 BC. The majority of the structure that we know today, however, was not built until the 14th century by the Ming Dynasty to fend off Mongol refugee populations from the preceding Yuan dynasty. The Yuan/Ming conflict centered on the Yuan's institutionalized discrimination of the Han Chinese and over-taxation of areas most harshly hit by massive flooding of the Yellow River. The Ming dynasty was held at fault for the flooding damage due to the fact that they had abandoned several irrigation projects leading up to the floods. As more and more Mongols were forced to leave their homelands, resentment among the refugees gained momentum. Upon losing several battles in the Northern regions, the Mings opted to construct a wall along the edge of the Ordos Desert to protect against Mongol forces. Over the next century, the Mings relied on the Great Wall to fend off several dissenting tribes, but eventually the Wall could not contain the forces of the Manchu rebels and Beijing and the Ming dynasty fell (Waldron).

These two examples show that walls as border structures can be temporarily useful for creating protection, but history has shown that no nation/city can rely solely on a border structure to create peace. If anything, the presence of these walls further escalated conflicts by their mere presence—symbolizing arrogance and an inability to see compromise as an entirely viable option. Today we can see how border structures are still being used as a defense system motivated by fear of others.

In response to the influx of migrant refugees entering the European Union (EU) beginning in 2010, several EU countries erected border structures and implemented strict border

policies meant to deter any asylum seekers from entering. Migrants are pouring in as a result of mass casualties following the Syrian civil war (United Nation) and drought and poverty caused by climate change (Harvey). But the ethnic makeup of these refugees has yielded many negative responses from EU country leaders. The Hungarian Prime Minister, Viktor Orban, announced in 2015, he would build a barbed wire fence along the Hungary/Serbia border. Orban's stance is that given the country's location, they are prime targets to experience an astronomical influx of migrant populations and that their country's infrastructure cannot handle this population increase. Since the closing of their borders, Hungary has been one of the loudest national supporters (in addition to Bulgaria, Lithuania, and others) for the immediate closing of all EU borders to migrant populations and asylum seekers. In 2018, Orban claimed that if current immigration policies continued, "autochthonous Europeans" would become the population minority and that "terror will become part of life in large cities" (Gorondi). The border structure goal to protect nationally ethnic Europeans from the influx of non-European ethnicities has a clear link to the eugenics of purifying genetic pools—arguments that have been at the forefront of justifying mass genocides in years past. The fence surely has worked to keep the number of refugees in check, but at what cost of human life? The trend in the EU to close borders to migrants shows their fears of outsiders more than it does a fear for what has driven the individuals out of their homeland in the first place. The border structures going up all over the EU may help control their population increases but will do very little to solve any of the international crises that result.

    In the United States 2016 presidential election, Donald Trump famously campaigned on a promise to build a border wall between the United States and Mexico. He claimed in several speeches that the United States was in grave danger of losing its identity due to the influx of

Latin American and Mexican refugee populations. In Spring 2015, Trump stated, "The U.S. has become a dumping ground for everybody's problems…. When Mexico sends its people, they're not sending their best. They're not sending you. They're not sending you. They're sending people that have lots of problems, and they're bringing those problems with [them] (sic). They're bringing drugs. They're bringing crime. They're rapists." (qtd. in Phillips). This often-repeated message acted as a pillar for the Trump campaign and eventual win of the 2016 election. The fear rhetoric associated with this statement was never backed by statistical or logical evidence, but its success in creating a political bond was in its ability to affect the emotional mental judgment of the viewers. A few seconds later, he stated, "It's coming from more than Mexico. It's coming from all over South and Latin America, and it's coming probably—probably—from the Middle East. But we don't know. Because we have no protection and we have no competence, we don't know what's happening. And it's got to stop and it's got to stop fast." Trump's claims were backed by only anecdotal evidence from unrecorded conversations he had with border patrol workers, but they were effective towards building sentiment for a border structure. That sentiment grew into a binding element that propelled his campaign to victory.

In his important book, *Orientalism*, Edward Said characterizes border thinking through the West's fearful relationship with Islam as coming from a desire to limit or stereotype what defines the Islamic tradition and its people. Said explains that fear is instilled from a lack of vocabulary and imagery needed to initiate a healthy dialogue between the West and Islam. From early human history, Europeans were quick to place themselves as the natural goal of Christianity and God, continuing to see every other variation of human as a "repetitious pseudo-incarnations of some great original they were supposed to have been imitating" (*Orientalism* 62). He continues to talk about an "Oriental expertise"—a Western claim that they have knowledge

and truth about a nonnegotiable, collective identity that non-Westerners embody. This knowledge is based on a subjective interpretation of an interpersonal interaction with the outsider and is then applied to the population at large (*Orientalism* 239). Ideologies that mask universal truths often lead to the fearful mental distancing of others and the inevitable conclusion of excluding those individual experiences in public discourse.

The West's ignorance of Islam and other non-European cultures and nations is especially problematic when studying the decolonial traces that this overreliance on political borders has had on human co-existence. If the creation of borders is done through exclusionary rhetoric of fear, then careful attention must be paid to the violence done in classification of others. Bauman reminds us that exclusion and the fear it creates cannot be cultivated without a certain level of coercion (*Modernity and Ambivalence* 2). Based on the examples above and the countless other examples throughout history, we can see that coercion takes the form of arguing the need for borders and boundaries to keep others out.

Some scholars have identified the exclusionary forces of fear and violence as a products of the liberal universalization of society. Even though liberalism holds equality as one of its main tenants, Lisa Lowe reminds us that it still relies on principles of inclusion and exclusion: "In the very claim to define humanity, as a species or as a condition, [liberal universalism's] gestures of definition divide the human and the nonhuman, to classify the normative and pathologize deviance" (Lowe 6). Seyla Benhabib extends these thoughts to the human rights phrase "we, the people" that begins the U.S. Constitution. She explains this phrase as being fraught with inconsistencies about how the "we" was really limited to in its universal claim for human rights (*Transformation of Citizenship* 24). The universalization of human rights, as a plight of liberal democracies has yet to be fully realized because each form is eventually

unsettled by an excluded group. And as we have seen from Said, the assumption of universality about others leads to a prescriptive attitude towards any outsiders.

Humanity's need for political borders is a complicated issue. It has been one of the main competitive actions instilled throughout the history of human life. Often fear rhetoric has been useful in protecting cities and nations from impending doom, however, the focus of this project is to investigate the motivation behind the frequency of this move. Decolonial scholarship shows us that throughout time associating fear rhetoric with political borders becomes a fast-track to conflict and inevitably war. The instant people are told to fear something they do not see or do not engage with, the easier it is to convince them of the correctness of the status quo. The use of fear as an exclusionary rhetorical force is about creating a mental distance from the other so that their moral rights are no longer visible. The presence of a border is about placing a barrier to make this mental distancing easier, impeding the other's visibility even further. The dehumanizing elements of exclusionary, fear rhetoric are vast throughout human history and the project of tracing political borders can ultimately find its main narrator in the countless war stories and the index of lives lost.

Nationalist Borders and the Competitive Need to Belong

Nationalist identities, like exclusionary fear, also has a deep connection to the propagation of conflict around political borders. Sociologist Benedict Anderson situates human imagination as the driving force of nationalistic bonds within bordered communities. Nations, for Anderson, are held together by imagined cultural connections that exist between individuals who will, in all likelihood, never meet face-to-face (6). Imagined cultural narratives that function within political borders create a sense of community between strangers and can take many forms,

such as celebrating a nation's victory in a global sporting event like the Olympics or even coming to an imagined consensus about the justification of entering into global wars. Anderson is explicit in saying that nations and the imagined mindset of each national citizen are the result of generations of modern, imperial forces at work (Anderson 111). Through the industrial revolution and the consistent notion of modern progress, Anderson explains that to be included in a socially "evolving" group of individuals means that a person would have to at least feel as if they were in agreement with their neighbors about the direction that progress should take (Anderson 6). Anderson calls this imagined connection a "deep, horizontal comradeship" that allows people to put their life on the line for a national identity's notion of progress (6). Anderson is careful to distinguish the dangerous qualities of nations that place these intersubjective connections at the heart of global expansion. His work on imagined communities identifies the limits of human knowledge that, if ignored, have the potential to illicit confrontation between national pluralisms. When we imagine ways in which we are connected to people we encounter face-to-face or through media representations, we are ultimately creating a culture around these connections. Anderson's critique of modernity is that these imagined connections are utilized not as possibilities of solidarity, but instead are considered representations of reality that make it easier to label cultural outsiders (7).

The inherent competition that accompanies nationalism has grave consequences for political communities. In order for a nation to feel competitive against neighboring nations, they must strengthen the bonds contained within their national borders. There is a not-so-complicated history that exists between national tribalism and the purification process of eugenics that places value on a specific "type" of person over others. In order to be classified as a member who belongs, one must prove their individual genetic makeup fits in with the particular universal of

the national standard. Most nations rely on formalized citizenship to decipher a right to belong, but as Martha Gardner reminds us, citizenship is a constant tug-of-war of justifying principles of inclusion. She states, "Americans, would-be Americans, and permanent immigrants flexed the law where they could, broke it when they felt they must, as they carefully constructed stories of work skills, family relationships, and moral behavior to prove their admissibility" (Gardner 9). But as history has shown, the deciding factor of granting citizenship is entirely up to the subjective will of those in power. Benhabib reminds us that the "sovereign 'we' of the modern nation" excluded those women, non-whites, property-less, slaves, and lower class tradesmen (*Transformation of Citizenship* 24). Each of these groups competed against the others to gain the trust of the powerful elite by conforming to the dominant narrative standards of inclusion.

There is irony in the sense that belonging first relied on a strengthening of individualistic qualities that worked to create a binary opposition to those excluded from citizenship. When women marched for the right to vote throughout America in the early eighteenth century, the white members of the suffrage movement had to distance themselves from the nonwhite members who had played a major role in the formation of the movement. White women realized that their best chance at winning was to remove the expectation that all others, no matter their race, deserved the equal right to vote. In an address to the Equal Rights Association in 1867, Elizabeth Cady Stanton stated, "With the black man, we have no new element in government, but with the education and elevation of women [i.e., Anglo-Saxon women), we have a power that is to develop the Saxon race into a higher and nobler life and thus, by the law of attraction, to lift all races to a more even platform than can ever be reached in the political isolation of the sexes" (qtd. in Davis 72). This form of individualism can be seen throughout human rights struggles because, while social justice may be at the forefront of human rights rhetoric, there are often

many caveats and stipulations of what rights belong to whom. Borders give a physical space to ground these stipulations and they enhance a fantastical connection of hegemony over others that will forever remain competitive in the struggle for human acceptance.

Decolonial Scholarship

The justification of borders through fearful bonds of exclusion and nationalistic bonds of inclusion is a central focus of a relatively new trend in political and philosophical scholarship termed decolonialism. This project is concerned with identifying the communicative elements of both physical and imaginary political borders and decolonial theory adds a necessary prescriptive voice to acknowledge, negotiate, and transcend the colonial power structures that are embedded within every day communicative life. Defining the rationality and methodology of decolonialism to better apply these principles to the deliberative exercise of border thinking and rhetoric is the focus of this section.

As a method of study, decolonialism investigates the historical traces of dehumanization that reside in our current paradigms of existence. Frantz Fanon and his 1963 book, *Wretched of the Earth*, originate this mode of thought. Fanon discussed decolonizing as a cognitive and performative praxis that worked to reinvent conceptions of the self instead of rediscover them. In rediscovering the self, one assumes that there once existed an untainted version removed from colonial oppression. But for Fanon, the advent of colonial expansion and the political foundations of modernity that resulted from it created the impossibility that a "pure" self would ever be able to exist. According to Fanon, while colonization can most certainly be seen as a forceful act of indoctrination and subjugation into dominant cultural norms, colonization really cannot be realized until the native becomes persuaded by their own inadequacy (Fanon 138).

Decolonialism works to provide a method of reinvention of the self for the affected native and marginalized populations, but also for the dehumanizing hegemonic forces who are perhaps ignorant to their own domination.

Dehumanization of the subjugated other, as we have seen, has been one of the main justifications for political borders throughout human history. In response to the violent history of dehumanization at the outset of modern progress, decolonial scholar Charles Mills asks the question: "How were people able consistently to do the wrong thing while thinking that they were doing the right thing?" (*Racial Contract* 94). He continues that this question is "a problem of cognition and of white moral cognitive dysfunction" (94-5). Mills reminds us that to dehumanize a group of people means to categorize a subset of people via a different and inferior moral status. Accompanying this lower class moral status, the "subperson" will find that not only are their senses of self-demoralized, but that their "civil standing in the white or white-rule polities" is subordinated entirely (Mills 11). This means that the moral and legal guidelines that apply to how whites interact with other whites does not apply to their interaction with nonwhites; hence, "the exploitation of their bodies, land, and resources, and the denial of equal socioeconomic opportunities" (11). Mills decolonial work remains focused on the history of specific instances of dehumanizing violence. For example, the documented use by Americans (President Andrew Jackson included) of Native American skins made into bridle reins for their horses; or Jewish hair during World War II made into cushions; or Japanese bones made by Americans into letter openers, as well as several instances of war trophies that celebrated the capture, torture, and murder of any number of nonwhite groups (Mills 99).

One thread of decolonial scholarship focuses on historical instances of dehumanizing practices used over marginalized voices, but the importance of decolonial scholarship is also

marked by a separation from Eurocentric, Western philosophy that ignores problems of race. Maldonado-Torres claims that the "decolonial reduction" seeks to destroy evil and nurture kindness through the urgent task of overcoming eurocentrism in its many forms (Maldonado-Torres 245-6). Earlier, the racial issues within Kantian philosophy were presented, but Kant is far from the only offender holding a purely Westernized canon of human knowledge. Bauman writes that Kant, Descartes, and Locke all had a "joint responsibility for imposing" a foundational philosophy motivated by the dream of a "masterful humanity" (*Modernity and Ambivalence* 26). But this brand of humanity conveniently ignored or outright devalued the existence of racial difference. Mills reminds us that Locke wrote adamantly against the Native American claim to land in the new world because their belief system lacked any sort of conception to property rights (Mills 49). Mignolo writes of his skepticism of Gadamer's constructive hermeneutic because he restricts it to an "ongoing, natural tradition" which can easily be read as a monocentric tradition based seemingly in Greco-Latin history (*The Darker Side of the Renaissance* 17-8). These philosophers, and many others, fell victim to their own arrogance in promoting ideals of truth in ethics and politics without recognizing the hypocrisy of their self-contained philosophical canon.

Another form that decolonial scholarship takes is in its critique of modernity's obsession with scientism in its many forms. Frantz Fanon spends ample time describing psychiatry as a form of politics that functions to assimilate traumatized colonized populations as opposed to understanding the circumstances for which their trauma caused mental effects (Fanon 183). Dussel positions early psychology as a force that relied on the philosophy of Ginés de Sepúlveda, defining the lives of the oppressed as needing "description, administration, treatment, therapy, correction" as part of the overall administrative state that polices the deviant subjugated (Burton

and Osorio 29). These forms of science have been documented by decolonial scholars as gaining credibility during the formative years of modernity and their relationship to othering showcases why these scientific fields grew in popularity during the early colonial period of the New World—to rationalize the less-than-human qualities of outsiders. E.R. Wolf critiques anthropology that relies on small sample sizes to make universal claims about isolated primitive cultures (Wolf 13-4). Finally, Charles Mills is quick to point out that the "science" behind social contract theory is not a science at all because it does not present factual circumstance of racial human difference (Mills 62). From this vantage point, we can see decolonial scholarship working to de-center Western sciences toward the recuperation of narratives from those left on the outside of scientific inquiry as rational individuals.

Through the decolonial framework, sciences can be joined by mainstream culture as propagating imperial narratives about oppressiveness. Edward Said published *Culture and Imperialism* in 1993 to investigate the connections between heralded works of literary arts and the hegemonic narrative of empire. Of particular focus for Said was Jane Austen, Rudyard Kipling, and E.M. Forester, among many others. Said defines a decolonial style of reading called "contrapuntal reading" which means "reading a text with an understanding of what is involved when an author shows, for instance, that a colonial sugar plantation is seen as important to the process of maintaining a particular style of life in England (*Culture and Imperialism* 66). This historically active style of reading is required when engaging with texts like *Mansfield Park*, which references Antigua, or *David Copperfield*, which references aboriginal Australia, or *Vanity Fair*, which takes place partially in India.

There is also a healthy strand of decolonial scholarship fronted by Paulo Freire that focuses not on philosophical canons, but instead on educational and pedagogical practices as one

of the main means for constructing a "de-linking" effect from modern power structures. Freire devoted his pedagogical career to critiquing educational practices that did not attend to power structures in conflicts involving race and socioeconomic status. Decolonialism, for Freire, upholds that critical consciousness is necessary for human development and that concepts of knowledge should be critiqued, never reified. In his 1998 book, *Pedagogy of Freedom*, Freire states that action-oriented ethics is integral to a philosophy of education and that ethical responsibility is a conditioned mindset. Decoloniality means for Freire that as human beings, we have an obligation to intervene against acts of oppression and violence and only through implementing proper forms of education can we work against the colonial underpinnings of neoliberalism and modernity.

Because of the contentious nature of these claims, decolonialism is often branded as a deconstructive method of scholarship meant to discredit all forms of knowledge that predate it. But Lissovoy explains that this reading of decolonial method is shortsighted because deconstruction does not offer any concrete alternatives to its forms of hegemony. The decolonial method is not about negating classical, enlightenment rhetoric, but opening it up to new forms of knowledge creation. Lissovoy states, "A global ethical and decolonial politics and knowledge ought to be centered outside of Western traditions while nevertheless reaching out to communicate with and include them" (De Lissovoy 283). The strand of decolonial scholarship most interpreted with deconstruction is from the work of several scholars focusing on cosmopolitanism, but, as we will see, these discussions do more than deconstruct theories of modern globalization and postmodern multiculturalism. Instead, scholars like Appiah and Benhabib have provided ways to morph the conversation of cosmopolitanism from coexistence to mutual understanding of outsiders.

Decolonial cosmopolitanism is about finding a mediated center between the all-out nationalist rhetoric of abandoning responsibility for foreigners and the hardcore cosmopolitanism which is impartial to all local forms of social relationship. Appiah offers a type of cosmopolitanism that is rooted in inevitable historical loyalties and local allegiances tied to each of us. Each individual is rooted in past experiences, but they must constantly and deliberatively open themselves up to new experiences (Appiah xvi-xvii). A deconstructionist brand of cosmopolitanism cannot be future-oriented because it only focuses on the historical ground of negative biases of outsiders. While cosmopolitanism viewed as a rhetoric of humans as citizens of the world opens up questions about the need for political borders at all, decolonial scholarship rarely takes the argument far enough to say that borders are unnecessary. From this perspective, borders become problematic once they are erected and enforced through instances of fear and hatred for the oppressed that are grounded solely in past events. Decolonialism wants to always question the communicative role that borders play in grasping at mutual understanding between two types of people. As a "partial" form of cosmopolitanism, decolonialism must be attentive to the moral conflict that is built into language while remaining open to conversations about past experiences from people on the outside.

To understand cosmopolitanism from a decolonial perspective is not about creating a model of society that can be implemented in different national contexts. Decolonial cosmopolitanism is instead about establishing an organizational principle of communalism that connects the "non capitalist socio-economic organizations around the world" (Mignolo, *The Darker Side of Western Moderntiy,* 275). These communally-oriented organizations can be national governments but they can also be segregated social groups who find themselves on the outside of a neoliberal context looking in. According to Mignolo, this brand of cosmopolitanism

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assumes impenetrability of the colonial structures of the globe and will work to find a way to connect the excluded others in society around the universal experience of "dwelling in the global borders of modernity/coloniality" (*The Darker Side of Western Modernity* 270). Seen from this perspective, decolonial cosmopolitanism provides an attitude of communalism between subjugated cultures and groups that helps to justify their rights as excluded populations from the coloniality of power.

The links between decolonial theory and communication are plenty because existence is predicated on the presence of language. History is told through language. Conflict is mediated through language. Colonialism, as Mignolo has shown us, was enforced through language learning. This summary of decolonialism has shown the method to be a disruption of the bourgeois-elitist sign-systems of language. Nietzsche famously stated that "only that which has no history is definable" (Nietzsche 53). Ambiguity of the subjugated is the most feared state for those in power, so in an effort to diminish past realities which may conflict with a dominant narrative, elites will be quick to define what a group of people is and how their radical differences justify a radical disregard of their needs at best and a violent form of domination at worst. Decolonialism works to de-mystify ambiguity as a fearful state and locates subaltern consciousness as a subject coming from discontinuous modes of human existence (Spivak). As a theory of communication, decolonialism is attentive to the "in between" from Buber or the "Third Space" from Bhabha, which is the space between interlocutors where meaning is constructed (Bhabha 55). In order to separate from the dominating class, it takes reflection and meditation on the ways in which dominance is articulated in everyday political and cultural life. At the heart of this project is the need to show how the reflective step of communication has been overlooked as it pertains to creation and enforcement of political borders throughout time.

Decolonial theory assumes humans to have a primordial relationship to ethics because of the communicative response that encountering difference requires. In our sociological conditions of multiplicity, ethics that emerge from communicative action provide insight into how individuals navigate particularities that are intrinsically distinct from the exclusionary rhetoric of modern philosophy. Decolonialism, as a mode of thinking, shares many commonalities to the ethical strand of the philosophy of communication.

The Communicative Ethics of Decolonialism

Studying the ethics that emerge from communication has gained its ground through the various critiques and disruptions of universal ethics propagated through modern philosophy. This can provide a lens through which we can study the nature of technological uses of language that create conflicts of particularity between humans. Ramsey Eric Ramsey summarizes the plight of communication ethics as a means of being attentive to the ways in which the world is revealed to us through language and the dangers this creates for human relationships. He states, "human beings are who they are because they have a world, and they have a world because language allows it to show itself to us. However, when language as saying—as the allowing of world to show itself (i.e., traditional language)—becomes dominated by calculation, then language, which is our only means of making our way, leads us astray" (34-5). The boundaries that language create and ultimately place us within, have distinct ethical implications in our communal responsibility to attend to others. The innate responsibility of people in community to attend to each other is a driving force of communication ethics, and our inescapable use of language to both identify ourselves and genuinely dialogue with others creates the conditions necessary for engaging with difference.

Viewing our problematic relationship with language through this lens, it is easy to see why Emmanuel Levinas situates ethical responsibility as the "first philosophy" and the a priori of human communication. Levinas's orientation of ethics is described as a calling to us from the ambiguous face of an Other. It is through this calling that we interpret our ethical obligation of care for others and which cannot expect or demand anything in return (*Totality and Infinity 304*). Levinas argues that this view of a priori ethics predates that of even *dasein* because Heidegger's philosophy of being-with cannot exist without a finite conception of time and our relationship to it. Levinas states, "The subject is neither free nor absolute; it is no longer entirely answerable for itself. It is dominated and overwhelmed by history, by its origins, about which it can do nothing, since he is thrown into the world and his abandonment marks all its projects and powers" (*Discovering Existence with Husserl* 84). In order for ethics to be situated ahead of our conception of being-with in the lifeworld, Levinas makes it clear that we can only experience transcendence of these sorts of conflicts by locating a metaphysical call to the Other and to alterity. Ethical obligation is an infinite call that we respond to when we engage with language in any context. The careful need for openness to difference is the basis for this project to identify the effects that physical and metaphorical boundaries have on human relationships.

In attempting to grapple with the infinities of these ethical relationships, identifying the powerful forces that make use of technological and calculative language that results in the domination of others is key. The notion of sovereignty is important at this juncture. Jean-Luc Nancy presents a helpful definition of the idea as a shared mindset of opposition towards dominating forces that works as a "praxis of meaning" instead of the traditional model of sovereignty that understands the exercising of power (Nancy 42). This concept helps us to appreciate how communities of segregated particularities can function together around a

common purpose of ethical obligation. The contrarian nature of communication ethics is difficult to comprehend when identifying boundaries that are implicit within human communication. To engage in communicative ethics means to be attentive to the dominating effects that are linked with language use and to practice constant interpretation and prescriptive caution, all influenced by our understanding of community. Arnett claims that through the framework of communication ethics, we must be vulnerable to diversity even when it is not always present. He describes a community in which communication ethics is a regular frame of reference as being "open to diversity, while simultaneously promoting collective uniqueness and difference, and attempts to be honest about public boundaries of a community that eventuate in exclusion" ("Communication and Community" 40). Honesty, in this way, becomes a central part of engaging ethically when identifying the boundaries that we self-sufficiently initiate and those that we are placed within.

Decolonial communication ethics can give rise to border thinking as a new method of caring for the marginalized particulars within a demarcated globe of nationally-bordered universals. This synthesis of scholarly voices over a broad terrain of border rhetoric and communication provides a basis for this project. It is clear throughout this scholarship that political borders are highly motivated by rhetorical claims of dominance that are counterintuitive for ethical relationality. The ethical implications of borders are diverse and can shine a light on the motivating reasons for so many human conflicts around the world. The scope of this project includes the need to perform decolonial work to identify the colonial structures that remain today and to offer guidance for a constructive political community which moves away from violent and oppressive forces that borders so easily come to represent and magnify.

Political Borders as Sites for Communication Ethics

In an attempt of decolonial thinking, the second chapter of this project will go deeper into the historical trends of the United States democracy and the embedded colonial habits that influence those trends. Chapter two will present a historical timeline of colonial hegemony used politically throughout U.S. history so as to express the current challenges facing U.S. democracy today. As a product of colonial modernity, the United States' current democratic system needs to evolve into a more deliberate system where all individuals have equal access to participate and where one group is not privileged over another in the socio-political realm. This historical summary offers insight into the role that privilege has played in political negotiations and the resulting conflicts that relate to race and border issues.

Chapters two and three examine the ethical implications of democratic governance and the role that political borders can play in the subjugation of those ethics. Chapter three will pose the question: what are the necessary communicative grounds that democracy requires? At the heart of this question is the need to define the importance of cognitive habits of mind that allow for the ethical participation within a democratic system of governance. Throughout this discussion, the justification of universalized ethics of human rights in democracy are presented in dialectical tension with the scholarship of communication ethics. The human experience of this tension is felt through the conflicting nature of borders that representative democracy requires. By examining the contemporary issue of gerrymandering as a mode of deliberate political emotivism, chapter three calls attention to the border conflicts that are inherent in the American democratic system today.

Extending from chapter three, this next chapter will talk about deliberation as a process of human communication. The aim of this chapter is to define what a deliberate community

could look like in a decolonial democratic system. The theoretical grounds for arriving at this definition of community will extend from deliberation as a philosophy of communication and the social construction of bordered identities coming from Du Bois and Anzaldua. Examining deliberation as a process helps to center the decolonial ethic of border thinking so as to open more possibilities for inclusion within democratic societies.

The final chapter of this project will offer up a concrete strategy to integrating decolonial border thinking and deliberation into the current democratic practices. Guidance from Benhabib situates a healthy deliberative democracy with a strong educational presence of the Humanities and Liberal Arts curriculum. In order to implement the decolonial thinking needed to enhance ethical deliberation, the U.S. educational and political system needs to reverse the trend of devaluing the Humanities as a legitimate and important field of study. Without this cohesive educational framework, society runs the risk of falling into the traps of privileging neoliberalism and implicit coloniality which will result in the continued escalation of border conflicts and emotivism

The scope of this project is intentionally diverse. When attempting to understand an un-reflective theme that flows throughout human history, there can be no linear path of constructive thought. Borders are an embedded in our global society and they aren't going anywhere. As a constantly evolving human population, we have an obligation to learn from the ways borders have too easily segregated and diminished human existence. There are no barriers, no demarcated exceptions, and no exclusive ideologies that can impede the call from the Other and our ethical duty to respond to those abandoned on the outside. These are the values that democracy holds firm that are supposed to differentiate itself from other more oppressive forms of governance. As the political climate of the twenty-first century continues to evolve through

stark divisions, more deliberate modes of thinking are needed to combat the structures in place that strengthen this divisiveness for personal political gain.

Chapter 2

Colonized American Democracy:
A Brief History of Anti-Deliberative Democracy and Border Conflicts

Democratic practices can materialize in a number of different forms, but there are various commonalities for how democracy is experienced in all of these iterations. These commonalities, when looked at through an ethical lens, have the potential to call into question the ways these political communities are formed and maintained. The purpose of this essay is to provide a way to understand the evolution of American democratic principles and the role that ethical deliberation played in the negotiation of territorial borders. Deliberation is a complicated, nuanced process that remains one of the central pillars of democratic governance. However, history shows us that the process is continuously threatened by the rhetoric of privileged power in ways that result in the propagation of coloniality/modernity.

The significance of the chapter's focus on American democratic history as opposed to all other national brands of democracy, rests in the clear connection of American history to the strengthening of colonial/modern values around political borders as explained by Walter Mignolo. He reminds us that the founding and creation of America was done through deliberative means of spreading the colonial spirit around the world (*The Darker Side of the Renaissance* xi). The spirit of colonialism, according to Mignolo, is produced by a "geo-economic organization of the planet which articulates the modern/colonial world system and manages the colonial difference" (*The Darker Side of the Renaissance* 55). Interpreted through this lens, colonialism is a mindset that participates in differentiation and demarcation from a position of privilege. The political negotiations and resulting treaties between the Native Americans and the colonists, along with the colonists' desire for Westward expansion, set a

historical precedent of privilege over nonwhite others. This continues today, for example in the unintended consequences of adherence to the Electoral College and the deliberative act of political gerrymandering. In tracing these historical narratives, ways in which the colonial spirit directly marginalizes groups of people from equal participation in democratic deliberation are evident.

The Power of Privilege in Democracy

As a political practice, democracy has an inherent competitive nature that involves various groups of people rationalizing differing value structures. Competition is an important metaphor for democracy because it signals a winner. The winner's prize is to utilize self-evident truths of good and right to control a larger population. The loser, whose consolation is always to adapt to domination and construct justifications for their inclusion in political policies, want to gain equal rights of citizenship. Voting in democracy requires unambiguous support of a given political ideology which is learned through public deliberation of virtues. According to Kenneth Burke, the competitive deliberations for truth in democracy as a "battle" over terminology which works to define rigid constructions of right and wrong (*Rhetoric of Motives*, 25). From this viewpoint, a healthy democracy cannot be understood outside of competitive rhetoric, which actively works to create explicit difference between people at the same time that it strengthens the motivational bonds of the privileged majorities.

The argument of inherent competition is one that can be traced back to Adam Smith, who centered his economic philosophy around the free-market capitalism that propelled modern "progress" (Smith). From an economic perspective, competition within the marketplace is required in order for companies and organizations to serve the greater good at competitive prices.

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People identify their loyalties through how and where they spend their money. This capitalist-centric approach to economic trade has some interesting consequences for democratic principles. There is competition between groups of people because a "healthy" democracy is understood through a similar framework for competitive deliberations. The assumption is that the more competition exists between differing ideologies, the more cooperation is created within segmented groups of people. Without this competition, democracy can fail to engage in the ethical deliberations necessary to take into account all perspectives on a given issue.

The capitalist mindset outlined above has specific implications for democratic implementation, mainly that it creates the necessity for clearly defined borders around what is contained within a dominant ideology and what is excluded. The dominant ideology in Western democracy often times works through an extremely competitive process, enabling dominance over minority groups. Because of this, competitive democracy results in the other-ing of minority groups of individuals who find themselves on the losing side of an ethical debate. The prize of democracy thus becomes the ability to silence outliers by constructing definitions of boundaries for what an ideology should consist of and what it should leave out. This brand of democracy constantly justifies the use of socially constructed political borders that promote imperial ways of dominating outside voices.

Being an other in a democratic political system means that at one point or another hardship, if not outright directed violence, is the result. Built into democratic relationality is a pendulum swing towards resistance. John C. Caputo states, "There are times when the law is the very embodiment of malice and oppression. Then—when the law spills blood—the law requires violation, transgression, resistance" (Caputo 118). Eventually, the status quo determined by those in power in a democratic system will enact some form of oppressive regime over

marginalized others—this is especially true within capitalist societies. But the other who demands the obligation of respect in democracy can never be an individual who produces victims (Caputo 119). This is important because it could be easy for a privileged person of power to view the limiting of their power as its own brand of marginalization. From a perspective of ethical responsibility, the violence that requires attention can only be committed by those in power against those who find themselves left out of a hegemonic narrative.

In the same way that democracy inherently deals with competitive balancing, it is also a political system that feeds off of dissent. New laws evolve through democratic deliberation of the shortcomings of previous laws. Once a law or political practice is shown to have manipulating or subjugating effects toward a group of under-served people, then ethical deliberations of dissent awake out of the polis. Without resistance, Caputo reminds us, the rights of marginalized people will "succumb to bio-power, to fundamentalists, to all those who want to inscribe their private views of the Good on everyone else's body, and cut off the right to be different" (Caputo 121). He writes that "Democracy loves dissent" and yet people in power of the democratic system are fearful of it (Caputo 121). Political borders are one locality where people in power have created structures (physical or imaginary) to crush the decolonial spirit of dissent and become a breeding ground for violence.

Modern American democracy has evolved in a way that privileges competition and colonial conflicts rather than through ethical dissent. The ethos of democracy is situated within the ethics of dissent, so it remains important to understand the difference between competition and dissent. Competition assumes equal ground and privileges winning as a central barometer for success. Dissent is built from outside the political ideology and looking in. As an essence of decoloniality, dissent is not concerned with finding the right piece of evidence to win an

argument. Instead, democratic dissent is about analyzing embedded privileges and rhetorical inconsistencies throughout the political system and speaking out about neglected ethical responsibilities towards others.

Privilege experienced by a group of people is not an organic occurrence. It can originate as a competitive unbalancing between political sides through rhetorical means of subjugating or othering outsiders. This type of privilege comes from the perception of power and status over others in an imagined form. The "privilege" of whiteness spent considerable time linked to genetic strength and educational abilities, while the scientific myth that propagated this law of nature was consistently reproduced by those in power (*Modernity and Ambivalence* 38-39). The inconsistency was encouraging competition in an unfair power game where the rules were dictated by those most interested in national and ethnic purity. The effects stretch far beyond historical deliberative instances traced in textbooks, in the subconscious of every non-heterosexual, non-white, and non-male. Privilege has a tendency to avoid creating real opportunities for dissent and can struggle to exist in democracy when competitive power is heavily privileged over co-existence.

Democratic values have evolved over time through countless iterations of privileged existence. Plato critiqued a form of democratic deliberation which privileges power over truth (*Gorgias*). When in competition over differing ideologies, he says that vocabulary used in deliberations is often focused on winning an argument to gain as much power as possible. This brand of rhetoric, termed "plebiscitary rhetoric," is motivated by popular fears and emotions of the outside world instead of relying on informative reason or ethical responsibility. Competitive democracy relies on manipulated language in this way, as it becomes much more concerned with obtaining power over others than accessing philosophical conceptions of truth and morality for

the greater good. As the "most prevalent forms of rhetoric in democracy" (Chambers 337),

plebiscitary rhetoric, or audience pandering, is about masking divisive language in order to win a

vote. Policy statements are typically vague and political alliances are fleeting in this colonized

brand of democracy where what matters more isn't finding compromise in the truth, but rather

saying what people want to hear in order to gain their support. This pandering style of rhetoric is

a dangerous expression of privilege that moves away from any possibility of dissent. It does this

most easily by eliminating any need for ambiguity or vulnerability.

In order for a democratic society to embrace a deliberative format, the powerful few will

need to understand how they have benefitted from years of unaltered privilege based on colonial,

manipulative rhetoric. Colonialism, as defined by Gerry Snyman, "naturalized the non-ethics of

war" (Snyman 87) because violent conflict was assumed to be the result of global exploration. If

war is presupposed before deliberation begins—as was the case with colonialism—then there is

little hope for rational voices of dissent to emerge. As ethical dissent is expressed through

language, democratic deliberations need to take into account that ethical differences do exist.

Democracy suffers when purposeful language avoids the vulnerable state of needing to belong

and the obligation of responsibility toward the other.

Elitist rhetoric in ancient Athens impacted the evolution of democratic deliberation by

claiming, through impure rhetoric, that educated men were the most useful to the formation and

propagation of the State. However, speakers in Athens often would pretend to be humble, meek,

or uneducated, so their arguments were deemed to be more relatable to the general populous. In

actuality, these speakers tended to be highly educated and skilled orators (Ober 189). The

assembly in which political deliberations took place included only men who had completed

military training. While deliberations transpired in public theaters, there was little possibility of

including an entire city/state in the political discourse.

Structuralism's slant towards modernity highlights the importance of language in the deliberation process of creating divisions among different categories of individuals. But these divisions tend not to be divisions of multiplicity, rather structuralism relies on the creation of a binary opposition, proving how an individual is embedded within a system of difference and particularly defined in relation to an opposite. The condition of otherness when viewed through a modern structuralist lens is not constructed through a logical relation of the two parts, but rather through relationships of power and dominance. The binary created by structuralism deeply feeds into a competitive system rather than one of dissenting viewpoints.

Inherently linking democracy to competition means that power based in privilege will have a better grasp of a political system than one based in dissent. But decentralizing competition from democracy does not mean removing it altogether. The idea of democracy and the need for dissent come from the need to be heard and the feeling that each voice has an equal role to fill in constructing a participatory democratic system. Competition and deliberation can thrive together to reach compromise and co-understanding, but clear parameters are needed to make sure that deliberations are not fueled by competitive rhetoric. Iris Marion Young states that deliberation must be grounded in equal salutations, rhetoric, and narrative storytelling of experiences (*Inclusion and Democracy* 53). Given these circumstances, deliberation has the ability to take a divisive existence and move it towards human flourishing, however, when competition overshadows deliberation then compromise will be difficult to come by.

Throughout history there have been many instances where a self-inscribed privilege dictated how deliberations were carried out and by whom. Marion Young details that ethical deliberations that leave little room for compromise and understanding will ultimately always end

in the privileged group feeling victorious about the result ("Communication and the Other" 126).

Perhaps there is no better historical example of this than the bourgeois subjugating forces of the colonial period coming out of Europe that are still present today. Mignolo explains that colonial forces felt justified in their takeover because native populations were assumed to be less equipped to handle scientific knowledge as explained through the "languages of modernity (French, German, English" (*The Darker Side of the Renaissance* ix). He goes on to say that oral languages had little persuasive ability to the colonial power structures as they were looked at as "incoherent and inconsistent" (*The Darker Side of the Renaissance* 3). The privileged public that came out of colonial/modernity had an emancipatory mission, but that mission failed to grasp the altered paradigm of native populations in the new world. In the years that followed, bourgeois society, consciously and unconsciously, made a distinct point to place themselves above any other form of life.

The bourgeois public sphere described by Habermas is a valid idea on paper as it professes a space of commonality amongst all citizens (*Structural Transformations*) where ethical deliberation can exist. But many scholars have critiqued Habermas's inattention to exclusion within the public sphere. Nancy Fraser speaks of a sense of power that can never be bracketed and that ignores the plight of inequality in modern capitalist societies. She states, "Discourse interaction within the bourgeois public sphere was governed by protocols of style and decorum that were themselves correlates and markers of status inequality…. Here we are talking about informal impediments to participatory parity that can persist even after everyone is formally and legally licensed to participate" (Fraser 63). The impact of un-checked privilege on deliberation within a competitive political context illuminates the colonial problem embedded within the American democratic system. When privileged power goes unchecked within

democratic discourse, the ground from which deliberative negotiations build can never be leveled.

The remaining sections of this essay will focus on three historical cases of political borders being used as deliberative instruments to serve the interests of a dominant political ideology. There is a need to analyze these cases to gain an understanding of how hegemonic privilege has played a role in the conflicts surrounding America's relationship with political borders. This analysis progresses from a macro discussion of the national border to a micro idea of congressional district borders contained within the nation. The first example of border deliberations is seen in the westward movement of the American colonists that infiltrated and colonized previously held native lands. This case looks at rhetoric pertaining to the national border, the largest type of political borders in use today. Political border negotiations were necessary to reach agreements with native tribes who lived on these lands for centuries before. The history of mistrust and violence experienced in treaty negotiations throughout the next 200 years set a precedent for border conflicts continue to resonate throughout the American imagination. Moving from the national border to nationally contained state borders, the second example presented shows traces of colonialism embedded negotiated designs of the Electoral College in American democracy. The deliberation of this political system encouraged the largely random design of state borders to justify and embolden the expansion of slavery. The third case provided below looks at the history of representational district borders contained within each state and the continuing trend of manipulation that exists within the "gerrymandered" border designs of congressional voting districts. This final case presents a historical focus of gerrymandering as a deliberative political act which works against the ethical inclusion of dissent and which has aggressively continued through to today. The historical timeline of borders below

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presents a problematic strand of democracy that has encouraged anti-deliberative competition and which has privileged the colonial spirit.

Border Conflict 1:
The National Border and Westward Movement in Native American Treaty Negotiations

Treaties are discussed throughout American history as the negotiated expression of peace between two conflicting nations or groups of people. Their legacy is one of ending wars through privileged negotiations around solidarity and justice as cooperative terms. As a peaceful gesture, they represent a dialogic and communicative turn at the culmination of force and violence in wartime. But the political power dynamics at play within these competitive negotiations have colonial implications that result in an embedded sense of nationalistic identity for the groups involved. Upon further study of these negotiations, the concepts of solidarity and justice had difficulty co-existing when justice tended to privilege one group over another. Paula S. Tompkins describes justice as being based on "judgments of what is fair in balancing the legitimate interests of one's Self with the legitimate interests of Others." But she explains that the act of discerning what is "just" for any given situation is complicated because "there may be no clear or universal standard for fairness" (Tompkins 243). Ultimately, in treaty negotiations, justice can move toward a perception of the "common good," but at the precipice of violent conflicts, there are typically privileged definitions of the "common good" that remain incommensurable. When treaty and political negotiations take place on unequal ground, they typically result in the subjugation of non-dominant cultures. As the field of decolonial scholarship asserts, both physical and political warfare are tried on unequal ground. The terms of these negotiations are presented from positions of dominance and privilege and establish

governing rules of proximity, interaction, and, ultimately, the autonomy of being.

The developmental evolution of the United States' dominant cultural identity is marked by stages of competitive individualism which recycled subjective privileges over knowledge and experience. Ever since the surprising culmination of the American Revolution, the U.S. government (both in its infancy and throughout its relative brief history) has enjoyed being referee and umpire for other nations because it gets to dictate the terms on which existence and "peace" are realized. The thousands of treaties that the U.S. has negotiated throughout history show an imperial form of democracy that works diligently to define "treaty rights" as different from "constitutional rights." Treaty rights have only been relevant for protecting property and cultures of colonized nations, they do not expand into the privileged rights of citizens. Cultures and nations that have found themselves entering into negotiations on the outside, have quickly been introduced to the subjugating forces of colonial imperialism.

For early American history, these negotiations centered around land acquisition to the west of the original colonies. Native tribes joined forces with the British army during the American Revolution because they saw it as the best way to combat the encroachment of the white population on their land. They naively believed that the British forces would allow a co-existence on the land upon the competition of the war. This alliance and the continued violent resistance to American colonial expansion created a challenge to the newly defined ideal of American freedom. The native tribes played a large role to help maintain British control over the colonies because they wanted to work against the colonial claims of ownership of previously held lands. They assumed that the British would be more cooperative once the war concluded and the British were victorious. But the negotiations of the Treaty of Paris in 1783, which officially concluded the war, lacked any sort of input from the native tribal populations as to the

resulting ownership of land (Mann 146).

When the Treaty of Paris was negotiated between the American colonists and the British government, no native voices were invited to attend. As part of that treaty, the British government handed over rights to the portions of land that would become Ohio, Indiana, Michigan, and Wisconsin, even though these lands housed hundreds of thousands of native people. While the British government was not without fault for this exclusion, the early signs of privileged strategy began to show within the American government. Neither British nor American governments believed that native populations would ever be able to negotiate their own positions because they were considered to be less educated and, ultimately, less than human. But, it was their exclusion from these talks that propelled the conflict forward. The bloody conflicts for land acquisition would continue on for much of the next two centuries and played a huge role in the formation of the imperial narrative of American nationalism.

The initial resistance of colonialism from the native tribes should not be seen as distinct from the conflict of the American revolutionary war. George Washington wrote in a letter on September 7, 1783 that the native populations are "deluded" and should "be compelled to retire" with the British forces north of the Great Lakes. He continued that the native's best chance for safety "depends upon our friendship" (qtd. in Mann 146). It was clear the American forces believed the Treaty of Paris to be the conclusion of the conflict, but from the native perspective, the real motivation for their participation in the war, was the right to reside in the lands that they had occupied for centuries. Had they been allowed to participate in the treaty discussions, their clear motivations and demands could have been taken into account. In a letter written by the United Indian Nations in 1786, native leaders expressed disappointment for their exclusion and explained that both British and American governments misled them about the content of the

treaty negotiations at the time (Mann 147). For the native tribes, there had been no conclusion to the conflict and any land ceded through the Paris treaty was not valid. The native populations dictated that any future negotiations be conducted with "the general voice of the whole [Native] confederacy, and carried on in the most open manner, without any restraint on either side" (qtd. in Mann 147).

This was one of the first documented exposures of the native populations to the imperial structure of American democracy. As an introduction into white political discourse, it became very clear that this culture of dominance had little intention of creating equal ground for peaceful negotiations. As the colonies expanded westward, more and more treaties were negotiated between the American government and the native tribes. Each treaty was as unsuccessful as the previous one in finding cooperation, but due mostly in large part to the American imperialist subjectivity which utilized a self-identified privilege to dictate the terms and processes of creating a co-habitable existence.

Bruce E. Johansen explains that treaty negotiations were "fraught with many linguistic and cultural misunderstandings" (xiv). Negotiations mainly took place in the English language, a foreign discourse to the native populations. Translators were provided, but they were often linguistically and objectively unreliable. As an example of this linguistic challenge, Johansen discusses the European language used to describe property rights. This language utilized rhetorical assumptions about the ownership of land that was a completely foreign idea to native tribes (Johansen xiv). Americans would also rely on vague language in treaty-making that made it difficult for the native parties to be correctly compensated. The Fort McIntosh Treaty of 1785 refers to payment of "goods" to be distributed to the "different tribes," but gives no specific mention of quantity or identity of these terms (Mann 154). Not only was the language barrier a

hindrance in the negotiations, but the American representatives at these negotiations often used intimidation as a means of getting of their way. Native accounts of the Fort Stanwix Treaty of 1784 and the Fort McIntosh Treaty of 1785 established the consistent use of threats by the American representatives as a negotiation tool (Mann 154-55). Native negotiators often times cited signing under duress and many treaties were eventually discredited by Native American councils—thus prolonging conflicts between the sides.

Furthermore, based on past experiences, native populations had very little reason to believe in these negotiations because the final terms would almost certainly be broken based on past experiences. Throughout the 1800s, American representatives framed negotiations using deceptive bribes for land while encouraging chiefs to drink wine and whiskey to cloud their judgment before agreeing to terms (Mohawk 88). The numbers of treaties ratified between 1778 and 1871 shows just how disingenuous the American government often was. Often these agreements would become null and void. For example, in 1868, to decrease violent conflicts over bordered lands, the U.S. negotiated the Sioux Treaty at Fort Laramie. It set aside an exclusive reservation for the Sioux people, including the Black Hills of the Dakota territory, for the tribe to live unbothered by white forces. But when gold was found in the Black Hills in 1874, by a rogue U.S. General, the U.S. quickly moved to protect the miners who had infiltrated the reservation lands (Viola 163). Even today the U.S. is still not honoring the Fort Laramie Treaty by digging a pipeline for oil throughout this promised Dakota territory/reservation. In 1871, the U.S. Congress ratified over 350 treaties which set up 140 million acres of land to be used exclusively by native tribes. Since then, Native lands have shrunk considerably to about 56 million acres (Egan). This shrinkage has occurred through power-grabbing and ill-fated treaty negotiations that have impacted generations of native tribes.

Beginning with the Treaty of Paris and continuing on until the late 1800s, the American sense of privileged identity can be traced throughout the ways in which "peace" negotiations of national border lines were managed using emotivism, manipulation, and coercion. These treaties and the resulting colonized lands gave the American government cause to expand its imperial identity to the eventual formation of states that would privilege a European sense of individualism and autonomy. The myth of the American frontier and the imagined connection between all who abided by the dominant control set in motion a colonial precedent that would morph into an unbalanced sense of democratic freedom for generations to come.

As the bordered edge of America continued to move westward, so did the privileged identity of the American spirit. The imagined national connection for American explorers and their families was grounded in the experience of colonial expansion and the assumed destiny of survival from conflicts with native tribes. The "frontier" from American history is often explored as the march of the "civilizing mission" and a strong precursor to the nationalist imperial mindset (Mignolo *Local Histories* 299). Richard Slotkin explains this history of privileged national existence as relying on a mythology of nationalist rhetoric that is very similar to Anderson's notion of an imagined community. But for Slotkin, the religious component of the myth of the frontier is of central importance—people bound together because they believed it to be God's will to construct a new nation out of an independently minded group of people, guided by an unlimited sense of self-improvement (Slotkin 473).

Western political borders established by treaty negotiations during the post-revolutionary American formation were inauthentic rationalities for the mistreatment and manipulation of native outsiders. These negotiations were made in bad faith for the purpose of justifying the eventual "legal" slaughter of these outsiders due to the imposition of political boundaries. This

marks a reliance on political borders in the competitive construction of the American

imagination as the main mode of encountering populations who were thought to be irrational and

less than human and thus not worthy of an enlightened quality of life. As America aged from this

experience, the a priori relationship with political borders continued to affect the lives of those

found on the outside of a growing dominant political hegemony.

Border Conflict 2:
Justifying State Borders Through Racism and the Electoral College

The history of states' borders has presented a variety of conflicts over time. According to

Peter Onuf, more than half of the original colonies-turned-states experienced conflicts pertaining

to their official boundary markings. While these conflicts are mostly due to the inaccuracies of

cartography in the 18th century, they still showcase an important history of the ideological

ownership that joined colonists together in the imagined connection of statehood. The

competitive nature of belonging to an official state meant that a colonist felt compelled to find

differences of opinion in order to justify a division of statehood loyalties. This competitive

nature was not inherent at the early stages of the American nation. Onuf states, "statehood was

attributable to communities inhabiting particular territories, not to their governments. But not all

the British colonies in America became independent states, in spite of a standing invitations.

American had to create new governments in order to preserve their individual rights and the

'statehood' of their colonies" (29). States were formed out of the collaborative spirit of the

Revolutionary War, not necessarily around differentiating one from the other. The intercolonial

relationship propelled the succession of states and the rights that came to be assigned to states,

but the ratification of the Constitution required a deliberation of ethical conceptions that differed

between the states. These deliberations gave ground for the conflicts that would arise from the design and implementation of states' borders as an ideological jumping off point for negotiations.

But the most predominant conflict surrounding the design of states borders is the autonomous value placed on each state within the U.S. Constitution. The arbitrariness of states' borders created pre-determined voting electorates that are connected to each other through the same democratic process. The Constitution clearly places the responsibility of electing the President within the realm of state electorates, not the popular vote. States are apportioned electors based on the total number of seats in Congress—538 possible electors. Congressional seats are dictated by citizen population counts taken every ten years as part of the Constitutionally mandated census. All of this is to say that the number of people that reside within the state borders impacts the amount of political representation that can be expected.

The shape and size of each state, as designed by border cartographers, plays an important role in the apportionment of congressional representation. The size of land allocated constrains the possible number of inhabitants that can reside within the borders. As these shapes have remained consistent (for the most part) over the duration of United States' history, it is important to look into the taken-for-granted assumptions that underlie the U.S. democratic system when it comes to states' roles as self-contained republics. The relationship between borders and colonial/modernity calls attention to the ways in which these borders have been used to justify colonial practices through the unintended consequences of racism. This is similar to national borders that justified colonial violence against the Native Americans.

The Electoral College was a product of the Philadelphia Convention in 1787 where the Founding Fathers designed much of the American democratic system. Historians go back and

forth over why the electoral system was implemented over a direct election (or popular vote). The assumed problem with a direct election was that it would more heavily favor populated states and states with a high proportion of rural areas would be under-represented in Congress. The Philadelphia Convention had as its main purpose to bring together the states of the Union and find a way they could coexist together. What these histories often overlook is the assumption that each state contained vastly different needs and offered a distinct, functional necessity in order to help the Union thrive. The formative democratic principles were thus assigned to each state as its own republic, not to the citizens residing within the state. It is as if the borders of each state symbolized stark divisions between definitions of the human good, and without the borders, there would be no ability for deliberative dissent.

Another well-documented argument against a direct election is that elitist politicians did not believe that the everyday citizen would have access to enough information to make an informed decision (Amar). But the designers of the Constitution could not foresee how the two-party system would make this argument obsolete. Each party created a linking chain within the state of individuals who stood for the same political platform, thus creating a well-informed network of political allies to inform the polis.

Whatever the reason behind the creation of the Electoral College, it's problematic history was clear right from the beginning. In the Philadelphia Convention speech where the Electoral College was first presented, James Madison, a Virginian slaveholder, remarked on the necessity of the Electoral College as a way of convincing the Southern states to join together due to the clear ethical divide on the issue of slavery. Madison stated, "The right of suffrage was much more diffusive in the Northern than the Southern states; and the latter could have no influence in the election on the score of Negroes" (qtd. in Amar). Madison's proposal was that in order to

even out the disproportioned voter citizenry between the North and the South, individual slaves were to be counted as 3/5 a citizen and incorporated into the census. So while the voting body only consisted of white men, the distribution of electoral counts would include slaves who were not given the right to vote.

Not only did this election system take advantage of the slave population without recognizing any sort of claim to be treated as equal citizens, it also directly impacted the number of congressional seats allocated. In many ways, the Electoral College incentivized slavery not only to continue, but to expand in numbers. Akil Reed Amar states that after the 1800 census, the state of Pennsylvania had "10% more free persons than Virginia, but got 20% fewer electoral votes" (Amar). The competitive balance shifted towards slaveholders in an unmistakable way. Amar points out the troubling fact that "for 32 of the Constitution's first 36 years, a white slaveholding Virginian occupied the presidency" (Amar). Many people are not aware of the linkage between the creation of the Electoral College and the divisive ethical issue of slavery. As an important part of the American consciousness, the rationale for how presidential elections are to be managed was originally justified through state border designs motivated by the colonial spirit of racism.

The Electoral College has gone through few changes since the initial Philadelphia Convention. In 1800, not even twenty years later, the first conflict arose related to the Electoral College's design. The initial method outlined in Article II, Section 1 of the Constitution stated that electorates vote for two individuals; one for President and one for Vice President. In 1800, the presidential election resulted in a tie between Thomas Jefferson and his own vice presidential candidate Aaron Burr. This was largely due to both names being on the same ballot. Congress passed the 12th Amendment, mandating that electors fill out two separate ballots, each

corresponding to either the Presidency or the Vice Presidency. Dewey M. Clayton points out that this functional change created the need for a two-party system to elect similar party platforms into office. Clayton explains, "As a result, presidential electors are not truly independent, as the delegates to the Constitutional Convention no doubt intended, but are closely tied to a political party" (Clayton 30). Now parties have the ability to co-opt a voting ticket and a clear division of political philosophy is infiltrated within the democratic system.

The Electoral College has not been altered since the implementation of the 12th amendment, but that does not mean that the U.S. presidential elections have been without conflict. Including the 1800 election and as recently as the 2000 election, the Electoral College often has failed to elect a pure majority for the office of the President. There have been four elections which resulted in Congress needing to step in to decide the election results. And there are even more instances where the Electoral College swung in favor of the least popular candidate (most recently in the 2016 election).

Recent political party divisiveness in America has brought up for debate the Electoral College's legitimacy by identifying the unintended consequences of racist rhetoric behind its original construction. Dewey Clayton's literature survey of the scholarship pertaining to this ethical debate is very interesting because it shows just how complex the issue is. One of the main arguments that Clayton surveys in the analysis of the Electoral College design is the impact that this political machine has on the dilution of minority votes. In 1996, all but two states (Maine and Nebraska) implemented putting all of the electoral votes behind the candidate who won the statewide popular vote. This practice has been negatively critiqued because minority voters have been outnumbered in states since the early republic. In essence, "the preferences of minority voters count for almost nothing" (Hoffman 937). The winner-take-all system of

electorate votes became the predominant method of the Electoral College by 1832 (Hoffman 946). It should be noted that once one state utilizes this method, it automatically places all other states at a competitive disadvantage to be able to influence election outcomes. If states want their electorate votes to impact an election, they are more inclined to use the entirety of their allocated votes towards one candidate, as opposed to distributing electorate votes based on the percentages of popular votes cast. Political parties are charged with propagating a political ideology throughout a state so that their candidates can win a majority victory in the popular vote (even with the slightest margins) and gain 100 percent of the electoral votes.

This political shift accounts for the continued divisiveness between the historically conservative South and the more liberal North. And with the emergence of a two-party system contained within the electorate, conservative party politicians have historically used these methods to influence national policy on race and civil rights issues. Michael Hoffman points out that in the elections of 1848, 1960, and 1968, the bloc of Southern states, or the "Dixiecrats" as they came to be known, bound together to vote for an openly racist third-party candidate. The rationality behind this was to hold their electoral votes hostage until one of the main parties agreed to meet their political demands—usually pertaining to anti-segregation and civil rights (Hoffman 950). In these instances, the borders separating Southern states became more porous so that ideologically they could form one large voting body motivated by colonial/racist rhetoric.

Much of the scholarship that exists today arguing in favor of the Electoral College makes the same claims: 1) it maintains a federalist system where the state governments are more powerful than the national government; 2) it decreases the chance for voter fraud (Clayton 33); 3) it makes the recount process more manageable (Lempert 20). But there are other scholars who have proposed that only minor changes be made in the form of installing electorate districts for

voting purposes. These would mirror the gerrymandering processes laid out in the next section

of this chapter (Turner; Gans). Still some scholars think a major overhaul is needed to the

electorate system. That overhaul could come in the form of a direct election decided by popular

vote (Keyssar) or in some other creative design related to preferential balloting system where

candidates are ranked and the winner is determined by the first vote-getter who reaches over 50

percent of the vote as the top choice (Shugart).

What is clear from these discussions is that the Electoral College system raises some

large questions about how the presidency is determined in America. The role that borders play at

the state level has a direct relationship to how the U.S. Constitution developed its democratic

practices. The history of U.S. elections shows how people in power used borders to their benefit

because the designed electorate system inherently instilled powers contained within each

bordered state. When analyzed through a decolonial lens, it becomes easy to see why the

American democratic system has evolved through the context of conflicts surrounding its

borders. The colonial rhetoric of privilege that propelled the colonists toward the New World

and into further expansive Western territories, is the same privilege that created the troubled

voting system that exists in America today. By giving states' rights preference over individual

rights in pursuit of the colonial/modern spirit, the Electoral College and the conflicts that

continue provide an important historical lesson for how democracy was tainted by colonial

motivations.

Border Conflict 3:
Gerrymandering and Political Manipulation of Congressional District Borders

National and state borders are the most reproduced and recognizable borders that exist today. Images of these land masses have become an important part of extending the national mythology of unification. And while the negotiation of these borders have a difficult and complex history of violence and subjugation, the political borders that surround congressional districts seem to have the most direct impact on the crisis of ethical democracy in the twenty-first century. Partisan drawing of congressional districts dates back to the early days of the republic. Unlike the electoral discussions of state borders, congressional districts are redrawn more frequently which has resulted in the continued practice of manipulating these borders for political gain. The ethical crisis of gerrymandering goes largely unnoticed but can have huge effects on a democratic election.

This section will work to summarize the history of gerrymandering as a political tool of apportionment while also providing a chronological breakdown of the judicial interpretations that the U.S. population and Congress rely upon to dictate how gerrymandering should be avoided. The historical issue of gerrymandering is one of the more complex problems facing democracy today because it encourages a dangerous type of competition when paired with a two-party system. Each election cycle results in several statewide contests that are decided based upon how the population is apportioned into districts. The threat to democracy is prioritizing winning elections with the goal of controlling the border design process in order to dilute opponents' votes. The privilege of drawing and re-drawing borders has a long shared history within America. The current problem of gerrymandering is the most recent crescendo in a long line of conflicts engaged with colonial rhetoric.

When the Constitution was drafted and ratified in 1787 it contained only a brief mention of the Legislature's role in the governance of elections. Article I, Section V provided that the Legislative branch will act as the "Judge of Elections, Returns, and Qualifications of its own Members," but did not go into any specific details about the intentional design of election protocols (*United States Constitution*). In fact, the Constitution made no reference to geographical voting districts at all. In the early years of the United States' republic government, many of the popular elections were decided by general ticket, "at-large" ballots in which all available candidates were listed on a single ticket. The first U.S. Congress attributes five election outcomes of the ten recognized states as a result of general ticket elections, while the other five resulted from agreed upon voting districts. The choice in election method was entirely up to the state government and, up until 1842, states' methods would frequently fluctuate between the general ticket method and districting as its own method (Engstrom 22).

The choice between election methods was highly motivated by a political party's public perception at any given time. If a majority-controlling party was largely favored by the state population, then that party would typically be in favor of a general ticket election because it meant they had the best chance of sweeping the available congressional seats within the party (Engstrom 24). If a majority-controlling party had lost the trust of the state's constituents, they would most likely prefer that an upcoming election run on a districted ticket. Erik Engstrom recounts several examples of state governments changing from general ticket to districted elections to show that elected officials in the early republic were very conscious of how to manipulate the electoral system to yield the best results for a given political party (Engstrom 22).

One such example is the 1789 Pennsylvania legislature who chose general ticket election method due to the Federalist party wanting a unified front in the state governance. The

Federalists got their desired outcome for the first statewide election, but the Republican party had gained enough momentum throughout the state and in Congress that the state legislature narrowly voted, two years later, to change to a districted voting system before the next election. The Republican-leaning Western Pennsylvania played a pivotal role in voicing concerns that the party was under-represented in the state government. They were able to change the election system to a designed districted vote. The state went back to a general ticket for the 3rd Congress before finally settling on districts in 1795 (Engstrom 27). From their early use in the U.S. republic, bordered districts played an integral part in limiting the voices of the popular opinion.

In 1788, Governor Patrick Henry asked that the Virginia State Legislature reformat the state of Virginia's fifth Congressional district to minimize the election chances of Henry's political foe James Madison. Henry, a staunch anti-Federalist, was very vocal in his disdain for the approval of the Constitution, which Madison had a hand in drafting. Henry convinced the legislature to draw the district so that Madison would have to defeat a formidable opponent (James Monroe) in the election. Madison ended up winning regardless of the district redesign, but this instance shows just how pervasive the design of electoral districts has been from the earliest days of the democratic republic ("Redistricting").

It was clear to 19th century politicians that relying on voting districts to manipulate elections was a calculated move that would largely impact the American political landscape as the national population continued to increase. As the number of people living in major cities continued to increase, the number of congressional seats increased as well. Congress in the early 1800s had not yet adopted a limit to the number of representatives allowed, so states like New York, Virginia, and Pennsylvania saw an opportunity to draw new districts in a way that would strengthen the political affiliations of their desired party of choice. In 1803, the Majority-

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Republican U.S. government agreed to pay $15 million to the French government for the Louisiana Territory, which eventually would be demarcated into several Republican-leaning states. Many historical scholars point to the Louisiana Purchase and the unchecked ability to manipulate congressional elections through strategic drawing of the voting districts, as the main causes of the extinction of the Federalist party (Engstrom 38; Farnham).

Controlling the voting power of the populous by separating them into districts is an exclusionary political strategy that works against democratic freedom. In a two-party democracy, voting districts can move political power away from individuals and give it to political parties that are reified through exclusionary rhetoric and fortified ethics. The two-party system of American Democracy since its beginnings has pivoted around a competitive nature used to figure out how to silence or diminish the voices of those who opposed a dominant political ideology. The general ticket elections were the first iteration of this competitive imbalance because they allowed political parties to sweep all of the available seats in a given election. Ironically enough, voting districts were then used as a way to combat this amount of power because it relegated separate populations to their own voting ballot with a limited number of candidates on each ticket.

Eventually politicians understood how to manipulate these districts in a "gerrymandered" way that would still ensure dominant control. In early American political life this was an un-checked use of power that influenced every general election result. The term 'gerrymandering' did not come to be until the early 19th century when Massachusetts Governor, Elbridge Gerry, was accused of drawing a reptilian-shaped congressional district in order to safeguard an incumbent politician's re-election campaign. A famous political cartoonist of the time period first called attention to the district's unconventional shape as a way to negatively critique party-

line political influence. This was first referred to as the "Gerry-mander" district to reflect the reptilian shape of district that made up part of the Boston metropolitan area.

The Apportionment Act of 1842 passed by the twenty-seventh Congress began the process of outlawing the general ticket voting practice based on the feeling that it over-privileged one group of voters over another. Mandating the use of voting districts was initiated to increase minority representation in Congress, but the act was controversial. It was the first time state sovereignty had come into question in relationship to electorate voting practices. In the early republic, states relished their freedom to decide for themselves how to elect members of Congress, but the 1842 Act is largely credited with a momentum shift towards the conflicts related to the expansive reach of the federal government—a conflict that would soon turn into the bloodiest battle ever to take place on U.S. soil. (Rosa-Clot).

While the Apportionment Act defined strict voting practices, it also identified evaluative criteria for how voting districts were to look. The Congressional Act defined that districts needed to be organized in "contiguous" and "compact" territorial shapes to provide equal protection for individual voters of a community (McKay 230). Without this requirement, states would have been able to allocate a lesser number of voters into different districts, thus minimizing the constitutional requirement of equal representation. Although this use of language doesn't seem to have caused much debate at the time, it has since been adopted by the U.S. Supreme Court as the standard by which districts should be drawn during the re-districting process (See *Baker v. Carr*; *Reynolds v. Sims*; and *Shaw v. Reno*;).

Parts of the Apportionment Act of 1842 continued to be debated for much of the next century, but it was not until the 1929 Reapportionment Act that the U.S. saw a stark change in perspective related to the makeup of congressional districts. This Congressional Act

permanently mandated that the apportioning of 435 congressional seats in the U.S. House of Representatives be divided up by population information calculated from the decennial U.S. census. This Congressional law is often noted as the turning point for the creation of additional ambiguity once again in the electorate process. The Act failed to mention language about the compact, contiguous, and equal population of districts mandated from the earlier acts. The subsequent legal cases brought against states dealing with biased district design brought this lack of clarity to light. In *Colegrove v. Green* (1946), the U.S. Supreme Court ruled that since no mention of district design is stated in the most recent Reapportionment Act (1929), then the Court had no jurisdiction over the inclusive design of these districts. Justice Frankfurter wrote in his decision that the burden of fixing any wrongdoings in district design lies with Congress, and in essence, the voting population: "It is hostile to a democratic system to involve the judiciary in the politics of the people. And it is not less pernicious if such judicial intervention in an essentially political contest be dressed up in the abstract phrases of the law…If Congress failed in exercising its powers, whereby standards of fairness are offended, the remedy ultimately lies with the people" (328 US 553-4). With the Courts refusing to intervene in the apportionment of congressional voting districts, Congress continued to manipulate district designs based on who held majority party rule at the time of each census. This continued until Congress acted on voting rights issues that arose in the 1950s and 60s.

On August 6, 1965, the Voting Rights Act of 1965 went into effect. The impact of this law was felt throughout the nation as an attempt to right the wrongs of centuries of oppression for minority individuals. The language of the Act prohibits any official action that would permit discrimination of an individual's legal right to vote. Section 2 of the Act has been heavily interpreted through judicial decisions to impact the designing of congressional districts as a way

to combat what the Act calls "vote dilution" and places the burden of approving any redistricting

changes with the Department of Justice (Grofman, et. al. 113; 131). The Voting Rights Act

brought the conversation of gerrymandering's ill-intent back to the Courts to decide. In much

the same way that the Apportionment Act of 1842 stirred up tensions around the Federal

government's role at the state level, the Voting Rights Act of 1965 has ultimately resulted in

similar conflicts.

The landmark Supreme Court case from the 1960s was *Reynolds v. Sims* (1964) in which

the three-judge panel unanimously agreed that Alabama state election officials had drawn the

congressional voting districts in a way that did not allow for individual equality under the Equal

Protections Clause (EPC) from 1868. The EPC, contained within the 14th Amendment of the

Constitution, protects individuals from the abridgment of the privileges that accompany

citizenship. Because the state of Alabama had not drawn their districts with population

distribution in mind, the Court ordered that the map was invalid and their district drawing plan

unconstitutional. In his important judicial decision, Chief Justice Warren reminded political

mapmakers:

> "Legislators represent people, not trees or acres. Legislators are elected by voters, not
>
> farms or cities or economic interests. As long as ours is a representative form of
>
> government, and our legislatures are those instruments of government elected directly by
>
> and directly representative of the people, the right to elect legislators in a free and
>
> unimpaired fashion is a bedrock of our political system" (p. 377 U.S. 562).

This judicial decision clearly puts in perspective the difficulties that gerrymandering presents.

The state of Alabama had used the same district drawings since 1901 and showed no intention of

redrawing the districts in any of the six decades of population growth since. This caused the city

populations to be severely underrepresented in the state legislature and the white-majority rural population to maintained a powerful grip on state politics.

After the Voting Rights Act passed, gerrymandering cases shifted toward needing to prove that there was malice behind how districts were drawn. In 1993, the Court struck down a congressional district in North Carolina because the state had no way to defend its boundary drawing without using race as a factor (*Shaw v. Reno*). Similar case decisions followed in which states had to re-draw districts because race played a "predominant factor" in the design process (*Miller v. Johnson*; *Bush v. Vera*).

The Supreme Court in the 21st century has been much more cautious to decide on cases pertaining to the Voting Rights Act and Equal Protections Clause. Most recently, the Supreme Court has made a point to distance itself from coming to any specific decisions about partisan gerrymandering. The current court has voiced their suspicion with the motivations behind the practice, but there has yet to be a justiciable case that would allow them to make a ruling. While the cases brought to the Court as recently as June 2019 have attempted to shine a light on the problems, there remains no concrete action to outlaw the political practice. Justice Roberts wrote in the June decision, "Appellees contend that if we can adjudicate one-person, one-vote claims, we can also assess partisan gerrymandering claims. But the one-person, one-vote rule is relatively easy to administer as a matter of math" (*Rucho v. Common Cause*, 139). But, he continues, the Constitution does not provide a test for measuring the "fairness" for political parties thus making the gerrymandering more complex.

There is little doubt that this practice, however, has a grave impact on a functioning democracy. Justice Kagan most recently characterized in *Gill v. Whitford,* 2018, the harm that a minority party can experience from a partisan gerrymander. It is a way of manipulating a party's

"natural political strength" that could affect its ability to legally organize. This form of manipulation could cause the affected party to "face difficulties fundraising, registering voters, attracting volunteers, generating support from independents, and recruiting candidates to run for office" (588 U.S. 9-10). These organizational effects are quantifiable results to the injury of gerrymandering and the degradation of the American democratic system. Justice Kagan was careful to explain that any legal arguments brought to the Court about partisan gerrymandering must proceed through this argumentative framework to prove malice intent (*Gil v. Whitford* 2018).

The preciseness that we find today in border designs is something that would have been difficult to predict before the paradigm-shift related to computer technologies. As previously mentioned, cartography was extremely imprecise when it came to deciding where imaginary border lines would cut through a terrain. But over the last 30 or 40 years, the design of congressional districts has been relegated to computer algorithms, producing border lines that are extremely precise. The result is that it has become very easy to segregate people based on any identifiable or quantifiable trait. This enhances political motivations for in the redistricting process, yielding the desired results for a given ideology.

The design process is also very difficult to manage because there are two main forms of district drawing. Both forms have different troubling effects that subjugate democratic voices. The terms "cracking" and packing" are typically discussed as methods for dividing up majority/minority groups. "Cracking" refers to splitting up minority populations into several districts, whereas packing refers to placing an overwhelming majority of minority people into one or two districts (Streb 103). The effect is ultimately the same—the end result is that minority voices have limited opportunity to engage with the majority opinion. In cracking, the

minority opinion is overwhelmed throughout each district; but in "packing," the majority concedes a few districts to the minority to guarantee themselves a majority presence in the legislative group (Engstrom 28-29). Both are intentional design processes that strategically limit the influence a minority group will have in decision making. Packing is seen as the least problematic because it at least allows minority representation into the chamber. However, in a large urban area where the population is much more mixed-race or mixed-ideology, packing districts is seen as an inauthentic way to appear inclusionary (Streb 103).

Cracking and packing have both been criticized by the Supreme Court for the role they play in limiting the voices of minority voters, but there is little consensus about what can be done about the issue. Legal plaintiffs have to argue that mapmakers used race as a "predominant factor," but the test (referred to as the "Predominant Factor Test") offered by the Supreme Court in 1995, remains too ambiguous to successfully litigate. Ken Gormley explains that the test opens the door for "disingenuity" and "deception" by voting rights lawyers and also has yet to result in any "workable standards for those in the thick of reapportionment travails" (Gormley 754-5). Populations in some states like Arizona, Iowa, and Hawaii have passed legislation removing district-drawing from under the purview of elected officials and placing it in the hands of a selected "independent commission" of various citizens. While these attempts are still early in their political life, it is worth noting that questions have already been raised about the commissions system's ability to remain politically independent (Overton 37). Interestingly, many more successful attempts are currently underway on the international stage (Australia, Canada, New Zealand, etc.) (Overton 36). In the current U.S., political climate of stark divisions, there remain legitimate questions about how individuals can keep their inherent biases impacting the political decisions being made.

There are many ways in which a district can be gerrymandered and the judicial allowance of these practices ultimately comes down to whether or not there is defined malicious intent on the part of the mapmaker. Whether a district is aggressively gerrymandered or seemingly unintentionally, the fact remains that in a competitive two-party democracy, gerrymandering is a temptation that is experienced by both political parties. This deeply engrained competitive spirit in American democracy harkens back to colonialism. If a strong democracy is believed to be based upon competition, then gerrymandering is a byproduct. If elected officials are given the ability to design the population distribution within districts that decide elections, it is reasonable to expect, based on historical evidence, that manipulation will occur. The complex root of the problem lies in how to recognize malicious redistricting, and then to figure out who has the obligation to preserve an ethical standard for the redistricting process, especially in the new era of digital cartography.

The scholarship surrounding the political problem of gerrymandering is equally compelling when placed alongside the historical conversations of other American political border conflicts. Ken Gormley wrote about gerrymandering that "a fine line exists between the use of race to affirmatively factor minorities in an improper fashion and mandating that states wear blinders to race in a manner that facilitates a silent, surreptitious embrace of traditional discriminatory practices" (Gormley 738-9). If such a line even exists, then how is an ethical process of deliberation determined? The courts have played a significant role in describing the three border conflicts described throughout this chapter, but they have been less than helpful when describing the ethical actions needed to avoid these problems. Border conflicts have a tendency to illustrate the weakness of a judicial system that is directly tied to the interpretation of a precedent through the language of a case. Courts tend to avoid acting on issues they call

"political problems" because their only explicit role stated in the Constitution is to interpret the legality of legislative acts, not political actions. And in order to hold map-making to the standards of the Court means to explicitly define malicious intent.

Implications: Border Conflicts

Political borders utilized in democracy will continue to be localities of conflict due to the divisive nature of democratic competition. There are several implications that can interpreted from this statement. The first is that it is important to be attentive to historical rationalizations of political borders within any given time in history. Studying the history of deliberations and implementation of borders provides a window into the types of hegemonic privilege that existed in that time period. These instances of privileged logics have resulted in unintended consequences of racism embedded within current political structures.

The second implication is that political borders require transparent acts of deliberation. Problems abound in the less-than transparent deliberative processes in which politicians and people in power engage in. The Native American treaty history is rife with promises made by the colonists who never had any intention to keep them. The authentic constitutional and political deliberations of borders have notoriously been behind closed doors and then strategically commented upon after the fact by those in power. This lack of transparency plays a large part in the ongoing contemporary crisis of gerrymandering. As computer systems continue to develop precise, algorithmic map-making, the intent behind these equations are moves further and further away from open, authentic democratic deliberation. Transparency is an important aspect of a healthy democracy (Streb 4) and the negotiations presented in this chapter provide insight into how border deliberations and the intent behind them have continued to develop

through anti-transparent and disingenuous means.

Deliberative transparency is a key factor in working toward solutions for these issues because political borders inherently place power over others in the hands of the dominating elitist class. Even though American democracy has passed the 200-year mark, many scholars are concerned about its future. Fukuyama places his fear in the "failure of institutionalization," meaning that state governments have failed to evolve to "keep pace with popular demands for democratic accountability" (Fukuyama 12). Overton describes this failure as a "systematic" distortion of democracy in which governments are more likely to "disregard the needs and priorities of those excluded" (Overton 84). The creation, negotiation, and manipulation of political borders is accompanied by a type of self-sustained privilege that, if goes unchecked, can have detrimental effects to a functioning democratic system.

Finally, a third implication is the necessary focus on ethics of communication and decoloniality that do not shy away from these conflicts. Political border structures are present in our world today and it is from these conflicts that we are able to learn about our own privilege as it relates to others who are relegated to the outside. Conflict teaches us what matters most in a community so that we may be better equipped to build relationships with others and work toward co-existence together. If America is to participate in ethical democracy, conflicts surrounding the various borders must generate shifts in collective mindsets of its people rather than purely focusing on enforcing change on its political structures. Border rhetoric calls for an opening to new perspectives that can only be achieved through an understanding of the consequences that borders inherently have on the subjugation of political others.

As this project continues, each chapter will work to situate further the communicative conflicts generated by colonial democratic competitiveness in the act of gerrymandering.

Chapter three introduces the habitual state of mind for participating in communicative ethics of democracy in order to understand the political act of gerrymandering as a form of competitive emotivism. Chapter four will lay the groundwork for competitive structures inherent in the social construction of identities and asks whether social deliberation must include a competitive element. The relevance of this for a project on political borders can be seen in how groups of collective identities work to rationalize the metaphorical borders around specific communicative identities. Chapter five analyzes this framework of collective identity formation through the work of deliberative democracy in order to interpret and evaluate the possible solutions to ending biased, political gerrymandering. The contemporary conflict of gerrymandering is not new to American democracy, but it has become more overt in past few decades because of the cultivation of privileged competition that accompanies the colonial relationship between the American democratic system and its political borders.

Chapter 3

Political Borders:
The Terrain of Democratic Communication Ethics and Emotivism

In this work, a healthy democracy is situated within the ethics of communication. The challenges of borders in democracy reflects the struggles of competing goods within a cosmopolitan and globalized society. Simon Critchley writes that "Democracy does not exist" (*Ethics of Deconstruction* 240). This is because, as a political theory contained within this historical moment of pluriversal conceptions of justice and emotive rationalities, democracy gets torn apart between competing notions of the good. Every day, Critchley continues, "there is a responsibility to democracy, to extend the democratic franchise to all areas of public life" (240). The ethics of communication presents a helpful navigation of these conflicts so as to better strengthen the democratic values that constitutes American culture. This chapter examines the literature of communication ethics and its attentiveness to democracy as a way of acknowledging and caring about human difference in a free society. It is important to understand the communicative ethics of democracy and the challenges they face to better be able to recognize and challenge un-checked privilege.

Four sections drive this chapter. The first section summarizes a democratic approach to communication scholarship centered on ethics. This section situates the ethical frameworks of democratic communication predominantly amongst the theoretical insights of Karl Wallace and Seyla Benhabib. The purpose of this section is to define the necessary communicative conditions that enable democracy to flourish. Section two reflects on the paradox that exists within the concept of democratic justice as a communicative ethic. This section will explain both the ethical implications of emotivism and the limits contained with the communication

ethics of democracy. The purpose of this section is to build an understanding of the challenge

facing communicative ethics within a democratic context. The final section of this chapter

explores political gerrymandering as a substantial threat to the protection and promotion of

democratic ethics of communication. This section investigates the practices of gerrymandering

that work to disenfranchise and devalue voices within the democratic deliberative process. The

purpose of this section is to understand the implications of gerrymandering through the agenda of

emotivism and the vulnerabilities of ethics in democracy.

On its surface, communication ethics seems like the perfect philosophical ground for

decolonial hermeneutics due to the field's focus on a cognitive exercise of acknowledging and

engaging with difference; however, little attention has been given to decolonize communication

ethics. One decolonial method of communication ethics is to discover ways to pay attention to

"outsiders" who have not been allowed into conversations in the past. Decolonial scholars have

been critical of what has been called Charles Taylor's "benevolent recognition" of marginalized

others (Mignolo, "The Many Faces of Cosmo-polis" 724) and the "humanitarian pleas for

inclusion" that Jürgen Habermas centers his political philosophy on (Benhabib, *Transformations

of Citizenship* 24). While both serve a cosmopolitan goal, decolonial philosophy calls for a

"critical cosmopolitanism" that is most needed in a global, transnational world. The goal of a

critical cosmopolitanism according to Mignolo is to "negotiate both human rights and global

citizenship without losing the historical dimension in which each is reconceived today in the

colonial horizon of modernity" ("The Many Faces of Cosmo-polis" 723). Critical

cosmopolitanism wants to identify the linking attributes of cosmopolitan research to the colonial

spirit of modernity which attempts to "civilize" those from the exterior.

Scholars focused on communication ethics have been at the forefront of critiquing the

postmodern tendency to abandon any hope in finding meaningful ways to negotiate and

deliberate across ethical differences. Ronald C. Arnett asserts that the performative nature of

communication ethics can be thought of as a way of "nourishing the fragile bounds of

community between persons…[and] inviting community that respects the complexity of diverse

ethnic, religious, and cultural perspectives" (Arnett "Communication and Community" 39).

Makau and Arnett summarize that a kind of communication ethic requires: 1) an ability to listen

carefully; 2) to pursue and practice mutual respect; 3) invite reciprocity and inclusiveness, and 4)

to live openly and responsibly with the dialectical tensions inherent in commonality and

difference ("Preface" x). These are all admirable traits that are part of critical thinking, but what

is lacking is an explicit understanding of colonial history and the effects of self-sustained

privilege that injects hegemonic power into political structures.

Governments claiming divine universal right or using logocentric ideals to negotiate

territories is certainly not a new practice. For decolonial communication ethics scholars,

studying the negotiation of political borders means being able to identify where subjective

"universal" principles helped to shape the power structures around the globe. The political

theory of democracy has been one manifestation of this practice. Mignolo decolonizes the linear

progression that historical studies of democracy have taken. He explains the overlooked history

of the Zapatista Revolution within Mexico that began in 1994 as a "detour" that the word

"democracy" experienced. This revolution was about holding firm to colonial promises of land

rights for the marginalized indigenous populations of the region. (*The Darker Side of Western

Modernity* 232). The Zapatista's brand of democracy still has a lasting impact on how the term

"democracy" evolved from ancient Greece and Western modernity. Zapatista's defined

democracy as a political situation in which agreements are made by the majority without

marginalizing and eliminating the minority voices (Mignolo, *The Darker Side of Western Modernity* 234). From this stand of democracy, Mignolo traces the use of militant revolutionary forces to protect the indigenous populations from total annihilation. Decolonial forms of democracy like from Mignolo's example are relevant because they speak to the use of force and violence to reclaim social justice for the oppressed. A form of democracy that is motivated by utopian values of collaboration and equality, but the utopian framework is consistently challenged by the presence of borders and the assumed un-worthy exterior. As deliberative ethical communication pays particular attention to the negotiation of difference, political borders present a challenge in that they represent the stubborn refusal of acknowledging systems of belief from the outside.

In the scope of this larger project, this chapter acts as the theoretical foundation for democratic practices moving forward. Political borders have a tendency to shield the privilege of those who draw and enforce the lines. Their existence and implementation inherently requires political deliberations of coexistence, so an ethical framework to those deliberations is necessary to move away from the political aims of modernity and colonialism. Contemporary global society is a divided terrain, and without careful deliberation of these ethical concerns, the fate of democratic legitimacy continues to be threatened.

Democratic Approach to Communication Ethics

The scholarly field of communication focused on the performative nature of ethics emerged from the combination of philosophy of communication and applied communication. Central to the beginning of ethical communication scholarship was the philosophy and practice of dialogue as a means of engaging with differing conceptions of public goods. The field

evolved through the investigation of ethical competence from a variety of approaches, as detailed by Arnett, Arneson, and Bell. In the authors' pivotal article titled "Communication Ethics: The Dialogic Turn," the authors categorize six different approaches that scholars had taken in respect to kinds of effective communication ethics. Particular for this project is the focus of democratic communication ethics as an approach that is attentive to the "public process" of engaging with ethical difference (73). Within discussions of democratic communication ethics, there is particular attention to the motives and habits for ethical communication within a healthy democratic context.

Ronald C. Arnett points to classical Athenian democracy as the necessary origin of communicative studies. "The study of speech communication emerged out of a practical felt need in that democratic culture where one's defense of a position and the ability to defend a case were necessary practical social skills" ("The Practical Philosophy…" 212). Central to Aristotle's rhetoric of free speech is the notion of practical philosophy found in *Nicomachean Ethics* where he discusses democratic ideals of deliberation and questioning ("The Practical Philosophy…" 215). Because of its reliance on the public construction of knowledge through dialogue, democratic communication has an ethical responsibility to the public sphere. Pat Arneson argues, "The promise of democracy is a democracy sustained by ethical engagement. Ethics is a matter of doing, not simply a matter of knowing what to do. Ethical engagement in democracy is not supported by a rule-centered ethic but is centered on one's communicative engagement with others" (Arneson 176). From an ethical communication perspective, democracy is a fluid, ever-changing, never-finished disposition.

Political conflicts surrounding borders in America require an explicit framework of ethical democracy. The challenge of ethics is highlighted by critiques of the modern spirit

coming out of the Enlightenment that participates in the un-reflective, un-questioned assumption of universal standards of ethics. Adopting a universal prescription of ethics is problematic because "[a]n ethical prescription imposed on the other omits the reality of differing standpoints" ("Communication Ethics" 63). As democratic designs are explicitly linked to the enforcement of political borders, the need often arises for universal ethical claims that can transcend borders and protect and promote human rights.

This challenge is taken very seriously by Seyla Benhabib when she describes four types of universalism seen in philosophical debates: philosophical universalism, justificatory universalism, moral universalism, and legal universalism (*Claims of Culture*, 26-28). Of these four types, Benhabib asserts that only moral and legal universalism have the capabilities of universal claims to ethics in a deliberative democratic society. Moral universalism as an ethical principle states that all human beings should be considered moral equals (27). Legal universalism as an ethical principle states that basic rights exist in the forms of "the rights to life, liberty, security, due process before the law, and freedom of speech and association" and should be secured to all human beings (27). The other two forms of universalism (philosophical and justificatory) open themselves up to emotivistic relativism that is the propelling force of the colonial rhetoric of sovereignty. If sovereignty means the ability of a group to collectively define themselves by "asserting power over a bounded territory" (Benhabib 151), then in democratic societies obsessed with borders, the notion of sovereignty can work to impede inclusion by the subjugation of human rights. Benhabib reminds us that in a liberal-democratic society, claims of sovereignty "must always be constrained by human rights, which individuals are entitled to, not by virtue of being citizens or members of a polity, but insofar as they are simply human beings" (152). Democracy that is able to flourish around the engagement of

human beings as equals is one that rejects the relativistic claims of sovereignty and, in turn, the colonial spirit.

This brand of communication ethics engages the particular over the general, but there is a temporal quality to the particular that can work to link together an understanding of human rights. Ethical communication must be attentive to the historical moment in which it is practiced, and as democracy is a constantly evolving experience, it must continually reorient itself to the call of the other in a given moment of conflict. Benhabib states:

> "If all understanding and interpretation of other(s) must also make sense to us from where we stand today, then the boundaries of the community of conversation extend as far as our never-ending attempts to understand, interpret, and communicate with the other(s). We have become moral contemporaries, even if not moral partners, caught in a net of interdependence, and our contemporaneous actions will also have uncontemporaneous consequences. This global situation creates a new 'community of interdependence.'
> (*Claims of Culture* 36).

Here Benhabib outlines the claims of communication ethics to the notion of historicity so as to reconcile the universal claims of human rights. In order for a democratic society to thrive, there must be a conscious effort to move toward this universal claim of human rights. Without the active engagement with this claim, it becomes very easy to create logic around exclusion and subjugation. Paying attention to the ethical demands of the current historical moment affords an opportunity to continually reflect on new claims of human rights and the limiting experiences of others.

The most significant threat inherent to democracy is a disinterestedness of identifying ethical and preferential biases contained within the self. Moral decision-making through the

personal preference of individualism ignores both the historical context of locality and the moral obligation to others. Alasdair MacIntyre refers to this frame of mind as "emotivism" and explains that all moral judgments contain emotive elements that make it difficult to distinguish fact from opinion (12-21). The challenge of democracy requires moral judgments (not facts) be made from seemingly agreed upon universal concepts of human rights. Being literate in communication ethics means being able to recognize and question the inevitable shortcomings of these universal ideals. Emotivism is inevitable in democracy (as shown through the history of border conflicts) and will awaken calls to justice, but only through communication ethics literacy can we be attentive to those calls. An ethical framework for communication in democracy is important because it provides the ground for identifying cognitive and pragmatic principles that democratic deliberation requires in order to move away from emotive tendencies.

The pragmatic ground of democratic communication ethics was born out of the McCarthy trials in the 1950s where the blind, unreflective notions of credibility and truth led to the unemployment and imprisonment of individuals who were deemed a threat to American democracy. In 1955, Karl R. Wallace, the one-time President of the Speech Association of America, published a pivotal essay in which he detailed the communicative values of democracy and the ethical "habits" that it requires. Wallace's discussion left no doubt as to the constitutive nature of communication to ethics and the role that deliberative learning plays in cultivating these habits. According to Wallace, a healthy democracy encompasses the following essential virtues: worth and dignity of all persons, equality of opportunity, unobtrusive freedom, and the ability to acquire knowledge necessary to form opinions (Wallace 5-6). As the foundation of communication ethics, these virtues gave cause for a wealth of pragmatist scholarship to emerge in order to help society achieve these democratic goals.

Wallace's seminal piece identities four procedural "habits" which provide the ethics of communication within a free, democratic society. These categories of moral practices can be traced throughout the catalogue of communication ethics literature to define the conditions necessary for communicative engagement within a healthy democratic society. For the purpose of this project, the following section will work to synthesize Wallace's habits to the contemporary discussions of the procedures of ethical care for democracy and the challenges that these present in civil society today. Wallace's first habit, "searching" for continued knowledge and a diversity of experiences, speaks to the importance of active inquiry and engaging in critical thinking. Another habit that Wallace argues for is that of the need to give preference to public motivations over private ones. This habit calls for transparent, public deliberation that remains attentive to biases. The next habit of Wallace's is cultivating the "respect for dissent" as being central to democratic communication. Democracy flourishes through this cognitive process because its communicative engagement presupposes encountering difference and new insights. Finally, the last habit presented is that of "justice," which focuses on the idea of fairness and preference for fact over opinions. This habit is reserved for section II of this chapter because it is the most contestable of the four throughout the evolution of communication ethics scholarship due to the inherently paradoxical relationship between ethics and the language of justice. Each sub-section below presents communication ethics scholarship as it relates to these four ethical habits required in democratic communication. The three contained in this section have stood the test of time and continue today as philosophical grounds of healthy democratic deliberation.

1. Habit of Search

In the cultivation of the "habit of search," Wallace remarks that modes of inquiry and investigations are art forms that bring about respect for knowledge from a variety of sources

(Wallace 6). Viewing continual learning as an ethical mindset has deep roots within philosophical discourse. The dialectical method propagated from Plato's Socrates is centered on the act of questioning in the pursuit of truth and knowledge. In the Socratic Dialogues, Plato famously promotes the importance that deliberation has in the construction of social knowledge. Plato's dialectics is about eliminating contradictions contained within human knowledge by deliberating on a series of rational questions designed to characterize and explore different belief systems. The formation of a dialectical method to result in critical thinking for conversation partners is an important marker in human history because it points to the collaborative nature of communicative logic. Aristotilian epistemology engages in dialectics scientifically so as to find unity between points of view. To synthesize the classical tradition in dialectics means to locate the habit of intentionality in the search for knowledge (Baxter and Montgomery 19; Czubaroff 168-169).

This search for knowledge is closely tied to the approach of dialogic learning that emerges from ethics of communication as the merger of applied communication and philosophy of communication. If "dialogue privileges the understanding of difference" (Arnett, Bell, and Fritz 111), then the approach to learning through dialogue is about avoiding judgment pertaining to the difficult notions of common sense that give off a misleading assumptions of "universal agreement" (Arnett, Bell, Fritz 118). Inquiry for communication ethic scholarship is less about the process one takes to get to knowledge and more about the journey of understanding the narrative ground of others. The habit of search is directly connected to awareness of and attentive interest in otherness.

The key relationship between this habit and democratic communication is the active component of educational learning and the predisposition of valuing it as a significant cognitive

process. Searching for knowledge of ethical otherness is not a passive project, but one that requires attentiveness to the particular immediacies. Paula Tompkins describes the cognitive and emotional process of "rhetorical listening" as a way to cultivate moral imagination, moral sensitivity, and moral development. She believes that purpose-driven learning about others involved in the communication process affords people the opportunity to imagine any negative effects that may be experienced from those who are afraid to speak up. She states, "When rhetorical listening helps actors imagine the possible trajectory or magnitude of the impact of a communication act on Others, it promotes the mindful practice of ethical communication" ("Rhetorical Listening..." 63). Communication ethics scholars, like Tompkins, are eager to point out that this habit of searching is best accomplished in chorus with other people.

The cultivation of empathy is one of the ways in which this brand of education is helpful in democracy. Democratic societies require an idea of empathic reasoning to better understand the lasting effects of different human experiences. Martha Nussbaum believes that education of the public should involve appeals of empathic judgment of others through the pedagogical use of storytelling (Nussbaum 426). Individuals are taught at a young age to care for others through the exposure of dramatic narratives, but as people mature, they are left more to their own devices for cultivating habits of responsible democratic ideals like critical thinking and empathy. This sheds light on the importance of communication ethics literacy and the need to create the habitual mindset of constantly seeking out knowledge.

The decolonial slant of this habit is clear. Edward Said's brand of democratic humanism is based upon Vico's notion of historical knowledge as being actively constructed by each individual—as opposed to knowledge that is absorbed passively. Because of this, humanism's purpose is to "make more things available to critical scrutiny as the product of human labor,

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human energies for emancipation and enlightenment, and…human misreadings and misinterpretations of the collective past and present" (*Humanism and Democratic Criticism* 22). The ability to critique knowledge is one possessed by every human and as an ethical framework is discussed as a moral obligation to protect the goods of democracy. Mignolo extends this decolonial conversation of educational intentionality through his term "border gnosis." This idea stems from the decolonial belief that subaltern perspectives have been left out of the conversations surrounding democracy from the beginning. "Border gnoseology is a critical reflection on knowledge production from both the interior borders of the modern/colonial world system…and its exterior borders" (*Local Histories* 11). As a habit of search, the decolonial method actively explores the exteriority of democratic systems to learn about new ethical perspectives and different human experiences.

The power of an inquisitive mind has communicative implications on democratic ethics because of the active role that democracy requires from its participants. As previously mentioned, democracy is an ever-changing political phenomenon that requires deliberative attention to shape ethical communicative engagement. In order to embrace the human experience of continual learning, one must understand the value that learning and exploration about difference can have for creating free and equal societies of people.

2. Habit of Preferring Public Motivations Over Private

The significance of publics in democracy is very apparent. The dialectical method is one engaged through public deliberation and works to dismantle the private nature of emotivism. Wallace points out that to speak before an audience means to be a public person. In order for democratic deliberations to be ethical they must not only be encountered in a public forum but also through explicit transparency of motives (Wallace 7-8). Private motives have a tendency to

cultivate "self-interest, personal prestige, and personal profit" in way that works against the demands of a free democratic society (Wallace 7-8). Deliberations motivated through this type of emotivism ignore the importance of publically recognizing and confirming biases in the manners that effective communication ethics requires.

Isocrates was aware of the dangers facing deliberation and education based upon private motivations. In preferring a performative ethic of rhetoric, Isocrates made clear his vision of ethics as being constitutive of a moral orientation to social interaction. According to Isocrates, the constitutive view of ethics means that values of right and wrong must be expressed in public deliberation (Chase 240) and that all public discourses become exposed to rhetoric through the public use of rational logic. Isocrates claims that what separates humans from animals is the ability to persuade each other through discourse, and this experience has afforded humans the ability to "come together, buil[d] cities, ma[k]e laws, and [invent] arts (*techne*)" (Isocrates, *Nicocles*, 6). The social component to ethics is central to this project because it highlights the differentiation between morality and ethics.

Morality is similar to a privately-held ideology that influences how individuals act in any given moment. In the case of Seyla Benhabib's universalist ethics, we can see that her form of morality comes from principles of the universality of human rights. American Democracy, on the surface, makes similar claims to this universal ideology as can be seen in the language of the Constitution and Bill or Rights. But Alasdair MacIntyre would put these universal claims into the category of morality as opposed to ethics due to the inability of ethics to claim universal truths. MacIntyre, working from an Aristotelian position, believes that virtues are publically adopted practices that work toward the goal of creating an ethic of the Aristotelian "good life" (MacIntyre 200-201). Virtues that are practices work to embed ethical standards into public life,

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but this process takes time and public deliberation. Virtues do not become ethics until they have gone through a rigorous analytic process in the public sphere—and even then are still open to deconstruction based on the emotivism of morality. Benhabib's attempt at locating universal morals for human rights could be interpreted as the beginning point for ethical deliberation. The decolonial project of democracy is one that attempts to extend these universal morals into the political practices of border creation and enforcement.

Benhabib attempts at creating a conception of virtue ethics around the deliberative model for democracy. She believes that democracy is enhanced through "appropriate processes of deliberation," which include the equal opportunity for individuals to introduce any topic to deliberation as they see fit for a given argumentative context and the necessary role that "reflexive questioning" plays a role in analyzing the "rules for agenda setting" (*Claims of Culture* 106). Ethical deliberative democracy requires the practice of a calm demeanor and an approach to crediting fairness of opinion in order to reach the realm of the practical benefit (*The Reluctant Modernism of Hannah Arendt*, Benhabib 205). The practical discourses that make up ethical deliberation, she says, are not blueprints to be followed, but evaluative tools for democratic policies that are already in place (107).

This discussion has led to importance of distinguishing between qualities of public and private life. By preferencing public motivations over private ones, Wallace is making an ethical claim about transparency and deliberations within the public realm—he is not arguing for the abolishment of the private realm. Arendt distinguishes qualities of life within the public sphere versus in the private. Whereas private life is concerned with having the ability to individually choose how and when to engage in public life, public life is more concerned with the space needed to engage in meaningful conversation. Public life is about appearance and deliberating

on motivations in concert with other people located in their own distinct spaces of private subjectivity (Arendt, *Human Condition* 52). Private and public life are forever interconnected through the experience of subjectivity. Arendt states,

> "Being seen and being heard by others derive their significance from the fact that everybody sees and hears from a different position….Only where things can be seen by many in a variety of aspects without changing their identity, so that those who are gathered around them know they see sameness in utter diversity, can worldly reality truly and reliably appear" (*Human Condition* 57).

She makes the claim that human life is not possible without a social component but that does not mean that public life should be devoid of any privacy. She bases this claim on the history of the evolution of the social sphere. Private property has played an important role throughout the evolution of society because individuals have consistently sought after privacy for certain biological and familial aspects of their lives. In the same way that too much exposure to sociality in public life will result in "shallow" humans, private life can move towards an emotive subjectivity when it too far removed from public life (*Human Condition* 71).

Private impulses can taint democratic ethics and deliberation because the formation of these impulses are unknown and unseen. This means that transparency of deliberations is an extremely important part of the communicative ground of democratic ethics. By nurturing the preference of public motivations, one learns the virtuous habits and practices of listening and learning through dialectical engagement. The communicative ethic of care for democracy is situated within the protection and promotion of public deliberation as a context for the joining together of a variety of subjectivities in conversation with each other so that new political motivations can be discovered and developed.

3. Habit of Respect for Dissent

In order for democracy to continue to evolve in the ways that democratic communication ethics points to, the mindset of those who have political power must be prepared to engage with dissent that emerges out of the polis. Wallace describes this mental habit as that of instilling respect for the dissenting process so that democracy can continue to meet the demands of its current historical moment. This habit "presupposes that democracy never concludes but continues by reshaping itself with new ideas, new information, and new insights" (Wallace 9). In many ways, however, the American democratic system is structured so that once an individual ideology makes up the hegemony it can become very difficult to introduce new paradigms of belief into deliberations. To describe a mindset of respect as a habit is an important component to being able to consistently face the inevitable conflicts that are part of democratic life. This habit above all others showcases the need for a decolonial balancing of power so that voices from the exterior are included in deliberations.

Border gnosis, as described above, has strong implications for the cultivation of this habit of respect for dissent. In Mignolo's process of border thinking we open our ears to the narratives detailing conditions of exteriority, but listening to these stories falls short of the democratic practice of ethics if one is unwilling to make necessary changes to the political system so that each voice is equally valued. Decoloniality and democracy have the potential to be incommensurable if the democratic system is enforced by those unwilling to give up their power. Democracy can assume the universal ethics outlined by Benhabib, but decolonialism is more about locating the "pluriversal" ethics that co-exist at the same time "in the cracks and fissures where conflict[s] originate" (*Local Histories* 17). Political borders justify the implementation of universal beliefs within a given territory, and in the historical moment of today where borders are

inescapable, learning the habit of respecting dissent becomes even more important.

The concept of universalized ethics of human rights emerging out of Benhabib's work is important because, on the surface, the understanding of a universal would mitigate the possibility for dissent. However, dissent remains central to Benhabib's democratic philosophy because her move towards a "legal universalism" is centered around the practice of egalitarian reciprocity. This ideology is about highlighting the worth of all individuals and the universal need to reciprocate respect for difference. She states, "[W]ithin discourses each should have the same right to various speech acts, to initiate new topics, and to ask for justification of the presuppositions of the conversation and the like" (*Claims of Culture*, 107). Dissent, for Benahabib, is about acknowledging the legal grounds for having a difference of opinion and making sure those differences do not result in a devaluing of their perspective. In this way, dissent is seen as its own universal necessity—one that requires constant care and attention in order to maintain equal valuation of each individual.

Having respect for dissent is about a mindset of the moderation and pluralization of power. The system of checks and balances that the American founders created situated the legal arena as the only place where public goods are to be equal to everyone. Without enough accountability for the regulators and politicians in a democratic system, the manipulative powers of democratic competition can take over. Zygmunt Bauman believes that the only way to offset genocidal and colonial potentials within modern governments is through the "pluralism of power" that "returns moral responsibility to its natural bearer: the acting individual" (*Modernity and Ambivalence* 51). Legal scholar K. Sabeel Rahman argues that the conflicts surrounding exclusionary rhetoric of citizenship are not organic human experiences that arise naturally from dissent: "Inequality and subordination are often the result of larger structural conditions that

place individuals in subordinated positions in which they lack power, resources, and opportunities. But those structures are not 'natural'; rather, they are the product of accumulated human choices, individual decisions, and background rules" (Rahman 2459). The problem of gerrymandering, analyzed below, highlights such a conflict. It ignores a democratic responsibility towards each person and works to limit the voices of dissenting groups of people so that the competitive balance remains un-changed.

Habit of Justice and the Paradox of Emotivism

The three habits detailed above are, for the most part, centrally agreed upon throughout democratic scholarship of communication ethics; however, Wallace's fourth habit, that of justice, is more controversial due to its potential for subjectively emotive conceptions of suffering and fairness. Wallace speaks of the important characteristics of this habit as valuing fact over opinion, the importance of accuracy, and respect for the concept of "fair dealing" (Wallace 7). Each of these notions are rationally valid from a universal perspective of truth, but a rationality grounded in emotivism showcases the problem with conceiving of universal truths from a subjective perspective. Subjectivity in a democratic society based on competition can easily slip into competing values of truth through the rhetorical rationalization of opinions through public deliberation.

Plato had a grave mistrust of rhetoric after seeing its manipulating effects on display through Sophistry. Plato's critique of rhetoric centered on the fact that deliberation was impossible in the public sphere without overt manipulation of *doxa* (popular opinion). Socrates in Plato's *Gorgias* believes that rhetoric is not inherently ethical because there is no concept of justice located in rhetorical studies. When deliberating conceptions of justice on a larger scale, it

becomes easy to generate truth out of the masses' understanding of a universalized *doxa*. Logistically the gathering of a mass public would not allow for the ethical deliberation that rhetoric required based on its scale, so in order for the Socratic method to work, it must be accomplished through the formation of smaller groups of people.

The dialogues from Plato show the power that deliberation in small groups can yield. Through several challenging exchanges, Socrates consistently exposes fallacy after fallacy regarding differing conceptions of knowledge, piety, and justice. He does so not to build up his own ethos, but rather to explain the role that perplexity has in the deliberation process so as to show how one can work to access a version of true knowledge. In *The Meno*, Plato (through the character of Socrates) displays the logic-forming that truth takes through justification. Socrates asks a mathematical question of a slave who, without seemingly any prior information about geometry, was able to answer correctly about the equality of lines that make up a square. Socrates explains that this is because the slave was born with an inherent opinion about reality that helped him to reach the proper conclusion. He states, "If then, during the time he exists and is not a human being he will have true opinions which, when stirred by questioning, become knowledge" (Meno 86a). This version of naturalized opinion is the basis that all humans have towards deliberate inquiry and thus the ability to come to true knowledge consensus only through deliberations.

As a communicative ethic, justice can be described as an interruptive call to ethics. The transcendent framework of ethical responsibility that comes out of Levinasian scholarship is centered on the continuous opening of ethics to imperative calls of justice. In situating ethics as a continuous loop in which individuals feed into the sameness of equality, justice, for Levinas, becomes an act of calling attention to those who are not present: "the unseen, the unnoticed, and

the unheard demand justice" (Arnett *Levinas's Rhetorical Demand* 59). This idea is complicated because for Levinas "justice requires and establishes the state" (*Entre Nous* 196). Through institutional rationalization of the state the uniqueness of individuals is reduced to a given particularity in order to "condition" his or her equality within the system (*Entre Nous* 196). In other words, Levinas believes that the authoritative voices of the state that propagate an ethic are ultimately waiting for the call of justice to arise to recognize our obligations for others. According to Arnett, Levinas works within a "unity of contraries" (*Levinas's Rhetorical Demand* 244) that can be explained through being attentive to both the plight of human otherness at the same time as the particularities that signify an individual political history.

The language of politics and justice are shown to have similar relationships to ethics. For Levinas this is made true through the arrival of *le tiers* or the third. The omniscient person in the distance represents the whole of humanity that each person has always already been obligated to. Critchley describes the constant reminder for justice as, "All humanity looks at me in the eyes of the Other" (Critchley 223). Justice that is identified through acknowledging the voiceless third, the neighbor, needs to be implemented in order to protect the other. "The third" is important to this discussion because it represents the obligation we have to a community of neighbors that goes beyond the encounter of the face. This sense of justice within a community is envisioned and experienced through an "imagination that sees farther than the near" (*Levinas's Rhetorical Demand* 148). The challenge of borders structures can perhaps be understood in analyzing the shielded experience that negates visual acknowledgment of "the third." Both the face and "the third" are important metaphors when analyzing Levinasian ethics relationship to the political realm.

One of MacIntyre's aims with his text *After Virtue* is to show the incommensurability of

both practical applications and philosophical conceptions of the term justice. He begins the work by offering an analysis of the philosophical conflict around the act of abortion to show that both sides of the debate use the metaphor of justice to appease their own side. He later critiques the individualist philosophies of John Rawls and Robert Nozick because he believes that justice cannot be abstracted from locality as an objective understanding of human life, but instead has to emerge from the Aristotelian notion of justice which conceives of cooperation and the immediate community's deliberations (MacIntyre 150-151; 246-248). Conceptions of justice, for MacIntyre, must be directly tied to social institutions and practices because it is only through these community-oriented perspectives can one avoid the problematic rhetoric of relativism that came out of the Enlightenment (MacIntyre 206).

This consensus of common ground is appealing in a democratic political institution, but as has been shown in this project thus far, modern-day democracies have not originated from equal grounds. Investigating the communicative ethics of democracy reveals an implicit limit on the reach of justice because democratic decision-making and vote taking will always render a majority-minority result. It is because of this that democracy cannot guarantee justice without a guiding decolonial principle. Benhabib's analysis of "we, the people" shows the paradoxical nature of the legitimacy claim of democracy around the necessity for national borders that work to limit a certain other group of people. Nationalist rhetoric in America was born out of a sovereign group of people "declaring their allegiance" to the conceptions of democratic truth deliberated on by solely the First Constitutional Conference attendees. She goes on to explain, "[B]ut this declaration can only be concretized through the concrete legal, political, economic, and cultural framework of a specific human community. This is the root tension between the universal and the particular, the principles of human rights and that of popular sovereignty"

(*Transformation of Citizenship* 24). Popular opinion can too easily transition into emotivism so that habits of justice are only focused on performing justice for the political majority. Justice, as a democratic concept, plays an important role in the cultivation of the other three habits (searching, preferring public motivations, and respecting dissent), but it is also tied to maintaining the status quo by those in power who may feel their political motivations are under attack.

When engaging with deliberation at the political level, one must deliberate on the biased grounds of any speaker. And in a democratic society, emotive tendencies tend to follow justification of political borders. The universal human rights that have been presented in this chapter are presented as a paradox of justice because democratic societies have been unable to account for the differences of ethical responsibility between humans and citizens. Arendt argues that declarations of human rights have always emerged out of an "abstract" conception of human beings; those who "seemed to exist nowhere" (*Origins of Totalitarianism* 252). This abstraction can be a precursor to de-humanization of those contained on the outside and has resulted in blending together ideologies of national emancipation and claims about particular human's rights (i.e. citizens). Political borders as communicative elements give justification to the quality of persuasive emotivism because they act a self-containing mechanism of sovereignty and personal relativism.

As a habit of democratic ethics, justice presents several problems in rationalizing different ways of being in community. Wallace may not have spoken to these criticisms, but that does not mean his placement of this habit within the universal demands of democracy is misguided. Given the paradoxical nature of democratic legitimacy within a bordered society, the ability to be literate in communication ethics allows an individual or a political party to be

attentive to the demands of justice. Democracy requires a constant awareness to justice—even if every claim is to be weighed and critically analyzed given the circumstances of historical context and universal human rights. It still remains important to know how each decision made through democratic practices can create ethical claims of injustice so that democratic communication can avoid the quicksand of the competitive power of emotivism.

Democracy relies on political borders to demarcate territorial zones of citizenship. The United States also has embedded within its democratic structure the need for constant deliberation of congressional district borders so as to evolve representation with population trends of a current historical moment. These ethical acts of border designs create a consistent need to be attentive to the manipulative emotivism of those in power who are charged with the design and implementation of district borders.

Gerrymandering as Emotivism

Representational democracies like the American system hold politicians and political parties accountable to the people they represent through the process of general elections. Every two or four years in America the population is charged with their democratic obligation of voting for different political candidates for public office. As American elections have remained extremely competitive over the last 20 years the conflict of election fairness through the political manipulation of voting districts has gained importance. Gerrymandering, as described earlier, is a motivated political action to circumvent the balancing of power by the over-design of voting district borders for political gain. The deliberative methods of gerrymandering overlook the democratic ethics of communication through the participation of emotivist competition.

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This project has already commented on the deep, historical roots of gerrymandering within the deliberative designs of American democracy. In connection with our current historical moment of contentious political divide, the practices of gerrymandering has gone largely unquestioned throughout the political realm. The Supreme Court of the United States has engaged with this topic over the years, but very little attention to this conflict has emanated from the legislative and executive branches of American government (Levy and Orr 7). The effects of keeping the general population in the dark about these political practices means that elected officials from these branches are invested in maintaining the efficacy of the predominant political tool of manipulation already available to them.

Gerrymandering has enjoyed a commonplace throughout the history of American democracy. Politicians and political parties who are certainly aware of its dangers, are keen to swing the pendulum in their favor so that they can control the process over their opponents (Brennan Center for Justice). Thus, political campaigning for the elections of congressional representation becomes a motivated act towards gaining the privilege of designing maps (Levy and Orr 151). This motivation runs counter to the goal of participating in democratic communicative ethics on the ground of providing important representative voice of individual citizens. Rebecca Green characterizes the problem of accountability for mapmaking politicians as: "Voters cannot easily hold legislators accountable if the process of resulting maps displease because, in many cases, unhappy voters have been districted out of the bad actor's district or subsumed in districts dominated by supporters" (Green 1828). Gerrymandering is about instilling emotivist power in political parties rather than providing ethical representation of the needs of all citizens.

Ron Levy and Graeme Orr focus on the concept of "integrity" as being important to democratic processes related to the accumulation of power. They describe democratic politics centered on competition as being rich with temptations of corruptive power (150). Integrity in political leaders is necessary in order to encounter the democratic ethics outlined above. The cognitive habits that a healthy democracy requires are especially important in a representative democracy because elected officials are voted upon to represent all members of a constituency. Engaging with integrity in democratic politics, according to Levy and Orr, is not an easy path to follow for elected officials especially in the analysis of political motivations of gerrymandering:

> "And even those people who are consciously committed to integrity in decision-making may have difficulty keeping institutionally appropriate criteria separate from partisan considerations. It can take Herculean efforts of self-control to ignore information (eg, that about 90 percent of African Americans vote for Democratic candidates) in favor of appropriate criteria—in effect casting downstream political consequences out of one's mind" (Levy and Orr 163).

The cognitive principles stated are very reminiscent of the habits of mind detailed from Wallace earlier in this piece. The necessary mindset for democratic communicative ethics begins with an elected official's intentionality of integrity and the motivation of engaging with the responsibility toward his or her constituents. In order to situate gerrymandering as a conflict of democratic ethics for our current moment in time, one must analyze the harmful intentions and design practices of political border manipulation today.

Mapmaking today is performed within the "black box" (Pasquale) of technology rather than through remedial analog traditions of centuries past. Computers were first used in the districting process during the 1960s, but it was not until 1991 that nearly every state used

districting software and algorithms to generate maps (Altman, MacDonald, McDonald 335-36). The early stages of technological introduction to society propelled a belief that technology afforded humans the chance to be truly "impartial" through the algorithmic designs, so mapmaking software was originally believed to remove human interest from the redistricting process. Ronald Reagan, in addition to several other political and judicial leaders of the 1980s and 90s, regularly pushed for the adoption these technologies by the states because they were seen as the best way to achieve political fairness (Altman and McDonald 72). As technological literacy improved, it became very clear that beliefs about the neutrality that technology provided was misguided due to the human design element that algorithms require.

An algorithm has been defined as "an abstract method for computing some function" (Knuth qtd. in Sandvig et al 4976) and as "a finite sequence of rules operating on some input yielding some output after a finite number of steps" (Huber qtd. in Sandvig et al. 4976). Said another way, algorithms are functional formulas that use numerical values of set criteria to create an output of potentials within a deliberative computer program. There are many contemporary uses for algorithms today including by retailers who want to target certain shoppers, law enforcement who want to identify people who have a high probability to commit a crime, and even court room judges for determining sentencing (Chander 1026). But the algorithms used to generate political maps are perhaps the technological design with the widest reach in a democratic government. The complicated issue of perceived objectivity in algorithmic design is challenging. The interpretation of bias in its design requires a specific skillset of computer science and the necessary time to work to comprehend the parameters of the design. But, in the end, to understand what an algorithm is and what it accomplishes means to understand the intentional designs behind its inputs.

Due to society's increase in technology literacy, many studies have begun to emerge in which the discriminatory designs of algorthims are analyzed and investigated. Pasquale's research is concerned with the potential to hide racist and other discriminatory preferences within the coded inputs of algorithmic design. He believes that decision making that relies on algorithms "creates invisible powers" that ordinary citizens are not privy to (Pasquale 193). Algorithms have the potential to hide intentions of perceived reality from the public in much of the same way as the shadow figures projected onto the wall in Plato's cave allegory (Pasquale 190). Chander agrees that "even a transparent, facially neutral algorithm can still produce discriminatory results" because of the unconscious prejudices that exist within code designers and those who pay for their services (Chander 1024). Sandvig et al. call for attention to the particularities of inputs and the potential outputs that are related to an "ethical relationship" to a notion of a human good (Sandvig et al. 4976). And while algorithms continue to evolve towards being able to self-correct a perceived bias, the originating designs and inputs still remain detrimental to the supposed objectivity of the results.

Algorithmic design of political borders creates the potential to escape the ethical and historical deliberation that is required of border implementation. As race tends to be consistently used as an input factor for redistricting maps (Thompson 42), it becomes relevant to discuss the intention of input designs against the historical backdrop of racial discrimination within politics. Ken Gormley importantly points out that since the Civil War, the conflicts of race and politics have to be understood as inseparable and that "the number and manner of subtle ways in which the majority in power may seek to disadvantage racial minorities, in the voting process, are as numerous and varied as human ingenuity itself" (Gormley 798). When dealing with the ethics of intentional designs of districting, "the unexpected must always be expected" and "[d]ouble

dealing and racial mind-games are the norm" (798). Hoffman believes that algorithmic designs

for the purposes of districting often times overlook the history of experiences of discrimination

as the result of borders creations (Hoffman 900).

The manipulative ways of gerrymandering stem from the precise lines generated by

algorithms and can often result in bizarre shapes of districts. The Supreme Court famously

decided in 1995 that district shapes needed to be compact, contiguous, and respectful of political

subdivisions or communities of shared interests (*Miller v. Johnson* cited in Gormley 785). The

district design on maps, or algorithmic outputs, are beginning to take center stage in the

discussion of intentions behind district shapes. In 2017, the Pennsylvania Supreme Court found

that the Republican-drawn maps from the 2010 census contained some of the worst examples of

gerrymandering to date. In deliberating the case, several algorithmic and political experts were

called to testify as to the politically biased design of districts, mainly the 7th District, which has

been described colloquially as the image of "Goofy kicking Donald Duck" (Larson and Duden

107). Thanks to the state constitution of Pennsylvania including of "free and fair elections"

amendment, the judge ordered that the maps be redrawn. The seventh district was described as

an illogical shape that "cracked" counties and cities which were historically democrat leaning

communities into several different districts so as to assure a Republican majority of 13 seats out

of a possible 18, whereas other less-biased algorithms would only result in no more than 10 seats

(Larson and Duden 117). The drawn border shapes of districts have a way of unmasking the

emotive intentions of district designs which work against the democratic ethic of offering a fair

chance for the election of political opponents in the name of competitive political maneuvers

(Thompson 41).

Another measure of gerrymandering as emotivism is through the intentional lack of transparency that exists throughout the redistricting process. Because of the complicated nature of algorithms used in the border drawing process, people in power have become complacent in the veiled use of these technologies to achieve certain goals. The Brennan Center for Justice at New York University explains problem of the lack of transparency as including "lack of opportunity for citizen input, opaque decisionmaking, and lack of accountability in the outcomes" (Brennan Center for Justice). Green explains that legislatures have made a habit out of releasing versions of districted maps very late in the approval process so that the public does not have enough time to deliberate and evaluate the biases attached to the designs (Green 1829). Overton comments that many of the redistricting plans from 2001 were released soon after the events of September 11th so that the public gave little notice to its intentions (Overton 27). Green also states, "following the 2010 round of redistricting, critics lambasted state redistricting transparency climates, arguing that many states—even those with transparency provisions on the books—cloaked the real process in secrecy" (Green 1823-24).

The early software needed to run certain districting algorithms was very costly for state governments. In the 1990s, the technological districting process required large mainframe computers and a team of computer scientists to run different algorithmic formulas and generate maps at the cost of around $500,000 (Altman, MacDonald, McDonald 336). Altman, MacDonald and McDonald report that in their survey of state legislative districting processes during the 1990s, many states could not even accurately describe their own design process. They explain, "Some respondents assured us that they had used software in 1991 that was not developed until 1998" (Altman, MacDonald, and McDonald 336). But by the year 2000, hardware size and prices had significantly decreased and mapmaking algorithmic software

became more readily available and accessible to the general public (337). In 2001, Michigan was the only state to not officially sanction the use of redistricting software. While the state government did not engage with the technologies, both of the state branches of the political parties were using it (338). The shift in accessibility of technologies is prevalent today as there are several open source and free programs in which any member of the public can generate their own maps for any state in the country. Participatory deliberation in these designs is a key feature of democratic ethics in the twenty-first century, but politicians and mapmakers have yet to fully embrace the public's role in this process.

Transparency of algorithmic inputs and the designed maps that result is a basic component of democratic engagement today. Chander calls for such a mode of transparency which "allows us to see that the algorithm is generating discriminatory impact. If we know that the results of an algorithm are systematically discriminatory, then we know enough to seek to redesign the algorithm or to distrust its results" (Chander 1024-25). Hoffman agrees that a "iterative critical attention" is necessary when dealing with the "design, development, and implementation of data-intensive, algorithmically-mediated systems" (Hoffman 910). Without these levels of transparency, gerrymandering will continue to work against the democratic freedom of having access to fair elections.

Interpreting gerrymandering through the lens of emotivism highlights the corrupt intentions behind the design and implementation of political borders. Without a critical attention to the human impact within design algorithms used today and without explicit open-access to these decision-making processes, politicians will continue to manipulate district maps in order so that their political preferences are the inevitable outcomes of elections. Democratic communicative ethics cannot exist without proper channels in place to curb this overt political

manipulation of the system. As members of a democratic society, the obligation rests on the shoulders of individuals to redefine democratic ethics for today. Wallace's habits of democratic communicative ethics provide an important window into the cognitive requirements of democratic deliberation. They highlight the necessities for ethical democratic communication, one must be attentive to the practices needed to cultivate these habits—even if the habit presents perplexing paradigmatic shifts in the name of justice. The practices of democratic communication ethics are motivated by the unveiling of emotivism's privileged rhetoric and the virtue contentions of justice located in the call of the other.

By focusing on the act of bordering, this project wants to understand the proper ways to "care" for democracy. The metaphor of "care" is an effective ethic of democratic political theory of deliberation because "to care" not only shows an intentional activity about the maintenance of self and others, but it also presupposes an evaluative system of ethical practices; i.e., the practices which are better suited to achieve human rights and to work against emotivism. Through the communication ethics of border rhetoric, this project works to understand the act of bordering as the establishment of political limits of a democratic system. The most recent examples of political gerrymandering display the conflict that is inherent in democratic communication ethics and the need to develop more deliberative and participatory practices within these border designs.

Chapter 4

The Transmodern Project:
Decolonizing Competition Embedded Within Forms of Deliberation

Political borders and boundaries are some of the earliest commodities of the modern

world, and the act of establishing these borders have required instances of political deliberation

about who has the *right* to define boundary terms and locations within a shared global space.

These deliberations have become inevitable consequences to democratic politics due to the

lengthy history of border conflicts that have left traces of coloniality embedded in political

structures today. Border structures can act as barriers in linking the communicative nature of

global communities, but as democratic ethics continue to expand around the globe, questions

arise from the experiences of militarization and manipulation of border designs to maintain

normative, nationalist ideologies. Bordered societies contain a variety of identities within, but the

border symbolizes that each identity be oriented toward the same political goal.

In order to understand the effectiveness of this goal for political borders, the political

nature of identity construction must be taken into account. Identities are individual states of

being in the world that are shaped by an individual's life experiences. A person's identity is

molded over time based on their passive existence in a given global context and through making

decisions about moral values. While individuals can only access and interpret their own sense of

identity, it is a mistake to remove the identity construction process from the social sphere.

Identities can only be formed, and thus realized, through the negotiation of existence within a

given society of other individual identities. Political theories assume that with enough public

engagement and deliberation, individual identities will find ways to link together as collective

identities under similar belief structures of how society should be governed. Seen this way, the

construction and evolution of collective identities situated around metaphorical political boundaries have a tendency towards a competitive rhetoric that works against the political ideals of freedom, equality, and liberty.

This chapter focuses on understanding the competing forces of public deliberation in the act of identity formation and construction. These forces are emphasized through the establishment, enforcement, and manipulation of political boundaries and have direct impacts on how groups of people collectively identify under the broad political umbrella of democratic values. Competition can take several shapes in the rationalization of society. Georg Simmel's sociological study of competition written in the early 20th century remains an extremely relevant analysis of two predominant strategies that structure social competition. One type of competition he describes is motivated by an act of silencing or discrediting an opponent. This form of competition funnels through a "subjective animosity" that is directly focused on interacting with an opponent to question and critique the validity of their existence. The purpose of a competition of this type is to defeat an opponent, not, as Simmel points out, to win a match on merit (Simmel 958-9). The remainder of this chapter will focus on discussing this form of competition as having ties to colonialism in that it works to devalue the existence and human-ness of its opponent. This brand of "colonial competition" is referred to throughout this chapter as a necessitating force of deliberations that result in the construction of collectivist identities within the modern world.

The other type of competition that Simmel discusses is experienced through each opponent focusing on winning through personal ability and integrity. This form only engages the opponent in that they must first acknowledge their existence and secondly hope that the opponent is able to perform at their best. The purpose of this style of competition is oriented

towards convincing an audience of who has the best ability and skill to be considered a winner (Simmel 959). The differences between these interpretations of competitive motivations is further illuminated by an understanding of decolonial rhetoric.

Decolonialism initiates the acknowledgement of others through a process of critiquing power structures of privilege. Simmel's first type of competition described above is intrinsically linked to the act of colonization in that dominant groups of people worked to silence and obliterate those who were seen as competitors to their way of life. Simmel relates this type of competition as one that "opposes peace" because it focuses squarely on tearing down the competitor. The traces of this competitive motivation can be described as an essence of colonization in that it extends to domination over others. To decolonize deliberative competition means to build a competitive spirit from the alternative mode of thinking that Simmel argues for. The second type described above holds that the relationality between competitors to be the most important part of decision-making because it allows for an audience to evaluate a winner based upon equal performative criteria. Allowing a fair competitive balance between identifications and ideologies is the only way to assure that deliberations take into account the multiplicity of ideas.

Building off of this idea, the first section of this chapter will explain the deliberative ground of Seyla Benhabib as an important voice of collectivist universalism in response to her critiques of Jürgen Habermas. This is important because the brand of ethical deliberation that this project assumes relies on her conceptions of "concrete" others as ethical beings with distinct narratives. The second section of this chapter returns to the problem of competition within interpersonal and intra-personal dynamics of society. The value in this discussion rests in the ability to construct a decolonial framework of coexistence within competitive deliberations. The

next section speaks specifically of the colonial forms of competition that continue to reside in the American democratic system through the practice of gerrymandering, while the fourth section speaks directly of the impact that borders and boundaries have on individuals' ability to deliberate on personal matters of identity. The fifth section attempts to decolonize competition within these types of social identity constructions, so that the sixth section can lift up the vocabulary of transmodernity as a decolonial response to western metaphysics. The chapter concludes with a discussion of the implications overall that impact this overall project—mainly that borders necessitate deliberations that are grounded in colonial competition.

Benhabib's 'Concrete Others' in Deliberative Democracy

The work of Seyla Benhabib will remain a large voice throughout the remainder of this project as her philosophy updates deliberative frameworks to move away from colonial competition. Benhabib is the Eugene Meyer Professor of Political Science and Philosophy at Yale University and has published many notable works grounded in critical theory that examines the relationship between culture and identity. Pertinent to this project is her work that situates the importance of diversity of identities as they relate to maintaining human rights through various ethical structures in society. In her 1986 book *Critique, Norm, and Utopia*, Benhabib critically discusses the work of Jürgen Habermas and his philosophical relationship to Immanuel Kant as a way to establish universalized ethics. For Benhabib, these notable philosophical frameworks are important to building deliberative political structures of democracy, but that these philosophical thinkers do not do enough to make these deliberative structures inclusive of all types of collectivistic human experiences.

In the conversation of political borders, Benhabib is critical of the notion that culture requires bordered territories to justify its existence, and when citizenship is tied to bordered areas of nationality, then it can be easy to overlook the effect that exclusionary citizenship laws can have on minority voices. She offers a strand of deliberative democracy that is attentive to the demands of borders and she consistently works to challenge the structural integrity of these societal structures. This form of deliberative democracy is at once attentive to the need for legislative and political institutions to represent public needs while simultaneously needing purposeful informal structures that encourage citizens to assemble and engage in discourse. With the emphasis on informal yet deliberative public spaces, Benhabib believes that social activism through communication and discourse is necessary to find compromise to establish a form of cosmopolitanism that is inclusive to all types of rationality. Johanna Fawkes's entry on Benhabib in the *Encyclopedia of Communication Ethics* concludes that Benhabib's scholarly pursuits are committed to "communication between and within cultural groups or entities, recognizing their fluidity and complexity" (54). This appropriation of Benhabib's work shows the important relevance to establishing a societal rationalization of deliberative democracy that works against the imposition and taken-for-granted ethical implications of political borders.

Benhabib's belief is that society requires a deliberative framework because without one there would be no constitutive element linking together the experiences of coexistence in the lifeworld. Inherent in these deliberative interactions is a communicative component of realizing the self as a *being* in relation to other *beings*. Identification of the self can then be thought of as a co-constructed use of rational language to connect groups together. Benhabib summarizes the value of Habermas's rationalization of society as, "The 'I' becomes an 'I' only among a 'we,' in a community of speech and action. Individuation does not precede association; rather it is the

kinds of associations which we inhabit that define the kinds of individuals we will become"
(Benhabib, *Situations of the Self* 71). Personal identity is constructed through the deliberative
means of associating with others in the life-world, but conflicts will inevitably arise when the
deliberative act is tainted by a colonized form of competitive valuing between human
differentiations of identities.

Jürgen Habermas builds his socially scientific argument around universal principles as
constitutive elements of individualist identification. He assumes that justification of identities
through language offers individuals a chance to find compromise between people of difference
and that intersubjectivity is only possible if one grounds their moral viewpoints in subjective
rationality that can be assumed to be shared (*Theory of Communication Action Vol. II* 72).
Habermas devoted much of his scholarship to the notion of the legitimation of truth through
universalized structures of reason he says are contained within language. He argues that if
universal principles of morality are communicated through the act of justification, then it stands
to reason that there are generalizable principles on which universal morals can be situated
(*Legitimation Crisis* 111). Following George Herbert Mead, Habermas explains that through
deliberative legitimation processes that involve communicative justification, we are able to
conceive of "generalized others" in a way that allows us to place expectations of engagement
upon each other in regards to the roles that individuals play in a society (*Theory of
Communication Action Vol. II* 38).

Many critiques of Habermasian social scientific theories situate a colonial-competitive
imbalance of identity construction as a taken for granted assumption of how collectivities are
formed. For Benhabib, Habermas's universalization of the general nature of otherness presents
the opportunity for concrete others to vanish from discourse—thereby propagating a monolithic

narrative of collective identity (*Situating the Self* 161). The other as a generalized being cannot

exist without a conception of the other as a concrete individual with his or her own history of

experiences. To overlook the concrete-ness of others is to ignore their particular needs,

motivations, and desires (*Critique, Norm, and Utopia* 341). This can lead to a colonized sense of

morality that gets strength from competitive rational deliberations which work to make

differences irrelevant. The "concrete" nature of the other exists, but Benhabib does not take this

far enough to say that generalizability is impossible. Instead, she wants to break down the

dichotomous relationship between generalized and concretized others: "The point is to think

through the ideological limitations and biases that arise in the discourse of universalist morality

through this unexamined opposition" ("The Generalized and Concrete Other" 416). If

generalized notions of otherness exist without concrete identifications, then the deliberative

model between generalized universals becomes a competition of moral rights that are

disinterested in coexisting. Simmel's colonial form of competition shares this abhorrence of co-

existing by rejecting the validity of the other's character and results in the prize to be won as

being paid out by the suffering of the dominated other as has already been linked to nationalism

earlier in this project.

Scholarship related to nationalism is key to unlocking points of view related to the

communicative ways in which humans place themselves into bounded categories based solely on

socially constructed identities of culture. Benedict Anderson argues that the more mediated and

specified these classifications are, the more prone each group is to a sense of nationalistic

identity that results in more fortified and exclusionary modes of thinking (Anderson 150).

Anderson's political theory of "imagined communities" emphasizes an imagined connection that

each member of a community shares with the others. In this way, a community, nation, or

empire, are understood as socially constructed identities that exist only in the minds of those who inhabit it. An imagined community relies on the existence of a unifying language that allows for the cultivation of cultural norms and values as universally adopted modes of existence. Nationalist origins do not appear overnight—they take generations of reinforcing cultural standards and grammars, but in a colonial competitive situation this process is expedited due to the oppressive and violent forces that propel unification. Masses of particular individuals are difficult to dominate without first the establishment of a unified language and cultural roles that can inform the collective imaginations of the dominated. Nationalism is a brand of competition that requires a collective group to adopt universal principles without a notion of the particular needs of those from the exterior.

Seyla Benhabib explains the harmful effects that colonial competition can have on the global economy and on individuals' ability to relate to the bordered societies around them. She argues that a Rawlsian liberalism is failing because the institutions of liberal democracy are not "showing themselves to be strong enough to withstand the destructive effects of financial globalization, increasing inequality, climate change, and the crises of political representation" ("High Liberalism" 33). She continues to explain that these are all mechanisms of a global brand of competition that is justified through a religious nationalism, which causes the outsiders in society, who she refers to as "symbolic bearers of the ravages of global capitalism," to experience populist racism used to continue to subjugate these outsider individuals (33). Benhabib's concretization of the other that happens in deliberative public contexts helps to move toward an ethical belief in the worth of all persons. The idea that competition motivated by devaluing the experiences and capabilities of others does not sufficiently attend to the intricacies that an ethical relation to bordered society requires.

Decolonzing Competition at the Interpersonal and Intra-Personal Level

There are inherent challenges to entirely removing competitive structures from the social construction of identity because any description of identity is consumed by the problem of the dialectic embedded within language. Kenneth Burke describes the dialectic nature of language use as a mode of identification which produces "polar" terms in any utterance (*Rhetoric of Motives* 184). If identity is only able to be described or justified through language, then it stands to reason that any utterance of the sort creates an implied division of value for how each person relates to others. Burke believes that the competitive nature between these self-imposed values can be transcended through the dialectic and the dialogic. He writes of a "cooperative competition" that works to bring together conflicting types of generalizations found in collective identity constructions ("Rhetoric—Old and New" 203). He displays this sort of cooperative deliberation by remarking on the tensions created in language dichotomies:

> Are things disunited in 'body'? Then unite them in 'spirit.' Would a nation extend its physical domination? Let it talk of spreading its 'ideals.' Do you encounter contradictions? Call them 'balances.'…In a society beset of many conflicts of interests and aiming with the help of verbal tactics to transcend those conflicts, the use of sprititualization as a device are endless. Spiritualization is the device par excellence of the Upward Way—vibrant with the gestures of unification, promise, freedom ("Rhetoric—Old and New" 209).

There is embedded within this type of competition a pragmatic of ethical responsibility toward the uniqueness of the other, but it is unclear whether this cooperative competition can exist between collective groups which congregate around similar generalized identity traits.

If individuals' sense of self is tied to a collective identity, then there already exists a competitive need to justify inclusion. The identification of self is a deliberative process of recognizing otherness as a pre-judged state of *being* but this process can easily slip into the competitive realm of social comparison. Simmel argues that not all competition should be seen as "poisonous, disruptive, and destructive" (Simmel 961). He describes this brand of competition (which this paper has labeled as "decolonial") as follows:

> [I]t compels the competitor, who finds his fellow competitor at his side and only as a result of that really starts competing, to approach and appeal to the potential [audience], to connect to him, to find out his weaknesses and strengths and to adapt to them, to find or to build all imaginable bridges that might tie the producer's existence and performance to the potential [audience] (961).

To match this form of competition to the decolonial project is to focus on the relational benefits that competition can produce. First, Simmel reminds us that in order to compete with someone in this fair mode means to first acknowledge the competitor's existence. A competition ceases to exist without an opposition regardless of ethical motivation, but a competition can move towards decolonial forms only if the opponent is treated with respect and integrity. Secondly, a decolonial form of competition turns its attention to the audience's needs and expectations for a given context. If the opponent remains the primary focus of a competitor, then the competition automatically becomes motivated by the prize of othering the opponent. A decolonial form would rather be motivated by the prize of beating the best for the public gain of the audience.

To decolonize competition from deliberation means to emphasize the benefits of relationality and equalities of points of view. In a decolonial-competitive deliberation, competitors gain an awareness of new perspectives when entering into competition with other

people. This is achieved by the acknowledgement of the competitor's integrity as well as the turning toward the audience to listen to their fears and needs. Simmel describes this relational aspect of competition as a "web of thousands of sociological threads brought about through concentrating the awareness of wishes, feelings and thoughts of fellow humans" (Simmel 962). As an example, democratic competition is centered on the decolonial ethic of engaging with others as a mode of learning about what constituents want. Without access to these experiences, a politician has little hope to succeed. Simmel's work is largely situated within the competitive realm of economics. Within decolonial-competition if a competitor has no access to new ideas or to the tastes of the consumers, then there is little hope for long-term viability. Decolonial competition can be understood as the competition between various sides for the attention and applause of the audience.

Relationality is a central feature to explaining the value of this mode of thinking when it comes to deliberation. There are many strands of relational philosophy that can add texture to this debate around decolonized forms of competition featured in deliberation. Martin Buber's scholarship places the construction of meaning as a direct result of the communicative engagement between two sides in deliberation. Buber's relational theory of I-Thou speaks to a sincere form of dialogue that acknowledges a living relationship between interlocutors. He describes this relationship as "The *Thou* meets me through grace…But I step into direct relation with it. Hence the relation means being chosen and choosing, suffering and action in one" (*I and Thou* 11). In opposition, for the *I-It* relationship, consciousness (the *I*) is not enough to dictate meaning because it has nothing to relate to through language use (*I and Thou* 29).

In *Between Man & Man*, published in 1947, Buber gives an effective account for the necessity of dialogue within the public sphere. Buber states that humans are all born with the

privilege through language to discuss opposition to each other and this is something that is imperative to the evolution of the human race. He describes a type of genuine dialogue between individuals who open themselves to language and who are not forced to participate. In order for dialogue to exist, it must be approached from an opening that opposing perspectives exist and that language is the only tool by which opposition can be presented (*Between Man and Man* 55). Dialogical deliberations between individuals have the capacity to transcend colonized competitive forms because humans have a natural relational ability to find common interest with those around them.

The implications of coexistence through relational dialogue can be best experienced as an interaction of civility that is generated in the ambiguous space of the "between". Buber's phenomenological space of "the between" is the implied opening between interlocutors who are coming to conversation without any clouds of prejudgment. This seeable (but not physical) space provides a locality of civil discourse that works to "govern interpersonal discourse, recognizing that private/emotive positions are unlikely to move the discourse in a positive direction" (Arnett and Arneson 283). The "between" will begin to emerge at the origin of dialogue, and, if cultivated properly through interpersonal ethics, can transform a bordered space into one of mutual respect and understanding that is necessary in community.

When individuals are neglected as other equal beings, dialogue shifts toward a colonial form of competition. A dialogic encounter aimed at coexistence requires individuals to approach the dialogue setting as an act of invitation between "listening beings" who are able to ethically engage with difference without totalizing categorization of the other (Lipari 350-351). Ethical deliberation requires habits of mind that focus on viewing the encountered other person in dialogue as a "concrete other" with a unique history, identity, and rationality. This mental shift is

a purposeful design of coexistence that originates through intra-personal deliberations of how one interprets relationality to a given sociological context.

The intra-personal action of cultivating ethical mindsets is extremely important to proving that decolonial types of deliberations can exist. Benhabib's notion of the "concrete other" was offered as an ethical extension to the Habermasian project of generalization of others as a way to understand the universalized morals that are accessible to all humans ("The Generalized and Concrete Other" 411). Viewing others as concrete individuals means that Benhabib's universalized ethics of human rights is centered on a mentality of respect for differences. The critical point for Benhabib is to open oneself to the needs of others first through a realization of unique, concrete experiences that make up a person's identity. Zygmunt Bauman would liken this mindset to the cultivation of "solidarity of humans" ("Strangers at our Door" 19). The ethical imperative of tolerance is best achieved by deliberative modes of thought that work to acknowledge the other on their own terms of identity instead of imposing generalized terms of *being* upon them. Identities are constructed in a world of multiplicity and the implementation of political borders on such a world has created sociological contexts which require inhabitants to allow for different types of identities to coexist inside a person most closely related to border lines. This is why border rhetoric as a field of study has largely been taken up by scholars and thinkers who are directly impacted by the placement of borders.

At the intra-personal level, individuals who find themselves straddling different cultures and worlds have to constantly negotiate their sense of *being-in-the-world* based on the multiplicity of cultural contexts that they may find themselves in. When adopting a decolonial attitude, the competition of selves contained within each person is about embodying a multiplicity of selves as opposed to smothering qualities that do not fit within a specific context.

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Colonial Competition in American Democracy

One of the most prevalent forms of collective identity construction around competitive rhetoric is that of the creation of political parties contained within a democratic government. Political parties are structural governmental bodies which organize individuals into categories of inclusion based on ideological and political beliefs. Parties assume a level of congruency between its members and are mostly concerned with the competitive need to justify their existence in relation to other political ideologies. The inherent competitive practice of democracy is largely situated on the presence of political parties to craft the rhetorical claims of each identifying group.

Political parties have existed in America as far back as the original Constitutional deliberations, but the evolution of these parties as the dominating force of American democracy, many scholars have noted, goes against the original democratic designs. Gehl and Porter argue that the form of today's American democratic government would be unrecognizable to the original founders because of how the two-party system has "hijacked" and transformed the political democratic system into its own private industry (12). The American system predicated on only two predominating parties reinforces this competitive nature even more so because it negates the possibility for moderation by devaluing the system of belief seemingly represented by the other party.

The mass media has come under fire for instigating this competitive rhetoric of deliberation between different political parties. If policy debate comes down to a competition between political parties for voters, then public addresses and speeches are typically reported through the rhetoric of political strategy instead of focusing on substantive content of that policy. Chambers cites a report from the *Project for Excellence in Journalism* which summarized the

media representations of the 2008 election cycle as being largely focused on political "tactics, strategy, and polling" rather than the contents of nominees' policy recommendations (Chambers 349 n73). In the deliberative environment of democracy, especially one centered on a two-party system, the media should play an important part in providing the specific policy platforms of each group so that voters can make informed decisions. By pandering to the competitive nature of evaluating political strategies, mass media instigates democratic deliberations around valuing effectiveness of delivery rather than the ethicality of ideologies. In this media environment to consider one's identity as being tied to a political party means to base an identity around the competitive evaluation of moral claims and rights.

The colonial competitive spirit lives on, however, through the politically motivated act of gerrymandering designs for congressional districts. Colonial competition in democracy is motivated by winning elections by any means necessary, which in the case of gerrymandering is the manipulated designs of voting districts to control how a voting body is organized. Through the design process of "cracking" and "packing" (detailed in chapter 2), mapmakers are able to control the overall voting strength of an opposing form of political rationality. According to the *New Republic*, since the year 2000, Democrats in Maryland have redesigned districts to gain predicted control of seven of the state's eight congressional districts. The methods they have employed to accomplish this include cracking a large portion of African American voters from District 4 into District 8 in 2002 in order to oust a long-time serving Republican Representative Connie Morella. Following this move, Democrats saw an opportunity in 2012 to crack the Republican-leaning District 6 in half to affix a portion of that population to a wealthy suburban district outside of D.C. that historically had voted Democratic. In the following election, District 6 in Maryland voted for a Democrat as their representative for the first time in almost 20 years

by a large margin (Guo). Today, District 3 in Maryland is still considered one of the worst

gerrymandered districts in the country as the lines stretch from the central northland of the state

all the way down to Annapolis. The path the district takes is extremely bifurcated in places that

includes a segment that is one block wide and four blocks long. These haphazard district lines

have resulted in the cracking of republican votes along several counties (Batista).

The conflict of gerrymandering is not a partisan issue in that only Democrats or only

Republicans are guilty. The American democratic political system at large has evolved the

colonial competitive attitude since its earliest conception, and this practice continues to hinder

democracy's belief in fair and free elections where every vote is of equal worth. Simmel's

colonial competition is on display every time a congressional district is redesigned because

government officials who draw these maps care more about winning an election than they do

about protecting the equality of viewpoints of every voter regardless of their political affiliation

or socially constructed identities. The decolonial spirit of competition believes a person's

political platform should speak for itself in how constituents interpret ways of supporting various

ideals. The political process of voting already creates inherent competitive imbalances in that

one person gets only one vote per election category so ultimately democracy requires that there

be a winner and a loser. The decolonial competitive attitude can go a long way to enhance

ethical political and social deliberations because it centers around crediting an opposing side as a

worthy and valid opponent.

The work of this project is to attempt at understanding possible means of social

deliberation that move away from the colonial competitive spirit. From a decolonial perspective,

we must ask the question: can we deliberate from a position of decoloniality and move political

decision-making towards a ground of coexistence and cohabitation?

Borders and the Communicative Effect on Individuals

Communities that live in what Gloria Anzaldua calls the "borderlands," experience a severe fractured sense of identity because they are so closely located with neighboring nations or cultures. The populations who live close to these borderlands try to honor the national community that they live within, but they must also be attentive to the cultural practices and norms of the neighboring community. This is made most prevalent in looking at the research coming from immigrant and migrant scholars, like Anzaldua, who consistently speak of a "double-consciousness" or "mestizo/a" effect on their own performative identity. Anzaldua explains that these border communities do not present a "comfortable" locality to live within due to the struggle associated with trying to fit into difficult cultural categories encountered all around them (Anzaldua 79). To live in these communities means to be hyper aware of the roles that different ethnicities play within differing political ideologies (Hernandez and Anzaldua 9).

Anzaldua's scholarship is a direct continuance of the term "double-consciousness" made famous by W.E.B. Du Bois in the description of his experience as an educated African American male during the United States' reconstruction era. For Du Bois, to have a dual consciousness meant that a person must be able to see the conceptual borders that each of his public personas fit within (Du Bois 3). Being an educated black man during the early 20th century afforded Du Bois the ability to simultaneously live his life as a public intellectual, while also experiencing blatant racism in the belief that a large majority of the white population would never be able to take him seriously as a scholar. In *The Souls of Black Folk,* Du Bois describes the African American experience as an isolating existence where one is perceived immediately to be alien before any social interaction takes place. These perceptions and subsequent methods of exclusion resulted in a highly-tailored sense of self that was predicated on social surroundings: "But the

facing of so vast a prejudice could not but bring the inevitable self-questioning, self-disparagement, and lowering of ideas which ever accompany repression and breed in an atmosphere of contempt and hate" (10). The questioning described here is largely responsible for the creation of dual senses of self to mediate the differences in appearance as best as possible with newly adopted mannerisms and ways of engaging with the dominant white population.

Many borderland cities around the globe have been studied to understand the effects that living so close to a national border can have on the community. David Gonzalez Hernandez explains that Tijuana, Mexico has lost much of its cultural ties to Mexican culture and now is more closely related to its northern neighbor of California in many of its cultural practices. He explains that living in Tijuana is an international experience that has more similarities to the American city of San Diego than it does any Mexican metropolis. A big reason for this trend seems to stem from the metaphorical act of "border crossing" that happens through visual media. The highly commercialized media frenzy coming out of the U.S. (and southern California in particular) that permeates the border town has created a media-dependent, commercial community to which the Mexican media outlets are unable to reach (Gonzalez-Hernandez 222). Ironically, Tijuana's influence on southern California cannot be denied as well, although on a much smaller scale. Americans wishing to gain some sort of "cultural experience" will cross the border into Tijuana to buy Mexican produce or partake in activities that are deemed illegal within the States. This interdependent cultural relationship is indicative of many global border towns in that the nation with the larger media presence will dominate the global design and commerce of the smaller border town community, while the smaller community will offer a cultural refuge or oasis for homogenous populations to feel separate or distant from their own community.

The focus of borderlands as physical space for identity formation is beautifully represented in the work of Guillermo Gomez-Pena. In his book *The New World Border*, Gomez-Pena, a Mexican performance artist and educator, provides a hybrid form of scholarship and performance art to coincide with this own hybrid multi-centric identity. For him, art is the penultimate method of displaying and investigating what it means to be an American scholar with a native Latin American history. The border for Gomez-Pena is a transportable entity that resides inside of him and his role as an artist is to make art and scholarship that represents misunderstandings and conflicts at border zones. At the culmination of his work, Gomez-Pena argues that the United States is moving in the direction of a borderless future and he predicts this transition to be a very contentious process where historically dominant American voices will become fearful of losing control over their own culture (Gomez-Pena).

This example of a bifurcated, lived experience provides an interesting and important element to understand the necessary identity-competition associated with living close to cultural or national borders—that of the unending drive to forge alliances within a body politic. Gloria Anzaldua explains that people who live within the borderlands of society are tasked with a very important job of stepping across the border to find compromise between two contradicting histories. Borderlands are fraught with histories of struggles, but Anzaldua points out that they also provide an exciting way of life: "it is living in the midst of culture in the making" (Hernandez and Anzaldua 10). As Du Bois's work illuminated the possibilities of cohabitation for blacks and whites in the premise of building new relationships between people of difference, Anzaldua highlights the same positivity about her experience as a conduit of change for a new world.

These experiences display the internal conflicts that borders can create within individuals.

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People construct their own sense of identity based on how they fit into (or not) the society around themselves. The social process of identity construction must constantly work to negotiate identification boundaries where they see themselves fitting best within. However, these negotiations can often times devolve into competitions between different forces that try to persuade allegiances to a particular group. The socialization of identity dates back to the classical tradition as some of the earliest philosophy to breach the topic of competing values of identity uniqueness. This tradition, Walter Mignolo explains, was central to developing the age of enlightenment coming out of the West that also propagated much of the colonial history of humankind. In the section that follows, the linear progression of philosophical thinkers highlighted through decolonial scholarship is used to help trace the West's obsession with progress which is believed to have been the cause for the high amount of value placed on competing forces within the public sphere.

Decolonizing Competition Within Identity Construction

One of the earliest philosophical conceptions of the sociality of persons comes famously from Aristotle's maxim, "Man is by nature a political animal" (*Politics*, I, 1253a3). Aristotle's claim is that any individual who has spent their life removed from social interaction cannot be categorized as human because there is an innate social quality to *being* that is a necessary component of human life. "[T]he state is also prior by nature to the individual," Aristotle writes (*Politics*, I, 1253a29), meaning that individuals are born into a system already in existence and to which moral values are already assigned. As children grow older, society naturally indoctrinates individuals with specific systems of belief through communicative acts of interpretation and interaction with others. People learn conceptions of right from wrong and good from evil in the

passive witnessing of social interaction and through active engagement with others. This communicative engagement relies on the reification of language around ways of *being* so that individuals may work to either collectively identify commonalities with each other or to catalogue other ways of thinking.

This method of identity construction carries the assumption that social deliberation through language plays an important part in how one interprets the logic of coexistence and one's place within it. Coming out of the classical tradition Rene Descartes argued for an embodied rationality that is located within each individual. It acts as a universal connection that locates knowledge of truth in experience (Descartes 29). Descartes rejected the Medieval point of view that placed truth as an exterior entity as part of the cosmos. Instead, he extended upon Plato's work in pointing out that all humans have a source of morality located within. Charles Taylor places Descartes's return to Plato and internalized rationality as the apex moment for the establishment of the modern identity (Taylor 143) because it is here that we see the prioritization of the "self-mastery of reason" over the interpretive nature of sensory experiences (Taylor 147). Modernity's intra-subjective rationality is framed as an instrument of control over both the exterior physical world and the emotional capabilities of humans. This type of control has been reflected on by scholars for centuries as a way of prescribing order where chaos reigns supreme (Bauman *Modernity and Ambivalence* 11).

Descartes developed the scientific method as such a way to control the process in which we identify knowledge and truth. Building again off of Plato (Taylor 144), Descartes argues for the use of intuition and deduction as the only means by which humans will be able to know truth; these mechanisms are characteristic of the intra-subjective rationality, or identity, that is shared between individuals. He asserts that any other methods proposed to access truth are "dangerous"

and "suspect" in that they will result in dogmatic knowledge incapable of being doubted. He famously believed that this style of rationality can only exist where there is an incapability of doubt (*Rules for the Direction of Mind* 6). This renewed sense of identity around knowledge as an interiorized use of rationality shows the beginning of a reliance on language to be able to offer the necessary evidence that knowledge and truth exists.

Since the publication of *Discourse on Method* in the mid-fiftieth century, Descartes's views on the self-contained subjective methods of gaining knowledge and truth have been used by scholars and thinkers as a way to justify dominant narrative structures that are prevalent in studies of the modern identity. Immanuel Kant famously built an ethical theory around a "categorical imperative" as the notion of a collective universal subjectivity (*Groundwork of the Metaphysics of Morals* 67). Kant's devotion to the philosophy of knowledge is an attempt at offering a form of logical deduction to be able to interpret knowledge and evaluate moral motivations of experiences in identity construction. Through deontology, Kant structures moral obligation around inherent ethical rules that bind together the social fabrics of humankind. He believed that all humans share the same mental capacities that structure experiences and these result in identities based around moral understandings. This moral knowledge is understood, for Kant, as an *a priori* knowledge that is already present whereas the knowledge we gain from experiences is secondary, or *apostiori* (*Groundwork of the Metaphysics of Morals* 8).

Hegel's philosophy continued the point of view on rationality as containing a universal identification link to reality. He followed Plato's and Descartes's distinction between humans and animals to place rationality or language as the motivating factor for how humans order nature. This ordering was part of a larger process of negating differences until one was able to arrive at "absolute" truth. "Absolute knowing," for Hegel was the notion that universal

rationality is born from a deductive process of contradiction and negation that works to chip away at subjective experiences until they reveal an "absolute" shared value of reality (Hegel 47). In order to arrive at this type of rational orientation, human beings must embrace a competitive spirit towards ordering knowledge so that truth will reveal itself. The process of obtaining absolute or universal truth contained in internalized forms of rationality is characterized by the competitive force of "progress" for identities cultivated in modern society.

It is within this philosophical journey that we can trace the birthplace of the modern identity due to an obsession with a universal notion of progress and the drive for order. But the intra-subjective reason that guides modern philosophy's quest for truth approaches a problem in that it still must rely on language because of its prescriptive and legislative nature. Hegel points to the early-stage of this dilemma when he discusses the impossibility for an "abstract" universal because, as he warns, only ultimate philosophical truth can be expressed in the concrete (Hegel 16). Once an "ultimate" form of internalized reason is articulated with language, the search for truth transitions into a subjective interpretation of the value of rational language in any given context. The interpretative nature of rational language inherently creates divisions in identity formation around similarities in viewpoints and experiences and can be seen at the cultural and societal levels. These identities can easily result in the competitive interplay between groups of people vying for their own brand of rationality. If Descartes's work can be summed up as a drive towards ordering nature, questions of the deliberative role of language remain very relevant when identifying the competitive nature of universalistic principles that bind collective identities together.

Contemporary philosophies of rationality extend the classical framework of structuring knowledge by pointing to a social congruency of knowledge that unknowingly overlooks the

subjective experience of interpreting language in deliberation. The use of language to describe any form of philosophical knowledge as truth contained within an identity ultimately results in the establishment of metaphorical boundaries that create an inclusionary group of "universalists" bound together by a claimed moral objectivity and an excluded group of "particulars" that are made up of individuals who have different interpretations of the structures in place to describe truth. The relationship between these groups constantly involves manifestations of deliberations around the competition of seemingly objective values and virtues.

Phenomenological studies originated from this challenge in that they saw the potential for conceiving of a social environment in which the subjectivities falsely paraded as collective objectivities could be bracketed; a space for all forms of different identities can coexist together. The concept of the "life-world," for Edmund Husserl denotes a "universal horizon" that breaks away from an inner, more closed nature of the intra-subjective in Descartes to an intentional openness to the world (Husserl 108). The lifeworld predates human experience as a horizon we are born into and yet offers, for phenomenologists, the only structure of consciousness with which we have the closest ability to analyze an objective experience. Husserl's work speaks to how all personal human experiences are lived within the life-world, and reminds that it is an environment shared by all other human consciousness. The bracketing method of phenomenology set out by Husserl to understand the transcendental relations of intersubjectivity in the life-world can have several implications for the deliberations of relational identities.

Martin Heidegger extends the Husserlian project into the concept of "*Dasein*"—a term that speaks to a character of *being-in-the-world* that is separate from consciousness of the world. The reductive quality of the life-world, for Heidegger, creates the possibility for philosophy to study the meaning of *being* as a cognitive identity grounded in the lived experiences of the life-

world. Heidegger argues that this way of *being* can have both authentic and inauthentic ramifications towards the realization of identities. An authentic form of being will be achieved through the realization that each human being is a distinctive entity that is "thrown" into the world, whereas inauthenticity comes from a sense of *being* that is modeled after other people's standards and prejudices that are revealed in the life-world (Heidegger 164). Heidegger's philosophy of *Dasein* showcases a problematic of existence in the world without having any prior knowledge of it. He believes in the social aspect of the life-world, but he emphasizes the importance of everyday, "idle talk", "curiosity," and "ambiguity" as the only worthy structures of accessing an authentic sense of *being-in-the-world* (164).

Alfred Schutz takes issue with the reductive process that Husserl uses to get his conception of the life-world. Phenomenological philosophy that is concerned with identifying logical certainty contained within the life-world of intersubjectivities, according to Schutz, runs the risk of conflating the possibility of objective reason. Schutz believes that intersubjectivity is a naturally given existence that is beyond the scope of philosophical studies because humans will never be able to bracket themselves entirely from their own situated-ness. He is more concerned with describing "essences" of social structures that exist within the life-world than he is with proving that intersubjectivity is possible (Schutz 43-44). Knowledge of the life-world, for Schutz, is taken for granted—meaning that we exist in the life-world not to critique it, but to experience it in its regular, primal fashion. Experiences which help to construct individual identities predate our existence and are the unavoidable consequences of participating in social life.

The social aspect of the life-world raises questions about the interconnectedness of human consciousness as a building block for identity construction. Jürgen Habermas is fearful

that both Husserl and Schutz are oversimplifying term "life-world" from an unintentionally one-sided perspective. Thomas McCarthy explains this perspective as "an overemphasis on the reproduction and renewal of cultural knowledge and a relative neglect of the formation and transformation of group memberships and personal identities" (McCarthy xxv). For Habermas, the life-world can only be reproduced by communicative actions which help to constitute an individual's identity. This means that a person would never be able to analyze human particularities without "systematically exploit[ing]" differences qua their own subjectivity (*Communicative Action, Vol. 1* 121). The lifeworld is formed through social actions and it creates with it a "context-forming horizon" for interpretative coexistence (*Communicative Action, Vol. 1* 337).

Communicative action as a social activity creates the need to view the lifeworld as a multidimensional context of difference in which identity construction is dependent upon pre-existing social histories and the realization of unproblematic means of coexistence. The act of interpretation in a social environment initiates a horizon of bonding around commonalities. Habermas describes the lifeworld through an idealized "community of communication":

Subjects acting communicatively always come to an understanding in the horizon of a lifeworld. Their lifeworld is formed from more or less diffuse, always unproblematic, background convictions...In their interpretive accomplishments the members of a communication community demarcate the one objective world and their intersubjectivity shared social world from the subject worlds of individuals and other collectives. The world-concepts and the corresponding validity claims provide the formal scaffolding with which those acting communicatively order problematic contexts of situations, that is,

those requiring agreement, in their lifeworld, which is presupposed and unproblematic

(*Communicative Action, Vol. 1* 70).

Viewing the social lifeworld as innately unproblematic will continue to present challenges in avoiding competitive imbalances of different identity groups. However, the viewpoint of social history constituting the lifeworld still remains relevant when discussing the rationalization of identities around a particular collectivity.

The social act of deliberation that leads to identity construction is based upon the philosophical experience of differentiation. As identity uses language to classify its parameters, it becomes more and more tricky to avoid placing value on classifications that are easier to identify with. This is because there is an inherent competitive structure to the social construction of identities in which we assume an identifying connection results in a universalized rationality. The colonial-competitive element to intersubjectivity can be understood through several examples of relational rhetoric and aesthetic judgment, including the socially comparative interpretations of beauty/shame in Plato's work and "taste" discussed in the work of Immanuel Kant. These interpretations of aesthetic experiences can have a direct tie to placing value on subjective systems of belief which propels the colonial competitive spirit.

The Socratic method outlined by Plato in the *Gorgias* portrays the dialogic construction of knowledge by stimulating critical thinking with interlocutors. Tarnopolsky situates Socrates' use of shame as the stimulus for getting interlocutors to see any contradictions in a belief system. This rhetorical device is exemplified through a "painful awareness of some kind of inadequacy in the self first brought to light by the gaze of others" (Tarnopolsky 290). For Plato, shame plays a large part in helping people to reflect upon their own lives and the ways in which their belief systems can be deconstructed as false opinions. In having Socrates shame interlocutors through

refutation, Plato wants to show how people can actively modify or enhance their own self-image in their evaluations of the truths that emerge from dialectics.

When individuals encounter other people, the nature of comparison between self and other is inescapable. Tarnopolsky explains that humans will gravitate in these encounters towards self-inclusion within the beautiful or self-imposed shameful exclusion from fitting in. Either interpretive choice affects an individual's ability to rationalize his or her own identity around a value statement of relationality within society. Beauty and shame are thus described as "psychic mechanisms by which we come to have certain virtues or vices and thus become certain types of people" (Tarnopolsky 301). Engaging in the dialectic encounter is about providing the ground for respect of differences; however, avoiding the colonial-competitive trap of social comparisons of identities is difficult because these can also lead to "instantiate" certain vices of flattery, conformity, hypocrisy, cowardice, and self-deception (Tarnopolsky 302). Identity formation is grounded in relational experiences, and the social comparisons made during these encounters have a direct impact on how a person rationalizes whether an identity fits within a given societal and cultural context.

Without the emotion of feeling shamefulness, it is likely that humans would devolve into emotive beings that lack the capacity to relate to others at all. This means that shame can create the ground for competitive relationality at the same time that a lack of shame can create the ground for competitive warfare and genocide. What remains clear are the social structures in identity construction that can enhance forms of competition.

Taste is another example of such a form that is an evaluative relational experience that creates competition between different types of people. Kant lays the groundwork in *Critique of the Power of Judgement* for understanding the political judgment of "Taste" as a condition of

coexisting subjectivity and universality together. Taste emerges from the purely subjective

realm as an articulated universal that is satisfied only by the agreement of others. As a form of

political judgment, taste requires an imagination of a collective majority that places value on one

experience as pleasurable (114-120). It is within this valuing judgment where individuals can

cultivate a competitive spirit against those who disagree. As identities are constructed around

the interpretive nature of experiences, to find visible or physical pleasure in an experience means

to cultivate an identity and find community with others who have had similar interpretations of

the same experiences. These interpretations can lead to misguided efforts of universalist morals

and principles.

In order to address the complications that colonial forms of competition can take within

the process of identity formation and group socialization, decolonial scholarship remains a

helpful method to persistently de-link from philosophical assumptions about humankind that

have continued to develop around enlightenment rhetoric of objectivity and intersubjectivity.

Group dynamics are justified and strengthened through a myriad of methods, as this section has

pointed out, but the decolonial project stands firm in the belief that there needs to exist a

conception of identity construction that can be realized outside of the metaphysical realm coming

out of the West and the enlightenment. The competitive notion of "progress" has worked for too

long as a term that constructs boundaries around experiences that are deemed worthy pursuits in

the name of "objective" knowledge. Decolonial thinking finds its motivation in being able to

locate rhetorical agency in the exclusion of others and building up the importance of multiplicity

of narratives to combat against oppressive regimes that are focused on silencing those that are

different.

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Transmodernity and the Decolonial Critique of Western Metaphysics

Modernity's impulse to define inclusionary and exclusionary rhetoric means that the notion of a double consciousness can, at once, symbolize the adaptive quality of outsiders and the decolonial spirit of identity competition contained within each self. At the same time, it can symbolize the inability of hegemonic forces to conform to the same adaptive regiment. In other words, for some, double consciousness provides an opportunity to find mediated self-compromise with dominant ideologies. This is the work of colonial competition that desires at silencing the outsiders and forcing them to conform. The intra-personal deliberation that exists within competing identities at the border shows yet another example of how deliberations can exist without colonized forms of competition.

Similar philosophers who became critical of modern rationalities developed a new direction for conceptions of human knowledge and experience. They wanted to understand what happens once the modern mindset became disrupted by human difference and the multiplicity of narratives that exist in the exterior. Branded as "postmodernism" these seemingly transformative discussions provided resistance to the universals of modernity and resistance to the over-emphasis of modern rationality that had brought so much violence and suffering to the world through colonialism. 'Postmodernism' was billed as a critical approach to understanding this new way of thinking so that philosophy and the study of rhetoric could evolve into a more open dialogue that could include anybody who originally was silenced by modernity's exclusive rhetoric. Postmodernity became a fixed state of mind that, in theory, made room for everyone at the philosophical table. This critical stance spilled over into other philosophical and cultural theories like positivism and colonialism so that these imposing categorical conventions could engage with more fluid changes over time.

Decolonial scholars have begun to push back on the philosophical frameworks of the new "post" paradigms (like postmodernism and postcolonialism) due to the fact that these critical philosophies are still rooted in a Western metaphysic that has been developed through colonial exercises of power over language and knowledge since (at least) the 16th century. The conversations illuminated from this chapter have cultivated an ideal form of deliberation that works against colonial competition towards a preferred style of competition that is motivated by coexistence. In doing this work, a new concept of the "transmodern" philosophical ideology has presented itself through the decolonial framework. Transmodernity works to recognize how each individual's conception of ethics is impacted by multiple cultures and global philosophies simultaneously.

Critiques of the post-paradigms from decolonial scholars is situated by Walter Mignolo as a turning toward "subaltern reason" that falls "in between local histories and universal knowledges" ("(Post)Occidentalism…"). Decoloniality is highly skeptical of a hermeneutic that is restricted to Gadamer's notion of an "ongoing, natural tradition" because this monocentric tradition, based seemingly in Greco-Latin history, was largely the driving rational force for colonialism. Even though Gadamer's hermeneutic is typically thought to be a "constructive" opening to new possibilities of understanding, the fact that it is grounded in a "natural tradition" presents problems for those voices who have historically been left out of the evolution of that tradition.

From the decolonial, "transmodern" perspective, if an individual growing out of the "natural tradition" of Western metaphysics attempts to understand a non-Western culture or ethic without calling into question the colonial nature of this understanding act, then, Mignolo explains that this individual is projecting a "monotopic understanding over multilingual and

pluricultural worlds." (*The Darker Side of the Renaissance* 18). Gadamer's monotopic

"postmodern" hermeneutic creates the ability for any individual (regardless of their own locality)

to claim the right to an intercultural hermeneutic understanding. In the same way that

colonialism allowed for dominant cultures to maintain a universalist rationality, monotopic

hermeneutics also allows for understanding subjects of the contained hegemony to perceive

themselves as a reference point to evaluate all other cultures.

"Transmodernity" is a term coined by Enrique Dussel as a way of combatting the

tensions implied by colonial modernity and the helpless nihilism of postmodernity. He believes

that modernity developed an "irrational myth" that justified genocidal violence at the same time

that it affirmed a "rational" concept of emancipation. But postmodernity, according to Dussel,

solely categorized modern reason as a "reason of terror," instead of calling attention to the

genocidal justification that is concealed within the modern rationality of emancipation. Dussel

proposes an analectic alternative to the dialectic that justifies a politicization of phenomenology.

Dussel wants to emphasize the knowledge base that emerges through the notion of people as

opposed to that of Dasein, or *being* ("Eurocentrism and Modernity" 66-67).

Dussel's analectic work largely is based off of knowledge of Latin American history and

his own experiences within this cultural context. Mignolo refers to Dussel's work as a

"philosophy of liberation" that seeks to critique the hegemonic social structures that are rooted in

colonial modernity by calling attention to the experiences of those from the exterior who have

been exploited and alienated through modern reason (*The Darker Side of the Renaissance,* 12).

Although, Dussel's work has been criticized due to his reliance on European philosophy to

define Latin American philosophy, Mignolo and other decolonial scholars believes his work to

be of great importance in that it pluralized and politicized hermeneutics from the exterior (*The*

Darker Side of the Renaissance 338nn 24 and 25).

Decolonial frameworks of transmodernity (i.e. pluritopic hermeneutics) work to provide a way for all cultures to identify beings from the exterior without competitive prejudgment. This identification embodies the presupposition of equal rational grounds between different types of people, which can offer insight into effective ways to describe and mediate relational conflicts. This is different from a postmodern or postcolonial project because it avoids presupposing the universality of a philosophical tradition. Postcolonial studies are still grounded in the Western tradition of metaphysics and they create the illusion that certain past colonial contexts are living free of colonial oppression after political independence has been granted. Decolonial transmodernity is not as easily convinced that colonial histories and societal designs are instances of the past. Due to the nature of how human history has been recorded and reproduced by those predominantly in hegemonic culture, it is not unreasonable to believe that western metaphysics and its monotopic hermeneutic have been the driving force for the removal and disenfranchisement of "alien" and minority cultures and languages. Transmodernity is a conscious method of recouping the histories, cultures, and languages of the marginalized voices that were not allowed to participate in philosophical discourse due to their "outsider" status.

In the acknowledgment of pluriversal possibilities, the transmodern ideology shares an important commonality with decolonial competition; they both work to equalize the relationality between individuals. Decolonial competition wants to claim victory based on strength of ability, not on the weaknesses of others. But in order for competition to be truly decolonized, one must engage in transmodern ways of thinking to be attentive to possible colonial structures that may impede an individual's ability to meet their competitive partner on equal grounds. Identities of difference have a responsibility to each other in competitive deliberation to place value on the

particularities of difference between them so that cohabitation can be achieved which avoids the subjugation of an opponent. In this way, decolonial competition involves entering into deliberation with an open mind directed toward identifying traces of privilege that order and evaluate other subjectivities.

An important area of distinction that needs to be further investigated is exactly how the term "transmodernity" differs from the postmodern philosophical tradition. While Mignolo and Dussel are adamant that a difference exists, some philosophical thinkers are not so quick to adopt these differences. While the prefix "post" in the philosophical framework of "post-colonialism" almost certainly points to the kairotic experience of removing a society from colonial structures. Post-colonialism as a methodology means to focus on the removal methods of colonial power structures, and yet the decolonial thinkers would argue that this project is more about hiding the colonial structures more so than ridding societies of them totally. Mignolo transposes this argument about "post" paradigms onto the complications of modernity and postmodernity, which could be more problematic to do.

Postmoderntiy needs to be conceived outside of a linear progression of time, which may be a central point of differentiation between these two fields. At its core, postmodernity is a philosophical way of seeing the world that opens up multiplicity of interpretations and narratives. In this sense, decolonialism can be attributed to the postmodern mindset because it calls attention to difference. According to the Stanford Encyclopedia, postmodernity is a state of mind that rejects universal consensus as the ultimate motivation of communicative discourse. The tendency of decolonial scholars to focus in on the "post" timeline of postmodernity leave this brand of scholarship open to critiques.

In response to these critiques, Mignolo writes that Foucault and other philosophers whose

work has provided ground for postmodern ways of thinking and behaving have altogether neglected the "colonial wound" that originated from Europe ("Epistemic Disobedience…" 161). He addresses Foucault's "bio-politics" as a form of power over individuals by the modern state as being solely grounded in the European experience. As a framework for the realization of a postmodern mental disruption, Mignolo responds, "body-politics describes decolonial technologies enacted by bodies who realized that they were considered less human at the moment they realized that the very act of describing them as less human was a radical un-human consideration" ("Epistemic Disobedience…" 174). In other words, for Mignolo, if postmodernity is a state of mind that begins at the European experience of realizing their agency is compromised, then this showcases a delusional oversight of the colonial oppression that had been happening for centuries (or millennia) before it. Postmodernity, from a decolonial perspective, is less about a specific moment in time *after* modernity, but instead calling into question the clarity of mind that postmodernism is meant to create. Mignolo's critique of Foucault is more about locality of clarity than it is about the timeline of clarity.

The philosophical value of transmodernity is that it attends to the colonial history of the modern world and does not wish to diminish the lasting effects that colonialism has played and continues to play throughout the modern world. Some scholars would argue that postmodernity does this very thing, but decolonial scholars are not as quick to adopt that terminology. Due to constraints of this project, this argument cannot be unpacked any further, but what remains important is the realization that emerges out of modernity that competitive dominance over others continues to have many negative effects.

Adopting the language of "transmodernity" is important for this project because it speaks directly to the conflict that political borders initiate. The decolonial mindset that this project

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adopts is necessary to understand the rationality behind political borders that are used today in an assumed world of multiple narratives and histories. Thankfully today the amount of mass domination over colonies has dramatically decreased, but each nation still sees value in utilizing political borders to construct competitive national identities in a way that displays the impermeability of modern mindsets that still continue to rely on exclusionary rhetoric.

Implications of Colonial Competition on Transmodern Borders

Competitive deliberation is experienced, to some extent, in every socially mediated interaction. In modernity this deliberation is experienced through the privileging of one ideological identity over another through the work of minimizing or removing the other from rational discourse entirely. Nowhere is this more evident than in the deliberation, construction, and enforcement of political borders. These localities of difference are constant reminders of the competitive imbalance that exists between nations.

The history of borders shows that the modern spirit of colonialism has been motivated by the oppression of different ways of life. Borders are used as mechanisms that justify the cultivation of human imagination around a dominant collectivist narrative. As human identities in society continue to be constructed in relationship to other people, the tendency consistently exists to slip into a competitive rhetoric that limits and silences those in opposition.

Colonial competition relies on devaluing the human-ness of opponents in competition to result in victory by any means necessary. As borders are deliberated and enforced from a groundwork of colonial competition, then political coexistence continues to move further away as a realistic goal of society. The fight of control over American democracy is experienced through colonial competitive deliberations of borders that enhances exclusionary rhetoric.

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However, if democracy is justified by holding up habits of communication ethics, then society needs to work toward deliberative methods of engaging with political borders without the presence of a colonized form of competition.

The unique linkage between American history and colonial rhetoric provides the setting for competitive problems like gerrymandering to continue unabated. The competitive practices of gerrymandering are motivated by different goals than the ethics of freedom and liberty that American democracy promotes. The colonial competitive spirit will perform any action necessary to secure victory with little regard for the cost to public discourse, which democratic ethics highlights as a pillar of its political success. Political structures like gerrymandering that are in place to limit the strength of individual citizens' voting power are the biggest threats to the lasting power of American democratic ethics.

The contemporary conflict of gerrymandering, as this project has shown, provides a tangible example of these sorts of competitive deliberations around the colonial spirit of silencing difference. In order to address this conflict in the future, more scholarship is needed that analyzes circulated solutions through the framework of transmodern decolonialism and communication ethics. At the heart of this framework is the important work of rebranding competition in politics around the decolonial competitive spirit described throughout this chapter and the de-linking of privilege to universalized rhetoric of political discourse.

Chapter 5

Deliberative Democracy and Decolonialism:
A Transmodern Analysis of the Gerrymandering Problem

In the futuristic novel, *The Shape of Things to Come,* published in 1933, H.G. Wells offers a fictional progression of human history stemming from the experiences of economic collapse of the Great Depression and the rise of the Nazi party in Germany. While the novel shockingly predicted the outbreak of World War II to an almost exact date, the hundred or so years of progress that follows in the novel is predicated around utopian visions of a borderless global society motivated by scientific knowledges and technological developments. Wells's utopia is one where national division lines have succumbed to "The Dictatorship of the Air" which is controlled not by national governments, but by the individuals who own the global transportation network and thus those who would have controlled border crossing (Wells 43). The significance of this change in leadership in Wells's utopia is that power and control is experienced by economic leaders who gained power by limiting the porousness of political borders.

Sir Thomas More's original use of the term "utopia" referred to an isolated society contained exclusively on a fictional island meant to critique the various sociopolitical conflicts experienced in 14th Century England. Of particular motivation to More was addressing the unequal distribution of private property, which is represented by the islanders living equally in communal spaces together (Bauder 3). The linguistic origin of "utopia" took a shift toward the kairotic in that writers, artists, and philosophers started to imagine "utopias" as being future oriented localities that human nature strives for.

It is from this point where motivations of a borderless utopia are not solely confined to fictional work. Utopian philosophies consistently offer critiques and commentaries on conflicts of contemporary society, and those that engage in borderless designs for society can all be read as responding to the inherent conflicts of political borders. Enrique Dussel discussed utopian visions as societies free from the barriers of borders. He situates his "philosophy of liberation" as a "utopian hope" that works towards a "metaphysics of proximity" which is predicated on face-to-face encounters with other humans. Dussel extends Levinasian ethical obligation to his brand of utopia which is devoid of "distance," "economy," "contradiction," and "war" (Burton and Flores Osorio 20). The presence of borders between people add divisions that impede visibility of the other, so any notion of utopia, for Dussel, must be imagined without divisively contained borders.

Political borders carry with them a dangerous potential for violence and conflict due to their competitive divisiveness. The nature of this relationship is clear through the competitive relationship each individual human has to language and the deliberative use of language. Mark Currie explains that "only by attending to language can one displace the most entrenched assumptions and prejudices about nature and culture…those that reify language, or confuse linguistic with natural reality" (Currie 91). Communication ethics remind us that borders in all forms exist because of our obsession with "clear" use language as the driving force of collectivity. Interpreted this way, all societies construct, revise, and enforce their own borders with every utterance of communication. Physical border structures are inevitable consequences of social collectivities around different ethics of communication and thus will always be integrated parts of our social lifeworld. Utopian frameworks, as described above, sees the ideal society as one not divided by borders so that full cooperation can occur without barriers. But

these ideals are misguided in that they fail to see the connection between communication ethics and the constitutive limits of language.

To be motivated by a vision of human progress as a borderless utopian society means to break away from the reality of existence within this historical moment. Bauder summarizes that philosophies that imagine the opening (or removal) of borders do not explain the positive details of such a transformation: "they do not define the particular circumstances in which people will live when open borders are realized" (Bauder 5). The likelihood of a borderless society falling into violence can be seen in Wells's version of history. He convincingly argues that to break away from the global paradigm of political borders would require a violent uprising and political deconstruction on a global scale. His famous description for the first World War, "the war to end all wars," reminds us that this point of view encourages violence as a necessity to be able to experience utopian peace ("The War That Will End War"). Wells is also clear that this motivation would result in the mass extinction of millions of people who would be casualties of the chaotic change. This counterfactual history represents a utopia that would be impossible to achieve without the subtraction of human lives from this planet so that the borderless society can be easier to manage.

The real world has avoided many motivations similar to Wells's utopia due to an overabundance of belief in political borders as providing positive structure to the global society. Bauder believes that a world without borders cannot be articulated effectively as a positive utopia because we do not have the language to express the role of political institutions and practices within such a society: "Importantly, this future is not foreseeable in concrete ways because the circumstances that produce it have not yet materialized….How exactly this open-border future will materially unfold will be a matter of dialectical progression" (Bauder 9). The

anarchical prospects of a borderless society can be clearly understood in Hannah Arendt's admiration for the institutions of republic governments which rely on borders to divide a population into representational sects. She reminds that republic design of borders can be useful in differentiating between competing opinions and works to avoid despotism by remaining attentive to the multiplicity of experiences (*On Revolution* 246).

The focus of this project has so far been to analyze the different types of conflicts that are experienced through interacting with political borders. Gerrymandering and the political manipulation of district borders in the United States remains one of the most challenging border conflicts to address in the twenty-first century because its history dates back to the construction of values in American democracy. In fact, all forms of representative democracy should embrace the existence of border conflicts due to the divisive rhetoric that is used to segregate populations into smaller representative districts. The United States' strand of democracy is structured around the inevitability of border conflicts—this is seen through the Constitutional mandate that Congress redesign borders every ten years. Over the decades of redesigning districts, American democracy has perfected the colonial competitive spirit that hovers above political borders. Even though there is a long history of this political practice, the public is still largely unaware of the impact that gerrymandering can have on them as individual citizens.

Gerrymandering as an act of colonized competition between political parties has the outcome of impacting every vote in a democracy. From this experience questions emerge from a democratic obligation to protect human rights in the face of the political border conflicts like the crisis of gerrymandering. Investigations are needed into the available methods of safeguarding democratic values from corruption when pertaining to political deliberation of borders. This chapter will return to the philosophy of Seyla Benhabib as a voice that can help illuminate

various methods centered on the decolonial ethic of promoting difference and democratic accountability within political deliberation and public deliberative contexts. Once these methods have been covered in length, I will then turn to the [various] solutions to gerrymandering that exist within the public sphere today in order to analyze which ones may be the most successful in addressing the crisis from a transmodern perspective.

Transmodern Deliberative Democracy

Representative democracies have an implicit relationship with borders as tools of political segregation. Similar to the way that positivist language can create interpretive conflicts of privilege, borders have a distinguishing conflicting quality of differentiation that is not a "natural" part of human experience. Borders act as language in the way that they communicate social inclusion and exclusion, but in the modern context of democratic gerrymandering, borders can also communicate privileged political domination over others. When borders are used to silence a political minority, then the value of democratic freedom comes into question and new methods are needed to maintain democratic ethics. As the previous chapter pointed out, Benhabib's "critical cosmopolitanism" links to the transmodern philosophical perspective as a way of maintaining the ethical nature of deliberative democracy in both political and public deliberations.

Seyla Benhabib's understanding of deliberative democracy is directly related to her critiques of Rawlsian liberalism. This critique is centered on the transmodern perspective of purposefully acknowledging and engaging with difference in the public sphere. Benhabib believes that Rawls limits his brand of liberalism and its practice of deliberation to the political system only. She offers a transmodern perspective of political deliberation that is not as

removed from everyday conversations in the public sphere. Rawls believes that constitutional and political deliberation belongs as a practice only in the context of the Supreme Court, but for Benhabib, deliberative democracy is situated outside of the political realm within various branches of civic community (*Democracy and Difference*, 80). This is a transmodern point of view because there are few (if any) limits on the context of ethical public deliberation and thus an openness to difference is assumed when individuals communicate.

A model of deliberative democracy that emerges from transmodernity is embedded with deliberative structures of what Benhabib refers to as "consciousness raising" ("Toward a Deliberative Model…" 87). This mentality is one that purposefully situates deliberation in the public sphere while enabling inclusion of counterpublics. Benhabib extends Fraser's belief that public deliberation requires the encouragement of developing smaller counterpublics around minority and subjugated experiences. Through deliberative means, counterpublics should be able to define their needs and then bring them into conversation with the larger public. A transmodern perspective of deliberative democracy understands the important role that voices from the subaltern provide in shaping society and actively works to decentralize problem solving (87).

Another key distinction of deliberative democracy is the methods to which resolutions are offered without intervention from a political system. Rawls sees the public sphere as a political institution focused on the institution itself as an object of its deliberation. Benhabib responds to this by saying, "Deliberative democracy sees the free public sphere of civil society as the principal arena for the articulation, contestation, and resolution of normative discourses" (*Claims of Culture* 115). From her perspective, deliberations confined to political institutions only have the ability produce resolutions that coerce the public into submission under the law. From the

transmodern perspective, deliberative democracy focuses on society-formation itself as the objective of deliberation in a way that resulting resolutions avoid the subjugating force of coercion.

The political system of democracy creates, for Benhabib, an impersonal system bent on coercing public decision-making through law creation and implementation. Democracy can create polarized systems of ideologies in the form of political parties that participate in impersonal ways of understanding constituents. To work toward a transmodern deliberative framework means to avoid dehumanizing and limiting individuals as universalized objects based on their ethnicity or through other means of political or racial stereotyping. In the act of gerrymandering, we can see how political parties manipulate congressional borders based on impersonal assumptions like race and socio-economic status.

Transmodern deliberative democracy makes stipulations of how one should relate to others politically. This relationship centers on avoiding the use of political power to devalue others and to encourage equality among different voices. Levy and Orr describe a transmodern perspective of deliberative democracy as one that "reach[es] well beyond rudimentary majoritarianism to accommodate other democratic values" (Levy and Orr 4). The particular language of "transmodernity" may be lacking from Levy and Orr's legal analysis of deliberative democracy, but their description of deliberative democracy's requirement for "thick integrity" can easily be put into conversation with transmodern principles of decoloniality. According to Levy and Orr, "thick integrity" necessitates decision-making to result from interacting with various points of view: "[Thick integrity] should canvas relevant and probative arguments, points of view, and items of information. And it should sift and weigh these before reaching a decision" (152). Integrity, as a cognitive ability to engage otherness, should play a central role in

the creation and interpretation of laws so as to move away from colonized or "corrupt" forms of democracy.

The final criteria that can be elucidated about deliberative democracy is the need to encourage solidarity as a motivating force of deliberation rather than competitive imbalance. Benhabib talks about solidary as a form of social steering and revising current beliefs in political ideologies ("Toward a Deliberative Model…" 87). Social solidarity comes from the promotion of cooperation among different types of individuals to be able to discuss effective terms for describing shared political concerns (Cohen 112). Deliberation of this type assumes an understanding that social problems have many complicated layers and experiences that influence different perspectives on causes and solutions. Experiencing genuine deliberative dialogue with others is an opportunity to understand how other, very different people experience the world. If competitive rhetoric infiltrates this dynamic, then it's likely that the deliberative context of open communication would morph into one of bargaining and subjugation.

Deliberative democracy as a political field of inquiry has experienced several critiques over the past mainly to do with its connected roots to the enlightenment rationality of Kant. Habermas's communicative rationality that is sometimes used to justify deliberative methods is based in a Kantian notion of public reason as a condition of enlightenment universalism (O'Neil 250). Rawls also relies on this thread from Kant to evaluate and create practices in deliberative democracy (O'Neil 250). The main problem with Kantian theories related to deliberative democracy is that he assumes an intellectualist account of the judgment of reason and credibility. The plausibility of deliberative contexts is minimal if there is no intention behind how expertise is justified and used in public discourse. John O'Neil explains this problem as "not just a practical problem concerning the implementation of deliberative institutions, but a problem with

the picture of deliberation in 'ideal' conditions" (260). The valuation needed for the proper conditions for deliberation create a necessary, complex rhetorical process of deliberating about the conditions for proper deliberations that further distance people from genuine circumstances.

Ron Levy and Graeme Orr also critique Habermas's theory on deliberative democracy due to his lack of understanding about necessary attributes of prescriptive laws when creating deliberative political contexts. They state that critically analyzing theories of laws have been absent from the discussion of deliberative democracy because laws are treated as an abstract conception of public virtues, not as vernacular descriptions of policy. Levy and Orr critique Habermasian deliberative democracy because Habermas "views law at a level of generality that overlooks much of what is institutionally distinctive about it" (6). For deliberative democracy to be properly implemented, a governmental body must be open to reassessing democratic values and the role that constitutional lawmaking plays in their cultivation. The danger to an alternative form is that governmental elites and public intellectuals, over time, gain the right to determine how to interpret public need and trust their better judgment that they know what is best.

The troublesome context birthed from a Kantian-intellectualist or Habermasian-abstract deliberative arena is addressed by rhetorical scholars through the notion of trust and personal integrity. Levy and Orr's main motivation in crafting a legal analysis of deliberative democracy conditions is to identify the legal remedies to "discipline partisan excesses in the laws of politics" (152). The authors believe that an essential component of deliberative democracy is to be able to craft codes of ethics and rules of political conduct to be able to keep political power limited. In order to hold politicians accountable to these methods, the public must be motivated to vote for elected representatives who have a "thick" amount of integrity and are trustworthy in how they relate to the civic duties of their office. Trust is essential in a deliberative democracy

because people who engage in genuine public discourse must be able to trust that their ideas and voices are being heard (Hauser and Benoit-Barne 271). Deliberative democracy creates a complex web of rhetorical motivations, and the first step of combatting these difficulties is to identify ways to validate and cultivate trust within civic society.

Discussions of deliberative frameworks to democracy can have several implications for the conflict of political gerrymandering. In the United States, the unchecked political power that comes along with designing voting districts works against the ethics of democracy from this standpoint. The political power assigned to elected members of Congress through the Constitution requires the judicial system be prepared to deliberate Constitutionally-protected rights that gerrymandering threatens, but the public also must hold their representatives accountable to their constituents' political needs. Governmental institutional practices cannot be the sole target for decolonization in a deliberative democracy. In order for genuine deliberative trends to take hold, constituents must create decolonized public spaces that allow for and encourage deliberative public discourse. The importance that democratic theory places in public discussions of problem solving rather than on relying solely on "pressuring the state for solutions" is indicative of the public need for decolonized deliberative arenas (Cohen 113). Without this level of discourse, members of the public have little way of describing the problems apparent with gerrymandering and other constitutional harms that are accessible to everyone.

Public deliberation can only be experienced from a transmodern, decolonial perspective if the local spaces where deliberation takes place are themselves decolonized. Deliberative scholars are adamant that democratic deliberation should primarily take place in public spaces, so there is a need to define what these spaces should look like to encourage these sorts of ethical activities. The next section will identify the public "space" of education as a context which can have a

direct impact public deliberation. This is not an exhaustive study of necessary spaces by any means. Further analyses of various communicative publics (citizen assemblies and mass media market as two examples) is needed from a decolonial perspective to help identify the necessary structures for deliberation like accessibility, interpretation, and critical thinking that are vital in the creation of ethical democratic discourse.

The Necessity of Education as a Deliberative Space

The communicative nature of the educational context is an important place to begin this analysis because it offers most people, at a young age, their first encounter with human difference. In this public, people from different backgrounds socialize through civil discourse while advancing their knowledge in different educational content areas. The educational context is about habituating the ethical mindset of continued learning, as described in Wallace's "habit of search" (6) and facing new perspectives and ideas that challenge perceptions. In particular, an education in the humanities or human liberal arts has a large impact on the strengthening of democratic ideals within society. In order for a democracy to function properly, it requires a population that is willing to speak up for what they believe is right. Democratic societies cannot assume sameness, but they must also trust in human similarities that stem from a critical awareness of problems around them.

Deliberative democratic societies must rely on an educationally-designated public space to enhance students' critical thinking abilities. Martha Nussbaum summarizes three main problems that cultures experience without an intentional motivation of learning critical thinking habits through educational contexts. First, such a culture will not be able to pursue goals with a common purpose in mind. She argues that crucial issues will be easily overlooked in society due

to a hastiness and "inadvertence." Second, people from this type of culture would be too easily influenced by a dominant culture. Finally, there would be no cause for treating people with respect in this context. Without critical thinking, culture would gravitate in excess to a competitive nature where a debate would turn into a contest of rationality. The importance of a critical attitude "uncovers the structure of each person's position, in the process uncovering shared assumptions, points of intersection that can help fellow citizens progress to a shared conclusion" (Nussbaum 49-51). Critical thinking remains extremely important to be able to repair experiences of mistrust created by colonial competition in political deliberations.

Danielle Allen, writer for the National Endowment for the Humanities (NEH) also stresses the idea of practical applications of "civic participation" in her article "The Future of Democracy." For Allen it is important to point out that even the variety of experiences that students get from attending different universities makes them more capable of engaging in a civic society. Students who study STEM (Science, Technology, Engineering, and Mathematics) curriculum that are engaged with students who study the humanities create a political space on campuses where every day interactions are influenced by different knowledge bases. Allen also points out the beauty of a humanities-driven education is that learning methods continue to develop and the educational content is usually related in some way to the social issues happening around them.

Critical literacy, as stated by Henry Giroux, "interrogates the cultural capital of the oppressed to learn from it; it functions to confirm rather than disconfirm the presence and voices of the oppressed in institutions that are generally alienating and hostile to them" (121). This is a deliberative opening up of dialogue to include subjugated viewpoints absent from dominant culture. Educational publics within a deliberative framework should help spread ideas of critical

literacy and methods of learning from human difference so that the public gains practice of holding political representatives accountable to the standards of "thick integrity" in how political deliberations are carried out. Political gerrymandering, as has already been shown, has existed since the ratification of the Constitution, and one of the main reasons it continues to impact democratic elections so directly is because political figures take the process of border drawing for granted.

Democratic governance requires input from all factions of life. Yet the divisiveness of political parties and their colonized methods of border manipulation are conscious methods to remove voices from the public conversation. Without cultivating critical literacy about this issue and other diverse colonial border conflicts, the public has little chance to identify these disingenuous motivations and thus cannot be expected to create necessary change towards an ethical deliberative method. The border thinking that democracy requires is a critical consciousness that helps individuals hold politicians accountable for the various ways that they silence or dehumanize political opponents.

Gerrymandered political borders is a practice that has been able to continue because politicians have tried their best to keep these practices out of public deliberation contexts. As critical consciousness increases around the undemocratic nature of gerrymandering, two predominant solutions have begun to be discussed in the public sphere. The next section will work to analyze these using the framework of transmodern, decolonial deliberative thinking in an attempt to understand the challenges of de-linking from colonial competition in the American democratic system.

Deliberative Solutions to the Gerrymandering Problem

Gerrymandering is a political act that follows the Rawlsian notion of political coercion being applied to individual citizens. District drawing every ten years engages in political deliberation, but almost never outside of the political institutional context. In gerrymandering, the public acts as objects to be catalogued and divided based upon ideological assumptions and predictions—not upon genuine deliberation and engagement. In analyzing potential solutions to gerrymandering, it is important to take into account the ethical obligations of a transmodern deliberative democracy. From the conversations thus far, we can surmise three specific evaluative criteria for investigating possible solutions to the gerrymandering crisis. The criteria for analyzing solutions are framed around a solution's ability to: 1) Enable inclusion of counterpublics within a public deliberation context; 2) Avoid cataloging individuals based on stereotypes, assumptions, and ideological predictions; and 3) Encourage decision-making motivated by solidarity rather than competition.

The first solution to address the gerrymandering crisis in American democracy is in looking at the ability to form independent or politically objective commissions to draw the district lines. To date, this practice has been adopted by several states with a variety of results. The overwhelming crisis that has emerged from these trials is that in a starkly divided two-party system, the idea of being "independent" gets more and more challenging. Levy and Orr explain that other countries have been able to successfully implement this strategy because of the diversity of political opinions, but in the United States, even as commissions have worked to limit the involvement of the legislative branch with these deliberative processes, the commissions have resulted in politicized relationships of members (Levy and Orr 154). The biggest complaint made publically about commissions is that members who are chosen to

represent the "independent" voters, in some cases, will vote exclusively along party lines without variation.

This happened in the 2011 Colorado redistricting process when Mario Carerra was placed on the redistricting panel as the lone independent representative. Throughout the deliberation process, many Republican leaders called attention to the fact that when a vote was taken in the commission chambers which pitted a Democratic and a Republican map against each other, Carerra always voted with the Democrats (Goodman). Republicans cried foul that Carerra was merely a "wolf in sheep's clothing" and his name quickly circulated around state politics as the cause of further divisiveness in the state government (Goodman). Several states like Colorado leave it up to the legislature to select commission members, which further exacerbates the problem. If legislative electives are in charge of deciding who sits on an "independent" commission, then there is little hope in removing political party affiliation from the process.

Another critique of the independent redistricting commissions is that these bodies of people carry a lot of political power for individuals who are, for the most part, unelected. Choosing members to join such a deliberative committee is different in each state that has attempted it. David Doerr writes in an opinion piece published in *The Detroit News* that in Michigan the process of using unelected officials on such a commission has created a lack of oversight for the "misdeeds" of the commissioners. The argument is that individuals who are elected into office have more to lose should their actions on the committee be deemed unethical (Doerr). The Arizona State Legislature made a similar claim to the Supreme Court in 2015, stating that having unelected citizens draw congressional district maps was an unconstitutional process based on a lack of authority in effecting laws. In an important ruling the Supreme Court upheld in a 6-3 vote that the Arizona Independent Redistricting Commission was constitutional

based on the language that protected voters' rights as part of the "Legislature" in the state

Constitution. Even with the decision in the favor of the independent commission, Chief Justice

Roberts dissented that the interpretation of the Constitution in this way was an identifiable

"magic trick" that worked to stretch the Constitutional constraints on the Legislature to

completely "supplant" the rights of the elected officials (*Arizona State Legis. v. Arizona*

Independent 2677).

Given the controversial nature of this solution, it is important that many states have seen

positive results from implementing an independent commission for redistricting. For example, in

2008 Californians voted through a ballot initiative (Proposition 11) to create a "Citizens'

Redistricting Commission" to draw the district lines. The initiative named the Bureau of State

Audits (BSA) as a state-run government agency that was most closely linked as an

"independent" standing agency in the state. The BSA selected the committee's first eight

members from an applicant pool of over 30,000 citizens; these eight were then charged with

electing six more citizens to serve on the committee. Raphael J. Sonenshein of The League of

Women Voters (LWV) reported that central to the California initiative was the importance of

transparency that is built into the California State Constitution. The records of the Commission's

deliberations and decisions were mandated to be published online 14 days before any of the

many required public hearings were to take place. These hearings offered a chance for any

member of the public to pose questions both before and after the drafts of district maps had been

drawn. The LWV concluded that the California districting process was indeed a "significant

improvement over previous California redistricting efforts" (Sonenshein 71).

Outside of California, several other states have attempted their best to implement a

similar, and sometimes even more deliberate, strategy. Rebecca Green explained in her article

"Redistricting Transparency" that states like Montana, New Jersey, and Idaho also had varying levels of success based on their state Constitutions mandating the process go through public deliberative hearings before and after the maps are drawn. Green concludes that "States that established independent commissions more recently tend to have stronger, more explicit transparency mandates" (1811). The idea that transparency makes for a more deliberative democratic society aligns closely with an ability of the public to hold decision-makers accountable.

Based on the transmodern framework of this analysis, independent commissions have the potential to appease many of the requirements for ethical district drawing if the proper processes and procedures are mandated by state governance. The requirement to hold public hearings throughout the map-drawing process is important in being able to include as many counterpublic voices as possible. While the hearing procedures may add additional time to the deliberation process, this time is necessary to make sure that citizen voices are taken into account. The hearings and instant publication of the commission's deliberations also holds members accountable to the public about any use of specific racial criteria or otherwise predictive cataloging used when identifying where lines would be drawn.

The independent political nature of the commission is the hardest to analyze given that each state has their own methods of choosing these citizen councils. In California, the maps that resulted from this first round of experimentation with this deliberative format did not appear to have any overarching themes of political ideological competition. In fact, the LWV found that the newly drawn maps changed the political landscape enough to where a significant number of incumbents decided against running for re-election based on their new district. The report states, "When a redistricting process is not built around the electoral interests of incumbents, the

possibility of competitive races increases simply because incumbency reduces competition" (Sonenshein 71). The brand of competition that democracies experience when incumbents are taken out of the political equation is more aligned with "nonpartisan" rhetoric because each candidate, while still representing a political party, are further removed from the divisiveness of the two-party system. When designed and promoted through this transmodern framework, independent commissions have a strong possibility to evolve away from colonial competition of district drawing, but the ethical habit of care is required to maintain a thick level of integrity in the process. Without a deliberative mindset to help establish the rules and structures of the commission, the ethical nature of an independent commission can easily be called into question.

Another method of solving the gerrymandering problem is often placed on the judicial branch of government to regulate the powerful motivations of congressional appointees in drawing of district maps. Levy and Orr identify the problem of "thin integrity" that is "negative in form" meaning that there are legal regulations in place that coerce democratic outcomes of bipartisanship (a "modest objective") instead of the deliberative nature of nonpartisanship (152-154). The United States' Constitution is different from other democratic governance documents because it lays out a specific process of checks and balances, but this process becomes challenged when a colonial form competition motivates partisan elected officials to silence the other party entirely.

Over the last decade, the U.S. Supreme Court has made a point to hear cases in almost every session that have involved gerrymandered districts and design processes. While the decisions in these cases have impacted the types of cases that the Court will hear in the future on this topic, there has been little movement as far as implementing changes to the districting process overall. In actuality, the Court only has the ability to interpret laws created by Congress

as far as whether they are constitutional, so the reach of the Court to implement change is limited by the acts of Congress first.

That being said, the current Supreme Court Justices have unanimously agreed that the problem of gerrymandering is in theory a justiciable crisis because it can impact the implementation of the Equal Protections Clause of the Constitution. The main problem with the cases that have been presented in the Court is that the specific parameters and evidence of these cases don't work to justify appropriate changes to district drawing process. In the 2018 case *Gil v. Whitford*, the Court unanimously decided against acting upon the gerrymandered districts in Wisconsin based on the fact that the plaintiff, William Whitford, was unable to show specific "vote dilution" harm that the map caused for himself as he lived in a district that resulted in voting in a Democrat representative (Whitford's registered party). Whitford's argument that the Republican maps "packed" Democrats all into the same district so they could get a majority in the other districts was unfounded because the legal team wasn't able to show better maps that avoided the same problem (*Gil v. Whitford*).

The Court has consistently balked at deciding cases based on "cracking" and "packing" because these political terms for district drawing are complete opposite practices of each other and there is yet to be a fair way to determine an ethical middle ground between these design acts. While the Court may feel less and less like a deliberative option for solving the gerrymandering crisis, Justice Kagan outlined an effective strategy for litigating against gerrymandered districts in her concurrence to the 2018 case. Court cases in the future, according to Kagan, should approach the legal articulation of the crisis through the language of the First Amendment's right to association from the Constitution. She explains:

Members of the 'disfavored party' in the State, deprived of their natural political strength by a partisan gerrymander, may face difficulties fundraising, registering voters, attracting volunteers, generating support from independents, and recruiting candidates to run for office…But placing a state party at an enduring electoral disadvantage, the gerrymander weakens its capacity to perform all its functions (*Gil v. Whitford*).

The idea of an associational injury, Justice Kagan explains, is paramount to the litigation against gerrymandered practices because the harm to a political party's ability to organize and mobilize its members. The right of a political party to associate is an interpretive stance on the Constitution that would help solidify political motivations that move away from the individual and into a collective group.

Taken through the transmodern deliberative framework, this judicial solution presents some complications. The right of political parties to associate provides an avenue for different counterpublics to come together and deliberate about various social goods for a voting body. Political parties also function, in theory, to provide a representative voice of the people in the legislative deliberations about state laws. In a two-party democracy especially, political parties are the predominant communicative avenue that exist to negotiate solidarity away from competition with the opposing side. The issue with this solution is that the elected representatives in political parties often times will rely too much on assuming what their own constituents desire politically. The party in many ways has impeded our ability to find compromise coexistence because the elected officials can get too caught up in serving the stereotypical goods of the party rather than the goods of public. For this reason, the gerrymandering problem may not find much respite through judicial action—at least not any action that will remove colonial competitive spirits from both sides of the aisle.

Conclusions and Implications

The democratic communicative ethic of deliberation situates the practice as an instance of public engagement, but deliberations around borders, especially congressional district borders, have historically occurred behind closed doors without much (if any) public involvement. Whether any border deliberations focus on enforcement strategies or district designs, decisions about borders have a direct effect on individual's ability to be included in democratic deliberations over human rights issues. The representative democratic structure of America's government creates even more distance between the public and these deliberations. Without proper access to these deliberations, the public is left to assume that these discussions involved a communicative ethic of care for those impacted by the border's creation. Deliberation that is implied at the societal level relies on the public to formulate their own rationalities to challenging border questions. This can serve as the means of strengthening the hegemonic nature of political ideologies.

Having access to public deliberations around political border conflicts provides people the ability to recognize how privileges have helped to implicitly construct a dominating political ideology. The assumption of ethical care in political deliberations without proper means to facilitate leaves society open to the competitive nature of political ideological conflicts. Much of our understanding of deliberation as a process situates a competitive need to "win" a debate as opposed to reaching common understandings. Competitive motivations in deliberation make it easier to justify bending democratic ethics to make sure that an outcome serves a desired ideology.

Zygmunt Bauman reminds us that all political borders require political deliberation because they are fixed artifacts or lines on a natural space (*Modernity and Ambivalence* 24).

Based on the research provided throughout this project, political deliberation can only be considered ethical if it is public, inclusive, and contains explicit descriptions about rationality. Transmodern democracy requires this form of ethical deliberation to create a political context where fixed artifacts do not purposefully hinder any one type of person from participating equally in governance. The historical context of border deliberations that propelled the modern, colonial spirit and the contemporary issue of manipulating borders for political gain are constant reminders that ethical deliberation is needed in order for a democracy to function properly.

If political borders require political deliberation, then the nature of that deliberation needs to be constantly examined at every turn. In a representative political democracy, the tendency to get comfortable with a privileged narrative can be too tempting in the face of political power. In many ways, privilege can act as its own type of border or barrier to understanding one's relationship to those around him or her. Placing the privilege of deciding where and how border lines are drawn and maintained in the hands of political actors means that the competitive spirit of democratic politics must always be calibrated away from colonial forms of competition. Colonialism has a rich history of using privileged narratives of rationality and truth that have become embodied by those who deliberate and implement choices about political borders. In order for the design of political borders to continue in its current deliberative form, more balances are needed to situate the communication ethic of decolonialism.

As this project has shown, decolonialism takes intentionality away from privilege so that cohabitation and coexistence is a possible outcome for society. This is not to diminish the challenges of this action. In order to adopt decoloniality as a frame of reference in America means for those in the dominant hegemony (mainly white, male culture) to become comfortable with recognizing and demobilizing their privileged experiences. In the context of democratic

politics, this means intentionally listening to those people who have historically been marginalized by borders without feeling the need to justify historical choices of "progress" that have helped to give divisive shape to nations, states, and congressional districts. Listening to others, in this regard, must be different than *hearing* these cries of historical oppression. Instead decoloniality requires the privileged to situate their own biases within the grand narrative of progress.

Some decolonial practices may focus on the importance of interpersonal guilt as a necessary component of the experience of privilege, but this type of guilt is less about creating negative feelings about oneself. Instead guilt should be thought of as a constructive emotion that helps to exercise our human capacities to recognize ethical right from wrong and making distinct changes in how we relate to others. Decolonizing narratives of privilege is a larger problem than the political context that this project focuses on, but remains an important aspect to creating deliberative forms and spaces of democratic practices. The goal of these practices is to create a more cosmopolitan civic society that is not as obsessed with the divisive manipulation that border design can initiate.

Civic culture has so far been unable to rely solely on political institutions and governments to establish a relational cosmopolitan society. Peace scholars are quick to point to the responsibility of individuals to cultivate habits of altruism and empathy as a precursor to participate in discourse at the macro level (Boulding 73). Humanistic traits like these resemble communicative actions needed to deconstruct privileged narratives and their relationship to borders and boundary structures. The goal cannot be to dismantle borders in society, but instead to make them more malleable and transparent. Transparency is a metaphor that speaks to the ability to see through a border to understand lives in the opposition, but it also speaks to an

important deliberative process of decision-making. Political actors must be held accountable for the decisions that are made related to border designs and be able to field questions about the role that empathy plays in political choices. This is not just a practice relating to the design and implementation of borders but also in deliberating about political outcomes that impact the population in a democracy. Cultural and political coexistence in society must find a way of transcending the divisiveness of borders by utilizing literacies of communication ethics and decoloniality of privilege.

The motivations behind this project is to show the complicating nature of political borders as elements of communication. The oppressive forces of philosophical modernity can be traced back throughout history in the study of political borders because they have been used to simultaneously instill a communal sense of progress for those included within, while acting as a physical or metaphorical barrier to keep the unwanted out. Decolonial scholarship helps to identify the modern spirit as one of a privileged ideology of which borders have historically played a large part in helping to justify. The human history of political borders is one of dominant narratives that have fended off competing ideologies and different worldly perspectives to propel the privileged modern spirit forward.

On the surface, the modern spirit has largely been motivated by an altruistic goal of democracy, but as this project has attempted to show, democratic communication ethics runs counter to the democratic practices of political gerrymandering in the United States. Representational democratic republics like the U.S. relies on border designs to create districts, and the practice of gerrymandering is seemingly embedded within the constitutional structure of American democracy. Political borders that are needed to make a democracy function are a constant reminder of the colonial competitive spirit of modernity that helped to evolve

democratic rhetoric into the colonized form that it is today.

Communication ethics and decolonial thinking remind us that deliberative forms of democracy must be encouraged as methods of removing colonial structures of power that continue to justify privilege through the design and enforcement of borders. The politically silencing mechanism of gerrymandering remains as much of a threat today as it ever has been and the fate of democratic ethics relies on the public's ability to reclaim the public sphere and reduce the manipulative power designs of those elected to represent the people. Expanding awareness for human difference is the philosophical ground of decoloniality and communication ethics, and without these conscious forms of critical literacy, democracy will continue to remain a colonized force meant to propel hegemonic narratives of power and privilege.

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