1-1-2011

The Affective Dimensions of Social Controversy

Susan Ann Sci

University of Denver

Follow this and additional works at: https://digitalcommons.du.edu/etd

Part of the Communication Commons

Recommended Citation

https://digitalcommons.du.edu/etd/923

This work is licensed under a Creative Commons Attribution 4.0 License.
This Dissertation is brought to you for free and open access by the Graduate Studies at Digital Commons @ DU. It has been accepted for inclusion in Electronic Theses and Dissertations by an authorized administrator of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu.
THE AFFECTIVE DIMENSIONS OF SOCIAL CONTROVERSY

A Dissertation
Presented to
the Faculty of Social Sciences
University of Denver

In Partial Fulfillment
of the Requirements for the Degree
Doctor of Philosophy

by
Susan A. Sci
August 2011
Advisor: Darrin K. Hicks, Ph.D.
©Copyright by Susan A. Sci 2011

All Rights Reserved
ABSTRACT

Social controversy is a sustained, mediated debate between at least two oppositional parties which is more than just a difference of opinion; rather it is a persistent conflict over the political and cultural implications that dominant forms of communicative reasoning, practices, and norms have for a public. Simply put, during social controversies the norms guiding public life can be negotiated, reaffirmed, negated, and/or transformed. This can lead to progressive political, cultural, and/or social change in some instances, while establishing or reifying conservative and even oppressive norms, practices, and laws in others.

Building upon Olson and Goodnight’s (1994) theoretical and methodological framework of social controversy, this dissertation argues that scholars should analyze the role affect plays in this type of conflict as a means to address the regulation of public conduct as well as public discourse. The rhetorical and argumentative significance of the affective dimensions of social controversy have been conceptualized and analyzed via an examination of emotion-based claims and affective states that have become salient, discernable and/or apprehendable during specific public disagreements. Such a conceptualization demonstrates that critical insights regarding the norms that guide public conduct, the role risk and vulnerability play in the regulation of individuals’ public behavior, and the relationship between affect and citizenship can be gained by focusing on a controversy’s affective dimensions.
To highlight the importance of the study of affect in social controversy as well as better understand the larger critical significance affect theory has for rhetorical and argumentation studies, this dissertation has analyzed the affective dimensions of three conflicts. They are: the Abu Ghraib prisoner abuse social controversy, the International Freedom Center social controversy, and the controversy over the 2004 French ban on conspicuous religious attire in public schools. The findings from this dissertation have specific and general implications for future work in the field of controversy as well as rhetoric and argumentation, respectively.
Acknowledgements

First, warmest thanks to my phenomenal committee! Dr. Darrin Hicks, you are an inspiration to me. Your critical eye, eloquence, and astuteness never cease to amaze me and I appreciate how you have consistently challenged me to be a better scholar. Dr. Christina Foust, your keen insights into the inner-workings of rhetoric and academia has helped guide me through the graduate school and dissertation process. Dr. Kate Willink, your fastidiousness and knowledge of affect helped me attain a deeper level of clarity in my writing and your passion is infectious! Second, David Parrish—thank you for the countless times you listened to a paragraph, spoke with me about ideas, gave me a kiss when I needed it, let it slide when I was having a bad day, and stuck by me for all the highs and lows of this process—I love you always. Third, my family is a force of affection, comfort, joy, and, at times, insanity in my life. Mom and Dad, you are my heart and soul—I dedicate this project to you. Anthony, Sarah, Christine, Jessie, Julia, Terri, Scott, Angelina, Joe, Tina, Eric, ToniAnn, Debbi, Eddie, Veronica, Alicia, Michael, Eve, Matthew, Andrew, and James—thank you for understanding my physical and mental distance as well as your continual support; there are no words to capture my love and gratitude. Mike, your belief in me gave me the courage and confidence to start on this path—you will never know what that means to me and I am forever grateful. Fourth, Kate, Dave, and Alexa—my shadow committee—thank you for guiding me through the dissertation experience with thoughtful advice, encouragement, kindness, and without judgment. Lastly, thanks to all of my friends and colleagues who have supported me through this process, especially Anna, Beth Ann, Ian, Brian, Krissy, Angela, and Johnny.
Table of Contents

Chapter One: Social Controversy, Affect, and the Shame Of Abu Ghraib ........................ 1
  Introduction .................................................................................................................. 1
  Abu Ghraib and Traditional Social Controversy Criticism ........................................ 6
  The Affective Dimensions of Social Controversy ..................................................... 16
    Affective State of Pleasure at Pain in Abu Ghraib ................................................ 21
    Emotion-Based Claims and Sontag’s Affective Objection Of Shame .................. 23
  Research Questions ................................................................................................... 27
  Preview of Chapters .................................................................................................... 28
  Chapter Two ............................................................................................................... 28
  Chapter Three .......................................................................................................... 29
  Chapter Four ............................................................................................................ 31
  Chapter Five ............................................................................................................ 34

Chapter Two: Social Controversy and its Affective Dimensions ................................. 36
  Introduction ............................................................................................................... 36
  Olson and Goodnight’s Theory of and Methodology Framework for Social Controversy .................................................................................................................. 38
    The Theoretical Underpinnings ............................................................................. 38
    Olson and Goodnight’s Methodological Framework ........................................... 40
    It’s Not as Bad as Beheading ............................................................................... 43
  The Critical Evolution of Social Controversy ......................................................... 45
    Discursivity and Non-Discursivity ....................................................................... 45
    The Limitations of “Opposition” .......................................................................... 48
    Incommensurable Discourses ............................................................................. 51
    The Potential for Change ..................................................................................... 55
  The Relationship between Affect and Social Controversy ....................................... 60
    The Movement of Affect ....................................................................................... 60
    My Orientation to and Galvanization about Abu Ghraib ..................................... 64
    Towards a Lexicon of Affect for Rhetoric and Argumentation Studies ............ 66
  The Affective Dimensions of Social Controversy ..................................................... 75
    Emotion-Based Claims ......................................................................................... 76
    Rush Limbaugh’s Emotion-Based Claim of Levity ............................................. 79
    Affective States .................................................................................................... 82
    DeLuca’ Theory of Body Rhetoric and Affective States ..................................... 89
    Joseph Previtera’s Body Rhetoric and the Affective State of Shame ............... 91
  Conclusion ................................................................................................................ 94

Chapter Three: The International Freedom Center Social Controversy and Take Back the Memorial’s Emotion-Based Claim of Reverence ......................................................... 96
  Introduction ............................................................................................................. 96
  Conditions of the Controversy: The Site and the Plan ......................................... 101
    The LMDC’s Plan for the IFC ............................................................................. 103
Objections to the IFC ................................................................. 106
  Foreshadowing the TBM ......................................................... 106
The TBM’s Emotion-Based Claims of Reverence ............................ 108
  Affective Objection—Natural Feelings of Reverence at Ground Zero .. 111
  Affective Critique—Enacting Reverence at Ground Zero............... 113
IFC Supporters’ Rebuttal .......................................................... 117
  The Logical Connection .......................................................... 119
  Only Reverence is Unnecessarily Limiting .................................. 121
  The Pedagogical Potential of the WTC Site ............................... 123
Framing the LMDC’s Deliberative Democratic Process as Incommensurable.. 124
Pataki’s Decision ....................................................................... 126
Conclusion ................................................................................. 128

Chapter Four: The Loi N* 2004-228 Social Controversy And Cennet Doğany’s Affective
State Of Defiant Compliance .................................................... 134
  Introduction ............................................................................. 134
  Conditions of the Controversy: Affairs, Malaise, and Laïcité ........... 138
  Overview of the Affective Dimensions of the Social Controversy ...... 143
    Pro-Law Stance ....................................................................... 144
    Anti-Law Stance ................................................................. 150
    Epilogue to the Controversy ............................................... 154
  Conditions of Cennet’s Shorn Response .................................... 156
  Cennet’s Affective State of Defiant Compliance .......................... 158
  Affective States as Experiential Claims ..................................... 159
  Cennet’s Defiant Compliance as an Embodied Experiential Claim ...... 161
  The Skewed Moral Economy of the Law ................................... 164
  Publicly Apprehending and Perceiving Cennet ........................... 167
  Conclusion ............................................................................. 170

Chapter Five: Affect, Conduct, Risk, and Citizenship........................ 172
  Introduction ............................................................................. 172
  The Regulation of Public Conduct ........................................... 174
  Risk and Vulnerability ............................................................ 185
  Affect, Citizenship and the Act of Empathetic Engagement .......... 193
  Conclusion ............................................................................. 200
CHAPTER ONE
SOCIAL CONTROVERSY, AFFECT, AND THE SHAME OF ABU GHRAIB

Introduction

Controversial. The term has become ubiquitous in contemporary public discourse and identifies its subject as the focus of “intense cultural fascination” (Attwood and Lockyer 2009). Whether it is used to describe the death of protesters in Libya, 2011 Wisconsin union laws, or the depiction of teenage life on MTV’s Skins, the term “controversial” identify each as presenting an immediate or potential risk. In other words, each example is contentious; they arouse emotion, invite objection, and can instigate debate cultivating the political, moral, affective, and cultural conditions for social controversy. As Goodnight (1991) explains, “There is great risk to [social] controversy, for argument may deny the communication of an other as reasonable; but equally, such engagements may make possible mindful opposition by confronting with argument differences between interlocutors that have been covered over by rule governed routines, formal niceties, or indifferent silences” (6). The controversial is risky because it can provoke examination of dominant norms and practices that may reveal critical discrepancies that result in oppressive acts and customs.

Ideally, this is what controversial acts, claims, and texts can do. They may be a catalyst to sustained social controversy in the hopes of renovating democratic practices to
be more inclusive of differing views and more accountable to contemporary conditions of radical plurality. As Olson and Goodnight (1994) explain social controversy, “occupies the pluralistic boundaries of a democracy and flourishes at those sites of struggle where arguers criticize and invent alternatives to established social conventions and sanctioned norms of communication” (249). Research on social controversies has traditionally focused on the political, cultural, ideological and moral assumptions and implications of the argumentative claims made during this type of conflict (Finnegan 2000; Goodnight 1991, 1999, 2003; Gross 2005; Miller 2005; Olson and Goodnight 1994; Ono and Sloop 1999; Phillips 1999; Wilson 1995). These dimensions have been emphasized due to the immediate and long-term influence they have over the regulation of public discourse via the creation and reform of dominant forms of communicative reasoning, practices, and norms. Politics, culture, ideology, and morality are not, however, the sole aspects of social controversy that wields this type of influence.

Affect is also an influential aspect of social controversy which is thoroughly entwined with the “traditional” dimensions of social controversy, not simply indicative of a separate type of “disingenuous controversy” (Fritch et al, 2006). For instance, Greene and Hicks (1993) assert that people need to feel “affectively invested” in a controversial context to rouse individuals to act. One’s affective investment “explains how and how much people care about particular practices, meanings, rationalities, and pleasures” (177). In other words, the political potential of “the controversial” is reliant, to a certain extent, on its ability to affectively impact individuals enough to provoke public objection to something believed to be unjust, illegitimate, invalid, or improper. As affectively
invested individuals, our position on “the controversial” is fleshed out as a relational experience that has “texture and coherence” (177). Thus, there are assumptions about and implications for affect embedded within claims. The intensity of affective investments is one such assumption that effects the regulation of discourse and conduct. The greater the intensity of one’s investment, the greater one’s stake in the relations, norms, and practices embedded within this controversial context.

Given the role affect can play in social controversy, there remains a dearth of research, with some notable exceptions (Deem 2010; Fritch et al. 2006; Greene and Hicks 1993), which theorize its role and influence. Deem (2010) notes that theories of social controversy, as a form of rational-critical discourse, have continually been called “into question for [their] neglect of affect, desire and the body” (61). Even though Olson and Goodnight (1994) recognize the role and radical potential of nondiscursive (i.e. visual and performative) argumentation within social controversies, they do not attribute this to the affective dimensions of these claims. Rather, Olson and Goodnight focus on the text that accompanies visual images or distill actions into rational-critical enactments indicative of the “traditional” dimensions of social controversy. In her analysis of the controversy surrounding Time magazine’s intentionally darkened image of O.J. Simpson’s mug shot, Finnegan (2000) also does not take into consideration the affective dimensions of images. Instead, she focuses on the implicit legal and ideological “conventions of photographic representation” that influence the oppositional arguments made about this controversial image within the public discourse (236).
This study, on the other hand, will give the rhetorical and argumentative role of affect in social controversies the scholarly attention it warrants. Affect is a constantly emerging, dynamic relation between the sensate experience of the ‘context’ and the visceral reaction of the ‘self’ that varies in degrees of intensity which influences an individual’s “ability to affect and a susceptibility to be affected” (Massumi 2002, 61). Since affect is a sensate-visceral relation that typically occurs nonconsciously, how we cognitively recognize and communicate about affect differs from the experience itself.¹ When an affect becomes salient, or sensually saturated to the point of consciousness through sensate intensity or contrast, it is often linguistically limited to the terms “feeling” and “emotions”. A feeling is the process of cognitive recognition of an affective state, i.e. a pattern of visceral reactions to a given sensate context that we are familiar with as a specific, significant sensation. Individuals do not “feel” every affective state they embody, rather a feeling is the moment when an affect is mentally recognized. Emotions, on the other hand, are the concepts that we use to signify the known constellation of sensations that we have felt. As intersubjective concepts, emotions such as happiness, sadness, grief, shame, and indignation, are imbued with varying levels of cultural meaning, ideological symbolism, and political privilege.

Within social controversy affect becomes salient in two distinct ways: emotion-based claims and affective states. During social controversy participants make discursive and non-discursive claims concerning specific feelings and emotions in relation to the topic. Also, the experience of social controversies is saturated with affects, some of

¹ The term nonconscious is used instead of conscious or subconscious as a means to separate this act from the cognitive processes associated with the recognition and intentionality typically attributed to consciousness and the psychoanalytic meaning attributed to the subconscious.
which become recognizable affective states (i.e., diffuse feelings or moods). This proposal will address how the affective dimensions of social controversies can be analyzed by focusing on the emotion-based claims made during the debate as well as the salient affective states of the conflict. Incorporating affect into existing theories of social controversy can give insight into the political significance of affect and its role in the regulation of public discourse as well as public conduct. Throughout this project the ties between affect and the communicative norms, reasoning, and practices used as regulatory technologies will become increasing clear. Since social controversy has the potential to provoke the reform of political practices to be more inclusive, and hopefully just, theorizing the role affect plays in these conflicts will add to the provocative research on the political ties between affect, social justice and citizenship.

To do so, this chapter will be organized as follows. First, the theory of social controversy will be explained through an abbreviated analysis of the debate that arose when the Abu Ghraib prison abuse photos were leaked. This analysis will focus on the “traditional” dimensions of social controversy criticism to emphasis what is left unexamined when affect is not incorporated into this type of critique. Then, the affective dimensions of social controversy will be further explicated followed by an extension of the Abu Ghraib analysis focused on affective states and emotion-based claims. The affective dimensions of social controversy deal will the affects, feelings, and emotions that play a significant role in the conflict as part of the substance that people are arguing about. Within the Abu Ghraib social controversy, the affective state of the images pulled individuals in and norms regarding the legitimacy and propriety of affect become a
central concern in the public discourse. This analysis will include an examination of Susan Sontag’s article “Regarding the Torture of Others” as an affective objection of shame. An affective objection is a specific affective state and/or emotion-based claim that exemplifying the salient affects that imbue an argument and/or stance during a social controversy. After this, a discussion of the research questions driving this study will be given which address the implications this project will have on current theories of the discursive-based norms of citizenship. Lastly, a preview of chapters outlining the theory and methodological framework for this project as well as the case studies being examined will be briefly discussed.

**Abu Ghraib and Traditional Social Controversy Criticism**

In May 2003, *The New York Times* published reports of Iraqi detainee abuse and torture at the hands of U.S. soldiers, these reports were the first public news accounts of the prisoner abuse at Abu Ghraib prison (Lacey). The reports generated little public response until the now infamous photos were published on April 28, 2004 by *60 Minutes II* and then on May 1, 2004 by *The New Yorker*. The photos, taken between October and December 2003, featured Military Police [MP] and other soldiers assigned to night shift duty on Abu Ghraib prison’s tier 1A and 1B physically and mentally abusing their detainees. Beatings, forced nudity, extreme stress conditions/positions, mocking of naked and dead prisoners, simulated sex acts, and physical intimidation of detainees using guard dogs were only a few of the actions depicted in the photos. The images were shocking, the actions barbaric, and it seemed as if the whole world was strangely captivated by them.
Shortly after photos’ publication, two major political and legal inconsistencies were revealed. First, the prisoners in tiers 1A and 1B were officially considered civilian “troublemakers,” terrorist suspects, “high-risk” detainees and “anyone of intelligence interest” who were held for interrogation (Schlesinger 2004, 371). Yet, according to U.S. intelligence officers, seventy to ninety percent of the detainees at Abu Ghraib were wrongfully arrested, including some of the tortured and abused prisoners (Associated Press 2004). Secondly, the Bush Administration’s official stance on the Abu Ghraib photos was one of “righteous indignation” (“Abu” 2004). The soldiers featured within the images were considered a “few rotten apples” that did not accurately reflect U.S. forces in Iraqi. These were rogue soldiers—morally monstrous, sexually deviant, and viciously depraved—whose corrupt actions were completely their own. As former President Bush stated, these soldiers’ cruel treatment of their detainees “does not reflect the nature of the American people” (Curl 2004).

Despite this characterization, ample evidence had been leaked to the press in two of the military’s own investigations, one by Major General [MG] Taguba which was conducted in February 20042, and the other by MG Anthony Jones and MG George Fay, indicting a chain of command leading all the way to then Department of Defense Secretary Donald Rumsfeld and the former President himself. In other words, the soldiers

---

2 By the time these photos leaked to the public, both the International Committee of the Red Cross [ICRC] and the U.S. military itself had already conducted investigations into the allegations of detainee torture and abuse. The military investigation, led by Major General [MG] Antonio Taguba, concluded that soldiers on the night shift committed “sadistic, blatant, and wanton criminal abuses,” and that the issue of “illegal abuse” was both “systemic” and “intentionally perpetrated by several members of the military police guard force” on the detainees in Tiers 1A and 1B of Abu Ghraib. These offenses included, but were not limited to, beatings, forced nudity, simulated sex acts, rape, sodomy, and allowing guard dogs to bite detainees. However, MG Taguba’s findings remained classified until after the Abu Ghraib photos were leaked.
were simply treating their detainees in a manner U.S. government officials already approved of. Regardless of these military report findings, only twelve soldiers were court-martialed, eleven of whom were later convicted (Stockman 2004). The overwhelming majority of the soldiers convicted were the low ranking officers featured in the photos. Each soldier either pled guilty or was convicted of charges ranging from dereliction of duty and failure to protect to cruelty and assault. All of these soldiers had at various times stated they were simply following orders from Military Intelligence [MI] and Other Government Agencies [OGA—code for the CIA], to “loosen this guy up” and “make sure he has a bad night” (Taguba 2004, 294). In the end, this did not matter for these low ranking soldiers who immortalized their actions on film. No matter who give implicit orders to these soldiers, the Abu Ghraib images seemed to capture actions so abject the depicted soldiers had to be punished.

The creation and circulation of the Abu Ghraib images not only provoked investigation into the political and legal inconsistencies uncovered by them, they ultimately inspired a vast body of public and academic work in an attempt to make sense of the torture and abuse that occurred there. This work included over 3,000 news articles from major world publications in just one month of the photos’ publication, 117 books

---

3 These soldiers were: Staff Sergeant [SSG] Ivan “Chip” Fredericks; Specialist [SPC] Charles Graner; SPC Sabrina Harmon; Private First Class [PFC] Lynndie England; Sergeant [SGT] Javal Davis; SPC Megan Ambuhl; and Private [PVT] Jeremy Sivits.

4 This number was calculated on February 22, 2011 by conducting a search on LexisNexis Academic. This statistic represents the results from a keyword search using the term “Abu Ghraib” and was limited “Major World Publications” from April 24, 2004 to May 24, 2004.
and book chapters\textsuperscript{5}, 286 scholarly journal articles\textsuperscript{6}, and seemingly countless blog entries, webpages, and on-line comments. Three prominent documentary films also delved into the intricacies of the prisoner abuse at Abu Ghraib prison: \textit{Ghost of Abu Ghraib} (2007), \textit{Standard Operating Procedure} (2008), and \textit{Taxi to the Dark Side} (2007). Some journalistic investigation focused on revealing the “truth” about the political and legal context of the soldiers’ actions (Danner 2004; Hersh 2004; Strasser 2004), while numerous articles express informed positions on the legality and propriety of these acts (Dowd 2004a, 2004b; Sontag 2004; Dershowitz 2004a).

Scholars analyzed the Abu Ghraib prisoner torture and abuse from a feminist perspective (Gronnvoll 2007; Philipose 2007); postcolonial perspective (Rajiva 2005; Tétreault 2006); social constructionist perspective (Bennett et al. 2006; Smith and Dionisopoulos 2008); and postmodernism perspective (Baudrillard 2006; Žižek 2004). Given the shocking nature of the images, many researchers performed a visual analysis of them (Apel 2005; Eisenman 2007; Mirzoeff 2006; Philpott 2005), while others focused on the political nature and implications of actions they depicted (Caton and Zacka 2010; Luban 2006). As controversial images, the Abu Ghraib photos and the actions captured within them were a “focus of public fascination,” that “mark[ed] key areas of dispute” (Attwood and Lockyer 2009, 1). The photos drew people in. Seizing global attention, the

\textsuperscript{5} The number of books and book chapters about the events at Abu Ghraib prison was retrieved from the Library of Congress website. This statistic represents the results from a keyword search using the term “Abu Ghraib” and was limited the search to books written in English.

\textsuperscript{6} This number of journal articles about Abu Ghraib was generated via combined search of two databases: \textit{Communication &Mass Media Complete} and \textit{Academic Search Complete}. This statistic represents the results from a keyword search using the term “Abu Ghraib” and was limited the peer-reviewed scholarly journals as well as the timeframe April 2004 to present.
images provoked conflict and instigated debate that played out in print, broadcast, and on-line media as well as various academic outlets. The Abu Ghraib photos inspired this bevy of investigation, research, and analysis and yet, in spite of all this, the debates surrounding these images of prisoner abuse and torture have not been examined as a social controversy.

“A social controversy,” according to Olson and Goodnight (1994), is an “extended rhetorical engagement [within the public discourse] that critiques, resituates, and develops communication practices” and norms (249). This engagement is a sustained, mediated debate between at least two oppositional parties which is more than just a difference of opinion, but rather a persistent conflict over the political and cultural implications that dominant forms of communicative reasoning, practices, and norms have for a public. Goodnight (1991) explains that social controversy “is a creature of the between” (2); an initial objection flourishes into an interplay of sustained critique and frequent rejoinders that illuminates the “engaged difference” between interlocutors (5). During a social controversy, arguments not only deal with the issue being debated but also the implicit forms of reasoning and dominant procedures that govern public discourse. As a form of disagreement, social controversy is “both an essential condition of human existence and a potential good” given its ability to provoke debate about these privileged forms of communicative regulation (Hicks and Langsdorf 1999, 142).

This does not assume that regulatory power is strictly repressive; regulating norms can be a productive force focused on promoting fairer and more inclusive practices as well as oppressive techniques used to normalize exclusionary practices (Hicks and
Langsdorf 1999). As Olson and Goodnight (1994) conceptualized it, objections are raised in an attempt to shift regulatory power from repressive to more democratically productive procedures in the hopes of influencing political and cultural change. However, Goodnight (1999) later critiques this by asserting that, “controversy cannot be valorized as resistance leading to change causing reform” (520). In other words, social controversies not only occur when individuals protest oppressive conditions. Individuals and groups may also object to reasoning, practices and norms they feel are too progressive and wish to create more conservative communicative conditions.

When leveling objections to communicative rules and norms, opponents typically appeal to normative standards of legitimacy and propriety which regulate public discourse. Olson and Goodnight (1994) explain objections are raised regarding the “legitimacy of procedural rules or the fairness of grounds invoked in asserting a claim and establishing the conditions of communicative reasoning” (251). Normative standards of legitimacy are used as a criterion of judgment when concerns arise regarding whether a claim or action is “morally justifiable and rationally produced” (Hicks and Langsdorf 1999, 140). Objecting to the legitimacy of a practice, form of reasoning, or norm implicates it as somehow unlawful, unjust, and/or unreasonable which necessitates additional critique and, hopefully, reform. “[An] objection,” Olson and Goodnight (1994) continue, “is more than an opposing statement, because the performance of an argument always raises the relational question: Are the implied norms of understanding, testing, and adjudicating appropriate for us” (251)? Critiquing the propriety of a communicative norm problematizes how well the norm politically, morally, and ideologically fits with
the society that conforms to it. If a norm is indicative of whom we are as a society, objections that question normative propriety ask if this norm is also indicative of who we want to be.\footnote{Ironically, objections are at risk of being overlooked or dismissed if they stray too far from the norms they are critiquing and dominant rules of decorum. Thus, although social controversy can espouse a radical potential for change within contemporary publics by giving voice to dissenting and dissatisfied individuals and groups, a contemporary public’s normative standards of legitimacy and propriety also can limit that potential.}

Either way, social controversies are “rich moments of rhetorical invention” during which attempts are made to (re)direct public discourse via the critique of reasoning and regulatory practices (Olson and Goodnight 1994, 273). The regulatory practices that are critiqued during social controversies include “a culture’s rules and presumptions on who gets to talk, what counts as proof, whose language is authoritative, and what norms shall govern decisions” (Wilson 1995, 204). Although addressing issues of deliberation, Hicks and Langsdorf’s (1999) conceptualization of identity, locution, substance, and forum as the four procedural parameters which regulate disagreement can also be used to expand upon the types of practices and norms critiqued during social controversy. Accordingly, identity-based objections question what this issue says about a public’s collective identity as well as who can speak authoritatively about it. Locution-based objections focus on how a public can speak about the issue and reveal the types of communication that are privileged within the debate. Substance-based objections critique the dominant forms of reasoning that undergird the practices and norms at the center of the conflict. Lastly, within social controversies, forum-based objections raise concerns regarding the political context of the debate and the implications this has on the progression of the conflict itself.
During the Abu Ghraib social controversy, political, legal, ideological, and moral questions regarding the legitimacy and propriety of the soldiers’ actions were raised. As mentioned earlier, initial investigations mainly focused on the extent to which photos depicted soldiers employing U.S. sanctioned interrogation tactics or abusing and torturing prisoners. The soldiers claimed they were following orders and ample evidence supported this; the victims were alleged terrorists suspected of having Taliban and/or al-Qaeda intelligence desperately needed during the U.S. War on Terror (Danner 2004; Hersh 2004; Tabuga 2004). The soldiers did what they were told they had to do as part of their duty to keep America safe. Yet, the images seemed to capture actions that appeared far more physically and mentally vicious than prisoner interrogation. This type of behavior is illegal in prisons across the U.S., so why is it sanctioned on the battlefield? Had the U.S. State Department’s 2003 Human Rights Report not cited countries such as Burma, Pakistan, Saudi Arabia, and Iran for the same “harsh interrogation techniques” used at Abu Ghraib (Malinowski 2005, 140)?

The Abu Ghraib social controversy revolved around these questions which incorporated additional concerns about the political implications these photos would have on America’s faltering global standing and the U.S. War on Terror. People debated over what the tipping point between U.S. sanctioned interrogation tactics and prisoner abuse, or worse, torture was. Conflict ensued regarding the legitimacy and propriety of U.S. soldiers employing tactics such as beating, stripping, humiliating, and extreme physical and mental stressing of prisoners as a means to gather intelligence during wartime. Individuals questioned whether or not the possibility of gaining political and military
intelligence, ideally used to thwart future terrorist attacks, legitimize causing prisoners this type of bodily and psychological pain. Sustained opposition arose over the legal, moral, political and ideological appropriateness of U.S. soldiers treating prisoners in this manner. For some, these images depicted a different type of America—one in which there was not a clear distinction between the U.S. military (including the citizens they represent) and the terrorist forces we were (and still are) fighting. While some others felt the situation was being blown out of proportion.

Within the public discourse, opposing perspectives on these questions were framed as conflicting factions of the American public engaged in a prolonged battle over the legitimacy and propriety of the actions vividly captured in the Abu Ghraib photos. Objections to the abuse depicted in the photos were plentiful and clear; these soldiers were illegitimately exploiting their power as captor. Meaning, the Abu Ghraib photos depicted soldiers torturing, not simply abusing, their detainees which is not only illegal but also politically indefensible and morally reprehensible regardless of the intelligence it might generate. People publicly critiqued the U.S. government for being hypocritical. How could we sanction this type of military behavior at Abu Ghraib when we have publicly reprimanded other countries for similar behavior knowing that it violates the Geneva Convention as well as our democratic ideals in prisoner and human rights? Still others objected to the actions captured in the Abu Ghraib photos for fear that this type of behavior would fuel further hate-filled acts of terrorism, ultimately putting Americans in more, rather than less, danger.
These hard-line objections were met with opposition by individuals and groups that did not believe the actions portrayed in the Abu Ghraib photos were *that* bad or unjustifiable. Some supporters argued that the photographed actions were harsh but that what these U.S. soldiers did was not as horrific as what Saddam Hussein had done to his own people when Abu Ghraib prison was under his rule. The rationale being that as long as our enemies physically and psychologically treat their prisoners worse than our soldiers did, our military’s actions could be considered legitimate and appropriate within this context. Others asserted that the pictures simply captured the raw, visceral conditions of combat; laws and democratic ideals, although essential in civilian life are not always plausible on the battlefield where soldiers are trying to survive. In war, a soldiers’ need to survive is enough justification for the legitimacy and propriety of the actions depicted in the Abu Ghraib photos.

This combination of objections and rebuttals within the public discourse about Abu Ghraib highlight what can be considered traditional dimensions of social controversy. They address some of the political, cultural, and ideological issues and implications surrounding U.S. policy on interrogation, abuse, and torture. Throughout the conflict the dominant norms and practices regarding these policies and the reasoning embedded within them become more visible, enabling critics to analyze how these prevailing conventions influence and regulate public discourse. But what it left behind is the salient and overt affective dimensions of the Abu Ghraib photos and the disagreement this provoked.
The Affective Dimensions of Social Controversy

The leaked photos of abuse at Abu Ghraib prison offer a salient example of how affective states can permeate the context of social controversy as well as the types of emotion-based claims that can be made during the conflict. Affect is a notoriously difficult term to define partially due to the fluidity of the phenomenon. In many ways, affect is a perpetual moment of potential becoming; a constantly emerging, dynamic relation between the sensate experience of the ‘context’ and the visceral reaction of the ‘self’ that varies in degrees of intensity and “force-relations” which can influence an individual’s “ability to affect and a susceptibility to be affected” (Massumi 2002, 61).

Affect has a unique interstitial quality; within any given context, the ‘self’ both unfolds into the environment by emitting sensate messages (i.e., sounds, scents, pheromones, etc.) while simultaneously infolding sensual information gleaned from the environment. This immediate, synergistic interaction is the real-time process of affect which occurs at a nonconscious level; the “self” responds to sensate perceptions of a situation at the bodily, chemical and neural level before these reactions are cognitively registered. However, individuals can become conscious of patterns of affect (i.e., the sensations of the sensate experience-visceral reaction relation) in the form of feelings.

A feeling is the cognitive acknowledgement of a pattern of sensate-visceral relations and experienced sensations. Feelings, in this way, cognitively capture affects within distinct states of relation; yet there is always an excess of affect that cannot be captured in feelings. Individuals do not “feel” every affect they experience rather a feeling is the moment when an affect is cognitively recognized. As Brennan (2004)
explains, “Feelings can be sifted from affects, and better known to consciousness, through the deployment of living attention” (139). Feelings are recognized through a process of discernment; the significance and importance of a feeling is not solely based on our immediate sensate-visceral relations but also our history of like encounters (including their outcomes and detailed aspects) as well as the qualitative differences between them. Therefore, the discernment of a feeling’s meaning is aided by the memory or (re)collection of past experiences that provoked like sensate-visceral relations and embodied sensations. These (re)collection of affective experiences are imbued with personal significance as well as cultural, ideological, and political importance given the context during which they were felt.

“Feelings,” according to Brennan (2004), are “sensations that have found the right match in words” (5). People tend to express or convey how they feel through emotional language and display. As Massumi (2002) explains, “Emotion is the most intense (most contracted) expression of that capture” of feeling (35). For example, if I sincerely state “I feel happy” this literally means the sensate experience of being in a certain environment has triggered a pattern of visceral reactions the feeling of which I cognitively recognize as happiness because it is a sensation of delight and pleasure. However, emotions are not simply subjective states; they are intersubjective concepts representing widely recognized feelings which are imbued with cultural meaning, ideological symbolism, and political significance. As Massumi (2002) explains an emotion is “the sociolinguistic fixing of the quality of an experience which is…qualified intensity, the conventional, consensual point of insertion of intensity into semantically and semiotically formed progressions, into
narrativizable action-reaction circuits, into function and meaning” (28). The intersubjective nature of emotions also makes affect vulnerable to dominant reasoning, practices, and norms as a means of regulation within the public sphere. There are socially legitimate and appropriate ways to feel and emotionally act in response to any given situation.

Affects, therefore, “are integral to our ability to grasp the meaning of a situation and to act appropriately in response to it” (Johnson 2007, 68). Focusing on the affective dimensions of social controversy will highlight the norms regarding affects, feelings, and emotions that have been deemed legitimate and appropriate which consequently regulate how we address affect in the public discourse as well as how we embody affect and our public conduct.⁸ Within social controversies, affects can be publically acknowledged as specific feelings or emotions when they reach a point of saliency. Salience occurs when the intensity of an affect becomes recognizable; often due to the use of sharp sensual contrasts (i.e., loud/soft sounds, hot/cold surfaces, sweet/sour tastes, pungent/faint scents, blurry/crisp images), feeling and emotional contrasts (i.e., pleasure/pain, happy/sad) or the deep saturation or concentration of an affective state. Within social controversy affect becomes salient in two distinct ways: affective states and emotion-based claims.

Social controversies are not simply an accumulation of tactically based oppositional arguments; they are argumentative experiences during which numerous

---

⁸ The term affective encompasses the range of concepts that deal with the conscious and nonconscious experience of affect. This includes but is not limited to: affect, sensate-visceral relations, sensation, feeling, and emotion. As an adjective, the term affective is used to signify the specific affect-focus of a given object, act, event, individual, stance, etc. For instance, the term affective investment is meant to address a person’s investments that deal with affect, feelings, and emotions rather than political and/or monetary concerns. This is not to say that affective, political, and monetary investments are not related, just that each imagines investment differently.
affective states unfold and are embodied. These states are diffuse feelings, or moods, which can provoke and/or permeate the overall controversy. Generally speaking, controversial acts, claims, and texts can create an affective state best described as unease; there is a sense of physical and mental disquiet and general restlessness that results in acts of public objection and rejoinders that culminated in sustained opposition. However, these overarching affective states are not the only ones present during a social controversy. Affective states function argumentatively in two ways. First, they can act as experiential arguments; claims that are sensate-visceral enactments of the conditions of one’s affective experience. As experiential claims, affective states both attest to the conditions that provoked this state and act as the grounds for the claim. Second, affective states can be affective appeals; diffuse moods that infuse a claim or stance that invite audiences to engage in this state either in a similar fashion that echoes it or in a (re)actionary manner that implies an affective relation between them.

Technically speaking, affective states are not only accessible in immediate experience. They can also be captured in various forms such as bodies, photos, video, audio, music, art, and language. The capture is a representation of an affective state caught in a distinct moment that does not, and cannot, fully encapsulate the affect. As indicative of an affective state, in distinction from an emotion-based claim, this capture is not necessarily limited to one specific emotion. Rather, each capture can convey a sensation that does not have an exact emotion that it corresponds to. The capture enables affective states to be circulated within the public discourse. Just as individuals discern their own affective states as distinct feelings and emotions, we do the same to others—we
exam their immediate or captured affective states to discern how they feel. When we attempt to discern an others’ affective state via a capture we also need to take into consideration how the form of the capture can impact the discernment process.

During social controversies, affect also becomes salient via discursive and non-discursive claims regarding specific emotions. For instance, opponents of the proposed Wisconsin laws argue that people should feel outrage at the local government’s attempts to undermine public employee unions’ collective bargaining power. Emotion-based claims, like all arguments made during social controversies, are appeals to normative standards of legitimacy and propriety regarding how the public should feel, and thus behave, in relation to this conflict. As a form of oppositional argument, emotion-based claims are used to block dominant enthymemes regarding specific emotions that establish the affective dimensions of a controversy. By blocking dominant emotion-based enthymemes implicit societal norms about these emotions can be revealed enabling the contestation, reevaluation, and renovation of these normative practices.

Affective objections are specific affective states and/or emotion-based claims that advance salient, specific states or emotions that are at issue in the controversy. “Objections,” as Olson and Goodnight (1994) explicate them, “are leveled against the projection of consensus because all rules of reasoning and division of grounds are said to be but rationalizations of oppressive power conditions” (251). Likewise, affective objections reject the casual recognition and acceptance of an affective state and/or dominant norms regarding affect, feelings, emotions, and conduct; instead the legitimacy and propriety of a specific sensate-visceral experience and/or emotion-based norm within
a specific historical, cultural, and political set of conditions is questioned. Affective objections are often used in conjunction with critiques that propose alternative means of envisioning that which is being objected to. Within the Abu Ghraib social controversy, both of these affective dimensions are recognizable.

*Affective State of Pleasure at Pain in Abu Ghraib*

Within the Abu Ghraib social controversy, the intensity of the affective states captured in the images as well as the evidentiary status granted to photography demanded immediate attention in a manner that news reports alone simply could not provide. Taken as a group, the Abu Ghraib photos created an affective state that does not have one specific emotional counterpart; rather they oscillate between groups of juxtaposed extreme sensations of pain/humiliation/fear and pleasure/delight/enjoyment. The intense felt contrast between the detainees’ pain and the soldiers’ pleasure was so prominently displayed in the Abu Ghraib photos that it became part of what Americans were arguing over. In this way, their affective state of pleasure at pain acted as an affective appeal that underwrites the Abu Ghraib social controversy.

The disturbing aesthetics of the Abu Ghraib images are emotionally and viscerally jarring; the violence grotesque, the soldiers’ dispositions crass and garish, the victims hurt and humiliated. The over-exaggerated thumbs up further accentuated by latex seafoam-colored gloves and the grandiose smiles stretched across U.S. soldiers’ faces as they stand next to battered, bound, hooded, naked and even some deceased detainees visually *capture* a chaotic sensation of comedy in the face of tragedy. Soldiers’ big toothy “say cheese” smiles are strangely reminiscent of decades by advertisements in which
models’ wide smiles have become iconic of “the idea of pleasure” of consuming a company’s products (Kotchemidova 2005, 10). The trace of this smile beckons a sensation of consumer pleasure, transforming the photos into ads for U.S. involvement in Iraqi with the soldiers’ smiling promotion of the abusive power we wield there. The soldiers’ wide grins and embellished gestures exhibit no remorse or regret but rather enjoyment and satisfaction; relishing the recognition of the prisoners’ twisted bodies, anguished expressions and/or hooded faces.

The composition of the images add to this affective experience; the slightly blurred contents feel strangely nostalgic, reminiscent in tone and form of ordinary snapshots captured by the point-and-shoot medium of digital photography documenting daily life in a manner that can be uploaded, copied, burned, and forwarded to others for their consumption and enjoyment. The digital lay photography of the Abu Ghraib soldiers highlight “a shift from photographing others for self-consumption to documentation of self for consumption by others” (Schwarz 2010, 165). The photos from Abu Ghraib prison feel like a type of mediated self-portraiture, taken and circulated by American troops, which disclose an America where its citizens are no longer victims of the seemingly irrational violence suffered on September 11th but rather the joyful perpetrators of physical vengeance. As an affective appeal, the contradiction of affects in content, display, and function made the affective state of the Abu Ghraib photos inherently controversial. The affective state of pleasure at pain that is captured in the images invited viewers to engage in this intensely conflicting mood and, for some people, evoked an “unsteady state” in (re)action to them (Scott 1991, 20).
Emotion-Based Claims and Sontag’s Affective Objection of Shame

Emotion-based claims raised during the Abu Ghraib social controversy questioned U.S. norms regarding what the appropriate response to the soldiers’ display of seemingly cruel enjoyment of the prisoners’ suffering should be. For some, the images seemed to beg the question; should we not feel disgust at the soldiers’ shamelessness and apparent joy in causing pain? Critics argued that, at its core, the Abu Ghraib controversy stemmed from the soldiers’ exaggerated display of pleasure in causing the detainees’ physical and mental suffering (Luban 2006; Sontag 2004; Žižek 2004), and that these “literally ‘happy snaps’ of torture” (Ulevich 2004) should result in feelings of disgust (Bloom 2004) as well as a “sort of national shame” (Gillespie 2004) due to the soldiers’ violation of the public’s trust (Wallis 2004).

During this controversy, Susan Sontag’s *New York Times Magazine* article “Regarding the Torture of Others” serves as an affective objection to the Abu Grhaib photos. “What is illustrated by these photographs” Sontag (2004) argues, “is as much the [US] culture of shamelessness as the reigning admiration for unapologetic brutality” (29). Rather than feel shame at the pain caused by their own hands, these photos demonstrate the soldiers’ sense of pride in their own brutality towards those rendered powerless. The complete effrontery to the pain and degradation of these prisoners is exacerbated as a performance of “fun” by the soldiers (Sontag 2004, 28). Sedgwick (2003) asserts that “shame attaches to and sharpens the sense of what one is . . . it is the place where the question of identity arises most origirnarily and most relationally” (37).
For Sontag, the grotesque nature of the photos should provoke a sense of shame for Americans; a feeling of embarrassment or dishonor at what these soldiers’ actions say about who we are as a nation. However, she is not simply imploring individuals to personally feel shame but rather to constitute a public based on a normative standard of shame that would compel its members to judge these soldiers’ actions as illegitimate and inappropriate. As Ahmed (2004) explains, it is “not so much how shame is “felt” by nations, but how declarations of shame can bring ‘the nation’ into existence as a felt community” (101). This felt community is established by a general acknowledgement of “wrongdoing”; Ahmed (2004) continues, “the ‘we’ is shamed by its recognition that it has committed ‘acts and omissions,’ which have caused pain, hurt and loss for indigenous others” (Ahmed 2004, 101). By calling into question the U.S. “culture of shamelessness,” Sontag is calling on the U.S. public to reject the dominant norms of shame that do not code these soldiers’ behavior as illegitimate or inappropriate but instead frame their actions as acceptable and even necessary forms of interrogation during wartime. Sontag asserts that the soldiers’ actions are shameful because they are abusive to the point of torture; yet that is not the only reason they should provoke shame.

Embedded within the simple act of taking these photos and circulating them to other soldiers, family and friends, is the photographers’ desire for recognition. In this case, the same soldiers were the creators (i.e., photographers), perpetrators (i.e., abusers), circulators (i.e. original distributors of the images), and partial subjects of the Abu Ghraib photos. The photos, then, act as a request for acknowledge of the pleasure the soldiers

---

9 The Abu Ghraib photos were primarily taken with SSG Ivan “Chip” Fredericks, SPC Charles Graner, and SPC Sabrina Harmon’s cameras.
took in displaying their power over these detainees as well as the detainees’ physical, mental, and affective submission to them. Thus, “the horror of what is shown in the photographs,” Sontag (2005) eloquently explains, “cannot be separated from the horror that the photographs were taken—with the perpetrators posing, gloating, over their helpless captives” (26). For Sontag, the physical violence enacted against the detainees was only part of what made the Abu Ghraib photos so disturbing. The other disconcerting part is the voyeuristic nature in which they were constructed; the soldiers wanted others to witness their joyful violence. Whether it was to share their pleasure, incited anger in their enemies or cause further humiliation to their prisoners, the Abu Ghraib photos were constructed in a manner that would surely invoke a visceral and emotional response from viewers.

Simply put, the photographed soldiers’ emotional display sparked a social controversy that addressed the relationship between citizenship and affect; U.S. citizens argued over what our democratic ideals of American citizenship are and whether or not taking pleasure in prisoner torture and abuse fits within this civic framework. In other words, democratic ideals of U.S. citizenship not only establish norms and conventions regarding political and moral relations, but also relations based on affect (i.e., how we

Grusin (2010) argues that an additional affective component in the Abu Ghraib controversy was the manner of photos creation and transmission (i.e. the mediality of digital photography). Grusin asserts that taking and disseminating digital photographs is, at its core, an action based in the sensory-emotive transmission of affect. In other words, people take, upload, and forward digital photos in order to elicit emotional reactions from their recipients. The continual use of this digital media technology has created an expected, or premediated, response in audiences—the reception of digital photos is nonconsciously assumed to be an affective experience. Grusin argues that this sensory-emotive media-based premediation coupled with the intense saliency of affect depicted in the photos was so overwhelming that it resulted in an experience of shock at the images of the Abu Ghraib prison abuse. It was as if audiences were given a double dose of affect via the sensory-emotive experience of the medium and the aesthetic depiction of the Abu Ghraib photos.
should experience our relationship to another at the sensate-visceral, felt, and emotional level). Individuals are held accountable to these norms and conventions of affect should politically, morally, and affective respond to controversial situations based on these ideals. These ideals hold us accountable to. When a social controversy addresses issues of affect, the implicit norms and conventions regarding affect are contested. Sontag and others who offered affective objections to the Abu Ghraib photos argued that the soldiers’ self-conscious display of joy was grotesque in the presence of such obvious suffering. The photos reflected a gross subversion of the affects, feelings, and emotions that the soldiers’ ought to conduct their behavior according to as U.S. citizens. Consequently, these image raised questions of just what we, as Americans, are doing in the name of democracy during the War on Terror. Thus, affective objections to the Abu Ghraib abuse are closely associated with political and moral questions regarding our collective national identity.

During the Abu Ghraib social controversy, determining what affects, feelings, and emotions are not only appropriate but, more importantly, legitimate for American citizens to experience in relation to the Abu Ghraib images is a main concern. In other words, as Americans, should we share in the soldiers’ shameless pleasure as we witness our troops cause incarcerated prisoners’ physical and mental pain? Is it legitimate for Americans to feel joy at brutalizing prisoners in the midst of war? Should we not as “civilized, democratic citizens” behave more humanely and, at the very least, feel remorse when causing our enemies pain? As even President Bush stated, “That’s not the way we do things in America,” and yet, as so many investigative reports have found, it is exactly
how we did things in military detention facilities throughout Iraqi, Afghanistan, and Cuba (Stockman 2004). But this time, American citizens felt it.

Research Questions

Within the Abu Ghraib social controversy, the political, moral, and cultural significance of affect became an important aspect of the conflict. Even though Abu Ghraib provides one of the most salient examples of the affective dimensions of social controversy, it is not the only public debate that this occurs. This project will, therefore, further conceptualize the affective dimensions of social controversy as affect-based normative objection and critique which addresses the role affect plays in the regulation of public discourse and conduct. To do so, this dissertation will be driven by the following research questions. First, how does considering affect extend and contribute to our understanding of the nature and significance of social controversy? Specifically, how do the affective dimensions of social controversies emerge and what is their potential to critically interrogate the presumptions underwriting dominant norms and conventions that regulate public life and establish the cultural politics of affect, feelings, and emotions? Second, what can the analysis of these dimensions tell us about relationship between affect and citizenship; that is, how is citizenship increasingly being shaped by norms and conventions of affect and what are the implications of doing so? Specifically, what figures of the citizen are articulated in affective states and emotion-based claims and how do these dimensions serve as sites of ethico-political pedagogy.
Preview of Chapters

This dissertation follows an inductive, progressive format. Each chapter builds upon the previous one leading to a discussion of the overall implications and conclusions of the study. After explicating the overall theory of affect as it culminates in social controversies in chapter two, I turn to the analysis of two specific conflicts. Rather than repeatedly applying a formal methodological framework to each case, the analysis of the affective dimensions of social controversy is presented separated in chapters three and four to facilitate a more in-depth examination of how each can function in social controversy. The fifth and final chapter includes a discussion of the overarching findings of this project and the implications these conclusion have on theories of democratic citizenship.

Chapter Two

Chapter two delves into the theoretical and methodological framework of this project, beginning with a review of literature on social controversy. Olson and Goodnight’s (1994) work of social controversy is situated as the foundational work and, utilizing a generative approach, this framework is expanded upon using four overarching constructive critiques and extensions of their theory. These focus on: the separation between discursive and nondiscursive claims; the limitations of opposition-based theories of argumentation; the need for incommensurate discourses; and the potential for change. To aid in the explication of these extensions and critiques, brief examples from the Abu Ghraib social controversy are used to expand upon these areas.
This generative approach leads to a discussion of the role affect plays in social controversy and further theorizes its affective dimensions. The affective dimensions of social controversy deal with the affects, feelings, and emotions that play a significant role in the conflict as part of the argumentative substance at issue which have implications for germane publics. Developed as a rhetorical and argumentative construct, the affective dimensions of social controversy are conceptualized in three parts. First, the theory of affect is discussed addressing its movement as an orienting and galvanizing force. Second, in order to operationalize affect for use within rhetorical theory, a number of terms are conceptualized in a movement towards a rhetorical lexicon of affect. Finally, a more thorough explication of emotion-based claims, affective states, and the relationship between them is offered.

Chapter Three

The third chapter focuses on the social controversy surrounding the International Freedom Center (IFC)—the proposed, but now defunct, museum that would have been built at the World Trade Center (WTC) site. Conceived of as “a living memorial” to “freedom’s power over tyranny, terror, and injustice,” the IFC would have told the story of 9/11 as one of many struggles for freedom fought throughout the world (IFC 2005, 4). Initially, the proposed museum was well received but just one year after the IFC was granted a physical space at the WTC site, critics complained that its mission was inappropriate for this “hallowed” ground.

Analysis of the affective dimensions of this controversy focuses on the emotion-based claim of reverence posited by in the Take Back the Memorial (TBM) campaign and
the IFC’s proponents’ rebuttal of this claim. The TBM campaign was led by a coalition of 9/11 families and first-responder (i.e., firefighter and police) associations who objected to the IFC’s creation at Ground Zero. They argued that the IFC would not be a legitimate or appropriate way to memorialize 9/11 and its victims at this site because it would not foster feelings of reverence about this tragedy or provoke acts of veneration out of respect for the deceased. Members of the TBM feared that the proposed museum would be nothing more than a thinly veiled, left-leaning history lesson that would admonish U.S. American foreign policy provoking feelings of national shame, rather than reverence, as well as promote the plight of other victims of tragedy eliciting empathy for individuals other than the September 11th victims. On the contrary, IFC supporters generally assert that the WTC site is the most fitting place for a museum honoring freedom. Because of the site’s political and cultural significance, supporters believe that the WTC site should engage visitors in an experience of hope, inspiration, and analytic curiosity as a means to galvanize them to become more civically engaged. IFC proponents did not put forth any one salient emotion-based claim to counter the TBM’s; rather, they focused on refuting what was believed to be the TBM’s blatant misinterpretation and (re)presentation of their mission and goal. The eventual eviction of the IFC from the WTC site reaffirmed the dominant norms of respect at sacred site and suggests that even the potential for critical engagement of American politics and policies in these spaces is illegitimate and inappropriate behavior for U.S. citizens to engage in.

To examine the affective dimensions of the IFC social controversy, New York regional newspapers ranging in date from March 2005 to November 2005 were collected
and analyzed. As Matthew Schuerman of the *New York Observer* noted, these regional news outlets, as if drawing lines in the proverbial sand, offered passionate and biased coverage of the conflict. The New York Times who, at first critiqued the IFC as a possible “front for a Republican White House,” later supported the proposed museum (Schuerman 2005). The Daily News and Newsday also “came down firmly in favor” of the IFC (Schuerman 2005). Whereas the New York Post proclaim themselves to be "true to the opposition,” by waging a relentless campaign against the IFC (Schuerman 2005). This news discourse is supplemented with texts created by the Lower Manhattan Development Corporation (LMDC), the IFC and the TBM campaign. Each of these organizations were major stakeholders in the controversy and their documents offered deeper insights into their stances as well as background information into the conflict.

*Chapter Four*

The fourth chapter focuses on the affective states that infused the social controversy surrounding the 2004 French ban on conspicuous religious attire in public schools. This controversial law prohibits public school students from wearing ostentatious religious clothing and symbols including, but not limited to, Islamic veils or hijab, Jewish kippa or skull caps, large Catholic crosses, and Sikh turbans. Although this law bans all of these types of religious dress, hijab has been considered its main focus since French-Islamic schoolgirls are the largest population effect by it. Thus, the proposed law reignited a longstanding social controversy regarding the legitimacy and propriety of veiling in public school.
During the \textit{Loi n*} 2004-228 social controversy, the affective dimension were most salient in the affective states of \textit{fear} and \textit{risk} that infused the pro-law stance and the mood of \textit{indignation} that imbued the law’s opponents stance with a type of passionate anger. The analysis of these states focuses on how these states act as affective appeals that underwrite the oppositional, pro/anti logic of the conflict. Pro-law supporters considered hijab a sign of fundamentalism and, thus, argued that it posed a risk to French students and national unity which citizens should be fearful of. They argued that banning the veil within public school was for the “greater good” as a means to contain Islamic fundamentalism and reaffirm the ideal and norms of \textit{laïcité}, roughly translated to secularism, within young citizens. Not surprising, those who opposed the law believed it was an unabashed act of Islamophobia that was an unjust infringement on French-Islamic girls’ rights which would worsen racial tensions in France. As an intentional violation on its own citizens’ liberty of conviction, opponents of the law were indignant about the blatant injustice of this law as well as the disregard it showed for these schoolgirls’ education. The approval of the law, in September 2004, signals the predominance of an affective state of fear, justifying the strict regulations on students, specifically veiled French-Islamic girls.

Analysis of this controversy also engages the affective response of one particular student, Cennet Doğanay, as offering an incommensurate claim which is irreducible to the pro/anti logic of the conflict. As a veiled French-Islamic student, the law created an oppressive set of conditions for Cennet in which she had to choose between hijab and
public education.\(^{11}\) Unwilling to decide either the law or her veil, Cennet made the difficult decision to shave her head as a means to unveil (to stay at her school) but not show her hair (which she believed was the spirit of hijab). At the moment of public unveiling her shorn head, Cennet’s affective state of *defiant compliance* acts as an experiential claim, that testifies to the sensate-visceral impact this law has on the everyday lives of young, veiled French-Islamic girls and raised questions regarding the legitimacy and propriety of the law considering the harrowing experience it creates for these girls.

The examination of the *Loi n°* 2004-228 social controversy is derived from the substantial and insightful academic analysis this conflict has garnered (Bowen 2007; Choudhury 2007; Croucher 2006, 2008, 2009; Joppke 2009; Keaton 2006; Volpp 2007; Winter 2008). Although a thorough body of scholarship, none of these works explicitly examine the affective dimensions of this controversy which this chapter does. On the contrary, since Cennet’s objection has not received any academic attention thus far, analysis of her affective response is based on French, Turkish, and English newspaper, newswire, and magazine articles that feature stories about her from October 1, 2004 to October 1, 2005. Additionally, institutional reports about Cennet made by the Muslim Writers Alliance, the Islamic Human Rights Commission, and AKDER Women’s Rights

\(^{11}\) My use of Cennet’s Doğanay’s first name is an intentional attempt to create a more empathetic engagement with her claim via the intimate usage of “Cennet” rather than “Doğanay”. My reference to her as “Cennet” is also an attempt for me to make my own affective state salient. In other words, the act of examining her affective state of defiant compliance has has oriented me to her, turning me towards her experience under the law and appreciating how difficult the decision to shave her head was for her. I mean no disrespect by calling her “Cennet,” quite the contrary I mean care, respect, and appreciation for her and her actions.
Association Against Discrimination are also analyzed as well as the website Islam Online which featured extensive coverage and interviews with her.

Chapter Five

The fifth and final chapter offers a review of this project and draw out major insights, findings, and implications of this research. From this research, there are three substantial findings that have implications for the field of communication. First, the affective dimensions of social controversy deal with the regulation of public conduct rather than public discourse. Emotion-based claims and affective states pose arguments regarding the legitimacy and propriety of the experience of affects, feelings, and emotions in given scenarios as well as the types of conduct this experience should produce. Thus, these claims address the regulation of conduct – how one should feel given the conditions of his/her experience and how one should behave in response to these felt conditions. One implication of this is the connection between the affective dimensions of social controversy and Foucault’s theory of governmentality and can enable scholars to analyze how controversies can be moments when the public governs its own behavior and beckons the state to engage in disciplinary acts.

Second, the regulation of public conduct was rationalized via the possibility of potential risk to national unity and, in the case of the French law, national security. In both case studies, when norms or laws restricting the citizenry’s conduct were proposed, they were asserted as a means to create national unity and civility by foreclosing on the sensate-visceral experiences that create feelings of vulnerability. Thus, the ties between risk and vulnerability are discussed in relation to the regulation of public conduct. This
discussion addresses what experiences of risk are seemingly too intense to be publicly allowed without jeopardizing a nation’s cohesion and safety.

Third, analysis of the affective dimensions of social controversy has two salient implications for theories of citizenship. First, given that the affective dimensions of social controversy deal with the regulation of public conduct, the outcomes of these conflicts illuminate the normative parameters of citizen conduct. These parameters imply that there are affective dimensions to citizenship that addresses how a nation’s citizens should feel and conduct themselves in any given situation. Second, emotion-based claims and affective states invite individuals to empathetically engage in these arguments which can establish a civic relationship of based on recognition as a first step towards civic support and action. This project will conclude with a discussion of recent scholarship on “affective citizenship” and its ties to the affective dimensions of social controversy.
CHAPTER 2
SOCIAL CONTROVERSY AND ITS AFFECTIVE DIMENSIONS

Introduction

Olson and Goodnight’s (1994) groundbreaking article “Entanglements of Consumption, Cruelty, Privacy, and Fashion: The Social Controversy over Fur” lays out both a theory and methodological framework of social controversy for analyzing oppositional conflicts. Although this essay has enjoyed great notoriety and influence in the rhetorical field, it only prompted a small number of published projects that directly address or, at least partially, utilize social controversy as a methodological approach (Boyd 2002; Dascal 1995, 1998; Deem 2010; Finnegan 2000; Fritch et al. 2006; Goodnight 1999, 2003, 2005; Gross 2005; Lyne 2005; Miller 2005; Ono and Sloop 1999; Phillips 1999; Wilson 1995). Consequently, social controversy research remains a rich area to expand on as a rhetorical theory and methodological approach. As a case in point, this project takes as its starting point Olson and Goodnight’s theory and methodological framework of social controversy as a tactical, argument-focused approach to oppositional disagreement that unfolds within public discourse. Using a generative approach to the literature on social controversy, four extensions and/or friendly critiques of Olson and Goodnight’s work will be addressed to create a more in-depth methodological framework.

12 According to a preliminary search on Google Scholar since its 1994 publication in the Quarterly Journal of Speech, Olson and Goodnight’s article has been cited in sixty-seven articles and books.
for this project. These extensions and critiques deal with: the separation between discursive and nondiscursive claims; the limitations of opposition-based theories of argumentation; the need for incommensurate discourses; and the potential for change. To help explicate this critical evolution of social controversy theory and methodological approach, brief examples from the Abu Ghraib social controversy will be used.

Collectively, these critiques will lead to a discussion of the role affect plays in social controversy. Considering how integral affect can be to the provocation and perpetuation of social controversy, it has only been explicitly theorized by Greene and Hicks (1993) and implicitly addressed by Fritch et al. (2006), and DeLuca (1999b). Since affect has been undertheorized in this literature, this chapter will include a theory of the affective dimensions of social controversy. The affective dimensions of social controversy deal will the affects, feelings, and emotions that play a significant role in the conflict as part of the argumentative substance that people are arguing about. Just as the “traditional” dimensions of social controversy address some of the political, cultural, and ideological issues and implications of the conflict, the affective dimensions deal with the affects, feelings, and emotions that are also at issue and have implications for germane publics. The relationship between affect and social controversy will be explicated in three parts. First, the concept of affect will be explained in detail. Second, a lexicon of terms will be offered to aid in the operationalization of affect for use in rhetorical theory, specifically social controversy research. Third, a more in-depth explication of emotion-based claims, affective states and the relationship between then will be given.
Olson and Goodnight’s Theory of and Methodology Framework for Social Controversy

The Theoretical Underpinnings

Social controversies permeate everyday life. They are common, even at times banal, yet significant to the creation, perpetuation, and reform of the dominant conventions and norms we collectively live by. As a form of rhetorical criticism, Olson and Goodnight’s (1994) theory of social controversy focuses on the tactical movement of oppositional argumentation to determine how claims function in relation to each other and dominant communicative norms, practices, and reasoning. By highlighting opponents’ argumentation strategy, Olson and Goodnight were able to analyze the implicit and explicit regulation of public discourse that occurs during these types of conflicts which, they believe, is a constitutive feature of the contemporary public sphere. More than staged critical discussion or publicized differences of opinion, social controversy makes the implicit parameters of public discourse discernible and, hence, vulnerable to critique.

The interplay of risk and controversy is valuable, as Wilson (1995) explains, for “[o]ne can understand more fully traditional values, procedures, and norms when they are at risk” (204). This risk makes social controversies replete with potential—arguments are raised not simply to garner agreement but instead influence social, cultural, and political change. Consequently, these conflicts can have implications for the performance of citizenship and the normative standards that guide it. As Fritch et al. (2006) assert “[Social] Controversy, then, is not a sign of a sick society or a demos incapable of action
but, instead, often is a sign of a public capable of evolution, changing in response to shifting beliefs, norms, and conditions” (192). Thus, social controversies address overarching civic topics and issues such as: democratic participation and inclusion; economic dispensation and consumerism; identity politics and grievances; civil and human rights; and, lastly, socially just policies and practices.

Not surprisingly, social controversies can produce “rich moments of rhetorical invention” during which opponents may creatively stretch the limits of conventional argumentation in an attempt to influence the direction of the conflict and move the public in a given social, cultural, and/or legal direction (Olson and Goodnight 1994, 273). Like Olson and Goodnight, Dascal (2001) highlights the strategic nature of controversies which, he argues, creates a context in which argumentative imagination, creativity and innovation are desirable skills since they can bring novelty to longstanding, and possibly stagnant, conflicts. For both, the process of rhetorical invention begins with a critical objection to taken-for-granted norms, beliefs, and practices that “spreads quickly to other problems and reveals profound divergences” between the opponents’ argumentative mentalities, methods, and values (Dascal 2001, 315). Goodnight (2003) asserts that

---

13 This evolutionary possibility was also noted by Dascal (1995, 1996) who asserted that controversy is a catalyzing force in the advancement of mathematical and scientific theory as well as disciplinary epistemic growth and change. Considered the “the grand man of the study of controversy” within philosophy, Marcelo Dascal built a typography of controversy in response to the dichotomy within dialogue literature between discussion and dispute (van Eemeren & Garssen 2008, 1). Dascal’s research deals with determining what provoked transformations in the history of scientific and philosophical knowledge. In his more recent work, this focus has evolved to include ongoing political controversies in hopes of aiding their needed resolution. See Dascal’s (2007) Traditions of Controversy, for his analysis of the Palestinian/Israeli conflict for his foray into politicals.

14 Dascal (1995) identifies six main characteristics of controversies: the problematic evolves over time; presuppositions are continually questioned; opponents enjoy “hermeneutic freedom” when interpreting and misinterpreting each others’ claims; outcomes, interpretations, contextual boundaries, and topics remain largely open; systemic frameworks are sufficient yet basic and flexible but absolutely not
critical stances are based within an “argumentative predicament” that is driven by competing claims that demand examination, discussion, and debate (121).

Enacting an objection to a particular norm raises questions regarding its legitimacy and appropriateness for a given public since its constituency is held accountable to this standard. “In [these] predicaments,” Goodnight (2003) continues, “multidirectional, recursive vectors driving the “force of the better argument” emerge; for instance, validity conditions that simultaneously invite reflection, yet demand resolution among interlocutors” (121). During social controversies each opponent asserts his/her claims as valid within a given context. As the conflict unfolds, a public’s constituents judge the validity of competing claims in accordance to the normative standards of legitimacy and propriety they collectively want to live by.

*Olson and Goodnight’s Methodological Framework*

Olsen and Goodnight (1994) lay out a specific methodological framework that rhetorical critics can apply to social controversies in order to analyze opponents’ tactical arguments and how these claims affect the regulation of public discourse surrounding this conflict and similar issues. First, critics need to identify “the central assumptions put at risk in the debate” (253). What social conventions and norms are being contested? Who is questioning their legitimacy and propriety? What dominant practices, performances, and reasons are sanctioned by these conventions and norms? As mentioned in the

arbitrary; and controversies can be productive even if unresolved (Dascal 1995, 17-21). Of these, perhaps the most important to communication research is Dascal’s recognition of the hermeneutic play that occurs within controversies. There is a strategic nature to misinterpretations which is used to push an opponent’s agenda and is rationalized via a contextual reframing. Thus, content and context are understood as bidirectional; interpretation of one effect what is considered relevant aspects of the other. Dascal (1995) concludes that “[s]uch a bi-directional interaction between context and content is essentially open (rather than pre-determined), and constitutes one of the essential conditions for understanding the recurrence of interpretative or hermeneutic issues in controversies” (Dascal 1995, 24).
previous chapter, the Abu Ghraib social controversy dealt with “traditional” issues regarding the legitimacy and propriety of the soldiers’ actions depicted in the leaked photos as well as affect-based issues about how Americans should feel in relation to these graphic images.

Discussion of these assumptions should then lead to an examination of the contextual factors that make a specific action, claim, or text a “site of struggle at this historical juncture” (253). Olsen and Goodnight are not necessarily suggesting that critics do a historical contextualization of the debate itself but rather a deconstruction of the factors that contributed to the political conditions for this social controversy. For instance, an analysis of the Abu Ghraib social controversy need not include a detailed historical timelines of the events leading up to the photos being taken and publically disseminated. Rather, the contextualization of this conflict would focus on the political measures taken legally to rationalize the abusive treatment of these prisoners, the cultural normalization of American Islamophobia and hatred, and lastly, the mediated, social character of contemporary American military life that enabled the digital capture of these actions for easy distribution and circulation.

---

15 Since their analysis of the fur controversy is not based on any one particular event, action, or text, Olsen and Goodnight focus on the overall social, economic, cultural, and legal factors that allowed for the implicit norms regarding the consumption of fur to be recognized and challenged.

16 More recently, Goodnight (2005) has asserted that sustained controversies can mutate over time. As he explains, “The focal issues of a period may shift, but once initiated controversies do not so much die out as become dormant, only to reappear in more virulent form later…The study of controversy, then, require historical scope combined with comparative analysis of progressive or mutative iterations” (27).

17 Explication of the political factors that cultivated the Abu Ghraib controversy would focus on the two most infamous “torture” memos drafted by former White House Counsel Alberto Gonzalez and former Assistant Attorney General, Jay S. Bybee that offer legal rationales for the use of harsher interrogation tactics by characterizing the prisoners as enemy “combatants” rather than enemy “soldiers”, and narrowly redefining the U.N.’s definition of torture, respectfully. The cultural factors would address
Lastly, “the general shape” of the oppositional arguments within social controversies should be analyzed (253). Within this framework, discursive and nondiscursive forms of argument are ascribed different functions and perform distinct tasks that work in conjunction with one another. Discursive oppositional arguments contest claims, block enthymemes and dispute implied norms. For Olsen and Goodnight (1994), dominant communicative conventions and norms retain their political influence via enthymetic power; meaning their legitimacy and propriety is assumed and remains unquestioned. Discursive arguments attempt to obstruct enthymetic associations through critique and refutation of specific claims, actions, or texts that perpetuate the implicit normative standards and relations being objected to. As an attempt at delegitimation, discursive claims challenge the “acceptability of the communicative context within which the [claim, action, or text] is offered as secured” (251). When discursive claims lead to normative delegitimation, this cultivates the political and cultural conditions for dominant standards to be expanded, renegotiated, and, ideally, reassociated to new, more inclusive practices, principles, and forms of reasoning.

Non-discursive argument, specifically visual images and performance, can be used in novel ways to facilitate normative reassociation. “As the discursive side of social controversy may expand opposition, sometimes radically, by questioning the imputed grounds of reasonable argumentation,” Olson and Goodnight (1994) explain, “the rise in violent acts against Muslims following September 11th as well as a discussion on how Muslims were racially profiled by federal, state, and local American authorities due to the heightened affective state of fear within the U.S. Finally, the social factors would deal with the increase in the media technology that soldiers carry with them on the field which has enabled more candid, private glimpses into soldiers’ daily experiences in the U.S. War on Terror.
nondiscursive side works to reconstitute grounds by display of radically recontextualized appearances that provoke reexamination of the norms of personal conduct and challenge the range of publicly acceptable means of communication” (252). Deem (2010) notes that the “radical potentialities” Olson and Goodnight assign non-discursive claims are made possible through the arguments’ form, not solely their substance (61). In other words, both the performed critique and subversive or ironic imagery make relations of power and their cultural, legal, and economic circulatory systems more easily discernable bringing the privilege embedded in dominant conventions and norms into sharp relief to nondiscursive forms of argument. Within social controversies, embodied and visual claims help engage a public’s political imagination in order to envision communicative practices and principles of reasoning guided by a different set of normative standards. When faced with the combination of normative deconstruction and reassociation, a public is given the opportunity to “bolster, alter, or abandon the social and communication practices in question” (Olson and Goodnight 1994, 252). A brief example from the Abu Ghraib social controversy can help explicate how Olson and Goodnight apply discursive delegitimation and nondiscursive reassociation to argumentative claims.

It’s Not as Bad as Beheading

Maureen Dowd’s claim contesting the stance that the abuses at Abu Ghraib are acceptable because they are not as bad as the tactics terrorists employ is a keen example of a discursive attempt at normative delegitimation. Simply put, Dowd (2004a) asks, “Should we really be reduced to defending ourselves by saying at least we don’t behead people?” By posing this question, she problematizes the legitimacy and propriety of a
logical framework that approves of any U.S. military action as long as it is slightly less barbaric than decapitation. This claim raises that question, in being not quite as violent as the “terrorists” have we have vilified and declared war upon the best standard Americans should hold their military to? A common, and poignant, nondiscursive argument that functions in conjunction with Dowd’s claim has been made by individuals who, mimicking the iconic photo, have stood in public places on boxes, donning black hoods and shrouds with wires dangling from their fingers. One such example is Joseph Previtera’s silent demonstration.

Previtera quietly stood next to the entrance of a U.S. Armed Forces recruitment office in Boston—an eerie homage to the Iraqi prisoner forced to endure this position and a subversive protest of military use of this practice (Dodero, 2004). Explaining that he felt “street theater [would] be more effective in conveying a message than a flier,” Previtera chose the location because he “wanted to make people think about what they might be called or forced to do if they enlist in the military” (Dodero, 2004). As a nondiscursive claim, Previtera’s performance makes viewers literally face the abusive actions U.S. soldiers may, under orders, be required to perform. By positing his hooded and shrouded body within this public space he meant to attract potential recruits by beckoning them to “be all they can be.” Previtera challenges individuals to reassociate normative standards of legitimate and appropriate U.S. military action to a higher and more ethical standard of conduct. When U.S. military personnel is acting in a manner indicative of “all they can be” should not that conduct be more just than simply not beheading people.
The Critical Evolution of Social Controversy

Scholarly response to Olson and Goodnight’s theory and methodological framework of social controversy has been mostly positive, expanding upon their work rather than challenging it. Along these lines, a generative approach is taken to address four key extensions and constructive criticism of Olson and Goodnight’s work. This generative approach the literature on social controversy enables a critical evolution of the Olson and Goodnight’s theory and methodological framework in order to create a richer, more diverse and nuanced understanding of this type of conflict. To do so, this section will address issues regarding discursive and nondiscursive arguments; the limitations of “opposition”; the inclusion of incommensurate discourses; and the potential for change.

Discursivity and Non-Discursivity

The distinction between discursive and non-discursive arguments has been critiqued by some scholars as a problematic and unnecessary separation (Finnegan, 2000; Fritch et al. 2006; Deem 2010). On the positive side, ascribing discursive and nondiscursive claims separate, albeit complimentary, argumentative functions establishes a clear typography of social controversy for critics to employ. However, as Fritch et al. (2006) argues, these types of “clean distinctions may obscure the [additional] ways in which discursive and nondiscursive arguments may intersect” in both productive and unproductive ways (193). Interestingly, when Olson and Goodnight theorize social controversy they acknowledge how deeply interconnected discursive and nondiscursive claims are. They even state that “[d]iscursive argument has its nondiscursive side,” implying that discursivity and nondiscursivity are different aspects, rather than
completely separate *forms*, of claims. Yet, when they apply this theory to the fur controversy, the separation between discursive and nondiscursive arguments is exacerbated (DeLuca 1999a). The oppositional arguments over fur are analyzed and explicated within a three-tier linear, progressive framework; an initial objection evolves into a discursive process of unrelenting normative delegitimation that enabled the nondiscursive reassociation of the conventions and norms surrounding the use of fur to occur. Olson and Goodnight’s formal application of socontroversy supports Fritch et al.’s critique by inadvertently establishing a formal methodology that privileges discursive arguments as the catalyst and precursor to nondiscursive claims as well as imply social controversies will lead to progressive political change (DeLuca 1999a; Deem 2010).

Both Finnegan (2000) and Delicath and DeLuca (2003) assert that nondiscursive arguments, such as photographs and image events, are not simply univocal statements or secondary claims made to assist discursive claims; they are polysemic texts that can incite social controversy. Finnegan (2000) argues that an image can cause social controversy due to differing ideological interpretations of its’ rhetorical *symbolism*, differences in how participants argumentatively *use* the image, and disparities in how the image *functions* within society. The controversial images from Abu Ghraib prison exemplify this; when leaked, they prompted a cacophony of contradicting interpretations

---

18 The oppositional arguments made during this controversy become a stance of sustained objection that incrementally elevates discursive questions regarding the legitimacy and propriety of the “local” communicative context to discursive indictments of “global” procedural injustice and, finally, assert new, alternative nondiscursive forms of communicative norms, practices, and reasoning that embody this position. So, even though Olson and Goodnight’s theory of social controversy is fairly radical in its conceptualization of the argumentative interconnection between discursivity and nondiscursivity, the methodological application reinforces a strict division between them as different types of arguments that have separate functions.
causing a maelstrom of disagreement. For some, these images symbolized anything from U.S. Islamophobia driving the War in Iraq, to the brutal nature of war that enables prisoner abuse, to America’s liberal ideology of torture, and even to the soldiers’ need to blow off some steam. During this controversy, the images were used as evidence of: the need for a change in U.S. interrogation policy, the soldiers’ debauched misconduct, the hypocrisy of American democracy, the weakness of Iraqi forces, Americans’ desire for vengeance, and the intense level of stress U.S. military personnel face in the field. There are also discrepancies in how the Abu Ghraib photos are believed to function in society. For instance, they can act as: a soldier’s trophy, an interrogation tool, motivation for Arab retaliation, and a reminder of U.S. fallibility.

Delicath and DeLuca (2003) maintain that within society’s heavily mediated environment, image events, or “staged acts of protest intended for media dissemination,” are fragmented nondiscursive arguments that dramatically publicize the objections individuals have to dominant norms and can instigate social controversy (317). As “critique performed through spectacle,” multiple image events were staged in objection to the prisoner abuse at Abu Ghraib (321). Between May 2004 and June 2005, individuals—like Joseph Previtera—dressed as the prisoners depicted in the photos and demonstrated at New York’s Hunter College, Chicago’s Water Tower on the Miracle Mile, Pittsburgh’s East Liberty Park, the 2004 Democratic National Convention in Boston, and San Francisco’s Davies Symphony Hall during a speech by then U.S. Secretary of State._____

19 See Jacob (2004) for a discussion of some of the immediate public response to the leaked Abu Ghraib photos. Also see Luban (2006) for an insightful analysis of the “liberal ideology of torture” that underwrites both the Gonzalez and Bybee memos that rational using harsher interrogation tactics during the U.S. War on Terror.
Condoleezza Rice. When protesters intentionally donned the guise of Abu Ghraib prisoner and publicly enacted the abuse and torture captured in the photos, these spectacular displays highlighted these citizens’ disapproval of the U.S. policies that underwrite the abuse and torture. The striking character of these protests can provoke candid discussion of implicit and explicit norms guiding the U.S. military’s interrogation tactics and overall conduct during the War on Terror. Since image events can act as argumentative fodder, not just definitive claims, they risk being appropriated and reframed in ways that modify their interpretation in order to support either side of a controversy, which can drastically alter the protestors’ intended meaning. By expanding upon the theory of nondiscursive oppositional arguments, Finnegan (2000) as well as Delicath and DeLuca’s (2003) work exemplifies how social controversy analysis can benefit from a less rigid, more critical methodological approach that problematizes the binary argumentative division of opposition.

The Limitations of “Opposition”

Olson and Goodnight’s (1994) theory of oppositional arguments assumes that claims made during social controversies should be analyzed as part of only two dichotomous “sides.” Surprisingly, rather than make the opposing sides within social controversy more recalcitrant, they assert that sustained controversy does not necessarily result in polemic “incommensurate positions” (252). Instead, the persistent argumentative pressure of sustained controversy is simply believed to lead to more creative and inventive “resistance through the transformations and reiterations of discursive and nondiscursive arguments contesting definitions of acceptable and unacceptable social
conventions and norms of communicative reasoning” (Olson and Goodnight 1994, 252). Although controversies can lead to innovative, unconventional, and, at times, radical arguments, the contest-driven nature of Olson and Goodnight’s theory does support a dualistic mentality that imagines opposition as either acquiescing to or overt resistance of dominant norms (Kaufman 1991).

Kaufman (1991) asserts that stressing adversarial tactics over critical, contextual subtlety “fosters a narrow view of controversy as a zero-sum contest of wits” (18). By overemphasizing dichotomous opposing positions, Olson and Goodnight’s method risks overlooking the nuance and uniqueness of claims that may, on their surface, appear as simple acceptance or resistance (Deem 2010; Ono and Sloop 1999; Phillips 1999; Wilson 1995).20 Deem (2010) calls this the “compulsion toward reducibility” that is provoked by a desire to translate what we witness “to common needs, desires, and even bodies [which] leaves remainders that cannot be accounted for within dominant reading structures” (60). This slippage occurs when Olson and Goodnight ultimately return to traditional norms of argumentative effectiveness when analyzing social controversy. Traditional norms of effectiveness are problematic when assessing arguments that are difficult to translate or often reduced to sentiments that severely alter or simplify their meaning. Irreducible, distinctive claims may not receive the critical attention they need for their contextual

20 Wilson (1995) argues that claims made during a social controversy are, oftentimes, part of overarching argument formations. As he explains, “the term argument may refer to a single assertion or to the interaction between individuals, whereas an argument formation is a larger linguistic form that presents a coherent set of beliefs, perspectives, and normative approaches to human existence” (204). This may add to the perception of a polemic controversy because although claims can be made from an infinite number of perspectives, differing claims may still belong to the same overarching argument formation. However, the nuances of each claim should not be overlooked simply because an argument is similar in inference and substance to a specific formation.
intricacies to be understood and/or appreciated. Judgments of efficacy, which are influenced by normative standards of legitimacy and propriety, typically succumb to the “sovereignty of [common] meaning” (62). Norms of effectiveness that cannot “account for the possibilities of this irreducibility beyond failure” do not aptly take into account the conditions of radical plurality that characterize contemporary public spheres (Deem 2010, 61).

Within the public discourse, the Abu Ghraib social controversy was framed as a conflict between those who supported and those who opposed the actions depicted in the infamous photos. However, many citizens voiced opinions that did not expressly fit on one side or the other; instead, their stances displayed characteristics of both. For example, when Dallas resident, Pat Neil, was asked what he thought of the soldiers’ actions, he explained, “This is war. It’s not right, but war’s not right...Given the circumstances, I don’t see how they would not do something—after seeing their buddies dragged through the streets. They’re over there to give the Iraqis freedom, and they’re getting killed every day” (Jacobs 2004). Neil disagrees with the ethics of the soldiers’ actions but he also expresses a rational consideration of the extenuating circumstances that may have provoked their behavior. Not clearly support for or opposition to prisoner abuse, Neil’s claim risks being reduced to a position of support even though he states “war’s not right,” or possibly being overlooked because it does not clearly articulate or support either “side.”

To account for the limits of opposition-based theory, Phillips (1999) uses postmodern theory to address the “fluidity, multiplicity, and mobility” of contemporary
His concern is that the intricate detail and unique texture of controversy will be lost when it is assessed in terms of the normalizing ideals of “genuine public presence, genuine deliberation, [and] the force of the better argument” that Olson and Goodnight attribute to both the contemporary and traditional public sphere (491). The combination of these normalizing ideals and the formal application of social controversy theory suggest that participants’ have singular identities, and claims have definitive meanings, “which belies the social polysemy and contestation which give rise to social disruption and controversy” (491). Phillips, therefore, advocates a postmodern approach to social controversy that does not separate dissensus into two opposing sides but rather, keep the polysemic character of controversy intact.

**Incommensurable Discourses**

Even though Ono and Sloop (1999) agree with Phillips’ theory, they argue that Phillips’ analysis of the controversy surrounding the colonial African American burial ground accidently excavated in New York City inadvertently contradicts his theory by restricting the conflict to oppositional arguments within *commensurable* discourses. Commensurable controversy assume that regardless of how opposite stances are, differing positions have a basic level of agreement regarding the issues, individuals, and norms that are germane to the conflict. When opponents’ claims are based in commensurate discourses, they typically “disagree on the outcome of a *shared question*

---

21 Phillips (1999) makes a distinction between what he defines discursive and rhetorical controversy. Discursive controversy leaves the communicative norms that undergird the disagreement intact whereas rhetorical controversy disables them. In other words, analysis of discursive controversy only deals with the topic of the conflict whereas rhetorical also deals with the regulation of discourse as well as the power relations underlying it.
commonalities do not stop here; conflicting positions within commensurable discourses can agree upon the argumentative logic that frames the conflict, the dominant parameters of normative standards from which claims are judged, and the governing institutions that hold some power and/or authority over these matters. Collectively, these similarities can facilitate the resolve of social controversy. This does not, however, take into consideration positions that are incommensurate with these shared issues, logics, normative standards, and institutions.

When claims are raised from incommensurable discourses, the proponents of these stances may not agree with what the driving question of the conflict is, or base their arguments within the same logics, normative standards, or institutions as other exponents that hold more dominant positions. As examples of incommensurable discourses, out-law (Ono and Sloop 1997, 1999), subaltern (Ahmed 1992, 2005b), and minor rhetorics (Deem 2002, 2010) are irreducible public forms created in relation to dominant discourses, without necessarily countering them. These rhetorical forms problematize normative standards of legitimacy and propriety not through opposition, but rather deep-seated divergence which reveals how and why proponents of these rhetorics have disproportionate access to and inclusion in public discourse regarding this issue.

Ono and Sloop (1999) as well as Deem (2010), therefore, implore scholars to include these rhetorics in social controversy analysis. Incorporating out-law, subaltern, and/or minor rhetorics in controversy criticism necessitates “new reading strategies” to account for incommensurate claims and stances that risk being reduced to dominant
positions or worse, being completely overlooked (Deem 2010, 65). Since critics of social controversy analyze how these conflict affect the regulation of public discourse, also examining these rhetorics can enable scholars to understand the factors that contribute to the marginalization and oppression of incommensurate stances and/or their proponents. However, highlighting out-law, subaltern, and minor rhetorics within social controversy does put exponents of these discourses at risk of “further marginalization” and the “potential for a backlash” (Ono and Sloop 1999, 535).

It may seem strange to identify Harvard Law Professor Alan Dershowitz as a proponent of an out-law rhetoric, but one need not be in a position of marginalization to hold an incommensurate stance. Incommensurate discourses, specifically out-law rhetorics, are not inherently liberal or progressive; they are simply outside the dominant argumentative logics that uphold the controversy (Ono and Sloop 1997). Thus, Ono and Sloop (1997) explain, “Critics must remain open to the possibility that the logics of judgment they find within out-law [rhetorics] might counter the forms of judgment that they would like to see invoked within a given community” (62). Proponents of incommensurate discourses pose different question, live by different norms, adhere to different standards, and/or endorse different institutions than exponents of commensurate ones. Within the Abu Ghraib social controversy, Dershowitz does just this when he advocates for the use of torture warrants.

For Dershowitz, the actions at Abu Ghraib prison do not rouse the question what interrogation tactics are legitimate or appropriate for U.S. soldiers to employ; this is a mute point since, he believes, American government and military officials will always
approve some acts of torture to obtain intelligence about terrorist activity. Dershowitz (2004b) explains,

I took no normative position on whether non-lethal torture should be justified under such extreme circumstances [i.e., ticking time-bomb scenario], but I did assert that I believed that any democracy would employ non-lethal torture as a last resort (if all other inducements and techniques short of torture had failed). I then argued that if torture were to be employed, it would be better (or, more precisely, less bad) for there to be a warrant requirement as a prerequisite for any use of such an abhorrent tactic. (n.p.)

If employed, Dershowitz asserts that torture warrants would make the interrogation process more transparent; the use of abusive tactics could be regulated and documented enabling a clear chain of command to be held accountable for its use. Torture warrants could then end the gross misuse of these tactics by making the practice explicit rather than hidden by a shroud of secrecy.

Dershowitz does not judge the events at Abu Ghraib by normative standards of legitimacy or propriety, nor does he adhere to an absolute logic of support for or opposition to the use of non-lethal torture interrogation tactics to this controversy. Instead he assesses the situation by standards of prudence and the logic of situational necessity. Dershowitz asks how the inevitable use of these tactics can be utilized in the most democratic manner—being effective tools for gathering intelligence and being employed as ethically as possible within these “extreme circumstances.” This argument for torture warrants is an out-law rhetoric within the Abu Ghraib social controversy that renders the legitimacy and propriety of the common questions, normative standards, and argument logics of this conflict uneasy. This (dis)ease was so intense that Dershowitz’ stance on torture warrants stirred its own conflict amongst political theorists, human rights
advocates, lay citizens, lawyers, politicians, and journalists. It seems being prudent about issues of torture and abuse is incommensurate with both the Abu Ghraib social controversy and the general public.

The Potential for Change

Even though these extensions and friendly critiques of social controversy are vastly different, most do share one common theme—the belief that these types of conflicts are critical moments because of their inherent potential to incite social, cultural, and political change (Dascal 1995, 1996; Deem 2010; Fritch et al. 2006; Ono and Sloop 1999; Phillips 1999; Wilson 1995).22 Even the most scathing critique, which is posited by Phillips (1999), shares this focus; he grounds this critique in a postmodern theory of the public sphere. Phillips argues that within transient, fragmented contemporary public spheres contradictory articulations are considered disruptive to the “regularized strategies for maintaining discursive and material coherence” among this group (495).23 Once disoriented, a public may enter into a process of meaning and subject position displacement and redefinition to address what some members argue are equalities and deficiencies amongst the group. “The process of controversy elaborated here,” Phillips (1999) explains, “provides[s] momentary opportunities to resist, change, and reform the local practices of those involved” (495).

---

22 The works listed all speak explicitly about the transformative potential of social controversy.

23 Contemporary publics, Phillips (1999) argues, are temporarily composed of fragmented groups of individuals; consequently, the meanings of an action, text, or claim as well as the standards of legitimacy and propriety from which they are judged are only provisionally situated amongst them. When controversy occurs within these publics, members are disoriented by the articulation of contradictory, not necessarily oppositional, interpretations of an action, text, or claim.
Phillips’ theory of disorientation with its disruptive tactics of displacement and redefinition is strikingly similar to the process of delegitimacy and reassociation that Olson and Goodnight (1994) attribute to oppositional arguments. Both are two-step, deconstructive methods that first, cast doubt on implicit conventions and norms and second, propose alternatives to them. Zulick and Laffoon (1991) note that this combination of “critique and invention” is common among “emancipatory discourse” which represses dominant enthymematic premises and introduces “variant understandings that reconfigure a current idiom in a preferred direction” to incite social, cultural, and/or political change (251-252). Despite these similarities, there are three main distinctions between Olson and Goodnight and Phillips’ theories: the “public” context of the controversy (i.e., situated/neo-traditional or transient/fragmented); the number of conflicting stances (i.e., two or several); and lastly, the consistency of normative standards (i.e., enduring or contingent). Regardless of these differences, Phillips as well as Olson and Goodnight position political resistance and transform as the aim of these analogous processes.

In other words, the type of public, the number of positions, nor the consistency of normative standards does not necessarily influence the possibility of political change. These aspects of social controversy do not account for the felt experience of political resistance and transform which underwrites Olson and Goodnight’s and Phillips’ different, yet inherently similar, processes. Both of these theories establish the same affective conditions that provoke moments of social controversy: the force and intensity of a participant’s claim can trigger an *unsteady or destabilizing sensation* associated with
feelings of delegitimacy and/or displacement followed by attempts relieve or soothe these feelings via stabilizing acts of redefinition and reassociation. Simply put, if an objection does not or cannot create sensations of destabilization and feelings of delegitimation it has not instigated social controversy or opened the possibility for political change and transformation. As Grossberg (1997) explains, “Affect defines, then, a condition of possibility for any political intervention” (161). Even the generative methodological framework offered here, which takes into account all of the constructive critiques and extensions of the theory of social controversy proffered still does not offer a means to examine the underlying felt conditions of the experience of social controversy which can provoke change and transformation. Thus, a better indicator of the potential for political transformation within the “emancipatory discourses” of social controversy is affect. Ruddick (2010) asserts, “The centrality of affect to a process of collaborative emancipation cannot be overstated… [it] is central to understanding the ethico-political dimensions” of public life (27). Yet, even though feelings of delegitimacy/displacement can be attributed to a loss of balance that is experienced due to the sensation of friction that occurs during social controversy, the role affect plays in this type of conflict has been relatively ignored, or worse, vilified.

Fritch et al. (2006) expanded on Olson and Goodnight’s theory of social controversy by conceptualizing disingenuous, or false, controversy. Disingenuous controversy occurs when arguments are used to suppress “dissent and re-center an orthodox form of communication” that thwarts “genuine” deliberation (201).\(^24\) During

\(^24\) I believe that conceptualizing a type of controversy that doesn’t lead to social, cultural, or political change and labeling it “disingenuous” does a disservice to deep-seated quality of risk that Olson
disingenuous controversies specific opposing positions, and the individuals that advocate them, are jettisoned from the conflict which leads to the calcification of dominant communicative norms and conventions. In these cases, excluding critical stances and their proponents from the public discourse is deemed legitimate and appropriate which, therefore, appears justified. An “overripe” context can cultivate disingenuous controversy because debate about a problematic situation has been so delayed it is difficult (if not impossible) to discuss the matter in a rational, critical manner. When a context is overripe, Fritch et al. (2006) explains, “controversy may focus more on an argument’s emotional affects than on its substance” that can “forcefully collapse the discursive and nondiscursive components of oppositional argument” limiting the possibility for social, cultural, or political change (202).

The concept of “overripe” context, therefore, implies that when the focus of a controversy is emotionally (rather than rationally) driven, the conflict itself becomes suspect and its outcome is considered “false,” “disingenuous,” or “insidious” rather than “genuine.” By vilifying emotion as lacking substance and causing disingenuous controversy, Fritch et al. (2006) perpetuate the modernist dichotomy between reason and emotion. Even though this dichotomy has long been demystified, the binary between reason and emotion continues to haunt argumentation and rhetorical research (Deem and Goodnight attribute to their theory of social controversy. Stating an objection publicly is a two-step gamble; first, will this oppositional claim be taken up, circulated, and debated within the public discourse and then, will this critique have a strong enough impact to provoke the social, cultural, and/or political change the rhetor is advocating? If one of these “gambles” does not payout, does that mean the controversy is false? Perhaps it does not lead to change but it is a historical moment when dominant norms, practices, and reasoning are contested. Rather than label a controversy false, why not recognize how normative standards of propriety create a requisite level of decorum that impose a form of disciplinary power that regulates all types of social controversy. All critical objections are held to certain standard of decorum to be circulated and thoroughly addressed. This will be addressed in more detail in chapter three.
2010; Hyde 1982; Micheli 2008). This reason/emotion dichotomy aligns reason within the mind deeming it legitimate because it assumes action is the product of a rational, critical thought process that is compelled by practical and/or indifferent logic. Whereas emotion is aligned with the body deeming it illegitimate because it assumes action is the product of base instinct or motivated by concentrated desire that is not rationally assessed beforehand. These dichotomous designations establish a typography of social controversy enabling scholars to categorize claims but it also drastically limits the conceptual nuance needed to flesh out how affect (in this case felt emotions) functions argumentatively and rhetorically within controversy.

For instance, Fritch et al.’s theory of disingenuous controversy implies that affect does not play a role in social controversy until it somehow overpowers rationality. When a proponent’s emotions become salient within a controversy, it is assumed that the logic of his/her actions has been compromised by the intensity of his/her affective state. This assumption attributes a cancerous quality to affect as something that can maliciously “infect” reason and “incapacitate” the transformational potential of controversy. Framing affect as either nonexistent or solely as the enemy of reason, overlooks the role affect can play in the provocation and perpetuation of social controversy as well as the positive feelings and emotions that compel change such as hope and optimism. Affect is a constant dimension of social controversy. Whether it acts as the backing, warrant, or ground of an argument or even the claim itself, affect occurs in conjunction with reason, not in lieu of it. Within social controversy, affect is a multifaceted phenomenon whose manifestation, use, function, and impact is contextually driven and can range from the
affective state of a rhetor, to an emotion-based claim made as an objection, to a
disciplinary force in the regulation of public discourse as well as public conduct, and
even to a basis for the creation of civic relations. The explication of affect role in social
controversy is a glaring omission in the theory and methodological framework of this
type of research that this project aims to correct.

The Relationship between Affect and Social Controversy

The Movement of Affect

Affect is intricately intertwined throughout the argumentative process of social
controversy. In short, affect is always a part of controversy yet it varies in force and
intensity making it more or less salient or evident to researchers. As mentioned in the first
chapter, affect is an emergent yet transitory relation between sensate environments and
one’s visceral (re)actions to them which culminate in the experience of embodied
sensations. It is a multi-directional relational phenomenon; a perpetual unfolding and
inolding between the self and its sensual, and inherently social, surroundings that has
ephemeral physical and mental effects that continually changes and adapts. The
sensations of affect act as involuntary waves of physiological, biological, neurological,
and hormonal surges that reverberate throughout one’s body and mind in conscious and
nonconscious ways. Massumi (2002) argues that mental registration of corporeal
sensations is a form of depth perception called mesoperception. Specifically, Massumi
(2001) claim, “Mesoperceptive flesh functions as a corporeal transformer where one
sense shades into another over the failure of each, their input translated into movement
and [a new wave of] affect” (62).
In short, affect is experienced as both sensate-visceral relationships that differ in *force* and sensations which vary in *intensities* compelling, suspending, and/or completely impeding movement. Embedded within the force-relations and corporeal intensities of affect lays its capacity (i.e., ability and possibility) and power (i.e., strength and influence) to propel one into action (Massumi 2002). Affect, therefore, exists “as potential: a body’s capacity to affect and to be affected” is an architectonic element of change (Seigworth and Gregg 2010, 2). It is this potential for change that makes the affective dimensions of social controversy significant areas to analyze and understand as *openings* for social, cultural, and political change. In other words, within a social controversy, affect can cultivate opportunities for transformation by orienting and galvanizing publics to alter, renovate, and/or reform the communicative norms and conventions that guide public discourse.

But, how does an individual “come to shift its affections (its being-affected) into action (capacity to affect)” (Seigworth and Gregg 2010, 2)? When individuals are “affected” by the sensate-visceral experience of their surroundings, it can compel a type of orienting movement—a turning towards or away—which adjusts one’s relational position to his/her environment and, more specifically, a particular claim, text, and/or event. This orienting movement has a dispositional quality. Brennan (2004) explains, “By disposition, I mean the direction of negative affects such as aggression. The questions should be: To whom [or what] is the affect directed” and what effect can and/or does it have (15)? Affect directs us towards a course of thought and action, mentally and physically shifting us in our relation to all aspects of our implicitly social, cultural, and
political lives. Over the course of time, consistent patterns of affects prime individuals. Affective priming occurs when one’s history of affective experiences nonconsciously “activate[s] associated responses in the brain” with only limited sensory exposure and in some cases only the imagined experience of them (Fockenberg 2008, 137). In this way, a person’s general attitudes towards and judgment of an experience is oriented by a combination of immediate affects (regardless of how limited) as well as one’s corporeal history of them since, as Probyn (2005) explains, “the past is carried somatically, that is, in the body” (47).

Rhetorically speaking, affect’s orienting capacity is best captured in Aristotle’s conceptualization of pathos, which Hill (1983) explains, “literally means a state of being acted upon, that is, experiencing” (45). When individuals employ pathos as an artistic proof, they attempt to evoke a specific affective state within the audience that would orient listeners to the rhetors’ claims in a manner intended to elicit a favorable judgment from them (Micheli 2008). Interestingly, recent studies in cognitive psychology support this ancient rhetorical technique. As Clore and Colcombe (2003) found, “mood [i.e., affective states] influences evaluative judgments” but only when this mood is oriented towards the object of judgment not when it is simply a general state of affectivity (p. 346).25 By recognizing these ties between affect, persuasion, and judgment, critics can “comprehend how a speaker interacts with listeners to bring them to a state of mind compatible with his/her aims while at the same time transforming them into a more

25 Another fascinating finding by Clore and Colcombe (2003) is that blatant attempts at affective priming result in contrasting effects, meaning if one is trying to overtly prime someone to have positive feelings towards an object, it will result in negative evaluations of that thing.
cohesive group” (Smith and Hyde 1991, 451). This cohesion is achieved not solely through the commonality of shared experience but also the shared judgments that arises from it.

Affect not only has the capacity and power to orient individuals, it can also galvanize them. Simply put, the force and intensity of affect can, quite literally, move people to action. As Massumi (2002) explains, “Intensity is incipience…the beginning of a selection: the incipience of mutually exclusive pathways of action and expression, all but one of which will be inhibited” (30). Affect opens up a space of limitless possibility because there are seemingly endless avenues of movement that can be taken in (re)action to sensations and once even the slightest movement occurs, a whole other array of seemingly endless potential movements open up. As a galvanizing experience, affect acts as a sensate-visceral current that triggers both corporeal and cognitive processes which initiates individual’s emergent actions, expressions, and judgments.

Affect does not only mentally and physically orient individuals to controversial claims, texts, and/or events—it can also galvanize them to publicly engage in the conflict. For instance, Greene and Hicks (1993) assert that individuals’ participation in social controversy is driven, in part, by their “affective investment”—the force and intensity of the care they feel about the people, events, relationships, issues, and social/cultural/political conditions that are germane to the conflict. “Controversies” they explain, then “become those places in which the structure of our affective investments…are reproduced, deployed, articulated and re-articulated in order to create, maintain, and/or transform” the norms and conventions the guide public discourse, and
more importantly, establish standards of public conduct (177-178). Since the phenomenon of affect implies these two forms of movement, the affective dimensions of social controversy will address both the regulation of discourse as well as behavior within the public sphere.

My Orientation to and Galvanization about Abu Ghraib

I do not remember the exact day or time I was when I first saw the Abu Ghraib prison photos, but what I do remember is how I felt. I was reading when I heard the words “abuse,” “soldiers,” and “prisoners” from a distant television a friend, Kate, was watching. My concentration had been broken, the words rumbled in my head as I read the same sentence over and over again. I shifted my position in the chair, moved the book, stretched my arms and shoulders and looked down at the page again. As I stared at the page, the only words I heard in my head were: What abuse? What’s going on? Galvanized by my curiosity, I walked over to the television and just stood there. An intense sensation of shock took over paralyzing my body—mouth was agape, eyes narrowed, brow furrowed, my right hand strewn over my lips, my left arm stretched across my stomach hugging my waist, and my feet inches apart planted on the ground pointing towards the screen. I did not move—I could feel my heart beating in my chest, my breathing quickened and yet time seemed to stop. It felt as if I was this sensation of shock was literally forcing me to cease all activity so that I could stand there intensely focused on and completely oriented to the gruesome image from Abu Ghraib in concert with the reporters’ words. I could feel my mind frantically trying to make sense of the affect-laden information I was taking in.
As the shock began to dissipate, I experienced waves of jumbled sensations. “This is bad,” were the first words I remember Kate saying. I turned my head towards her and simply nodded in agreement before sitting down. Staring at the floor, my stomach began churning. I felt confused as I mentally ran over the story. Slouched over, hands clasped, elbows leaning on knees as I puzzled over the pain and hyper-sexualized humiliation captured in those first leaked images in conjunction with the lack of any clear explanation as to why these soldiers would do that to their prisoners. But they are in prison . . . They could not have been hurting the soldiers . . . It could not be self defense . . . Why were the soldiers smiling? Why are they so smug? How could they be enjoying this? Flashes of the images involuntarily popped up in my mind as my shoulders tensed and a huge surge of heat pulsed through my body. The thought got louder, as if echoing through my mind and ricocheting through my body. How Could They Be ENJOYING That? I got up and started pacing. I had to move as the sensations of frustration felt like jolts of energy coursing throughout my limbs in search of an outlet. Talking aloud to no one in particular, my hands violently punctuating my words—I was mad. This should not happen. Soldiers should not do that. What is going on in this country, in my country? What have we come to? What have we become? I had to do something, say something—I was galvanized. My research on Abu Ghraib began at that moment, I read everything I could find and wrote my first paper about it just a few months later. This is just a small (re)creation of how my affect relations to Abu Ghraib moved me—orienting me to the situation and galvanizing me to research it. My relationship to Abu Ghraib has evolved greatly over the years. Now as I look at those images my breathing becomes shallow, my shoulder and back sink—
my body wilts from the heaviness of sadness and remorse. To further understand how affect is mobilized in social controversies, a more in-depth discussion of some key terms in affective theory will be given to address their rhetorical and argumentative significance.

Towards a Lexicon of Affect for Rhetoric and Argumentation Studies

Affect is both continuous and punctual, meaning individuals are continuously engaged in affective experiences but they typically do not concentrate on this sensate data until powerful sensations hit them all at one—this can spark the process of feeling. The term feeling signifies both a pattern of embodied affects that is experienced as a distinct and meaningful set of sensate-visceral relations and sensations as well as the cognitive, reflexive process that discerns the significance and importance of said patterns. Simply put, a “feeling is a recognized affect, an identified [and identifiable] intensity” (Massumi 2002, 61). While feelings do not capture the full range of affects an individual embodies, they do yield insight into how one makes sense from what s/he affectively experiences as well as how one evaluates, or judges, it. For instance, when I first witnessed the images and news story about Abu Ghraib the jumble of sensations I had eventually evolved into a pattern that was clearly identifiable to me—anger. This feeling of anger included with it a basic evaluative judgment—soldiers should not enjoy causing their prisoner’s pain and humiliation. As Brennan (2004) explains, “Feelings are meant to be information about whether a state is pleasurable or painful, whether one is attracted to something or averse to it. This is the classic and only basis for distinguishing feelings and affects” (116). This basic form of judgment begins with the act of discernment; the cognitive process that
actively works to distinguish significant patterns of feeling out of the seeming chaos of affective experience.

During the process of discernment, there is a shift from the simple mental registration of affects to a complex cognitive practice that assigns significance, importance, and value to this felt experience (Brennan 2004). Discernment, as a cognitive act, can be honed and refined to make one more attuned to his/her affective state. The act of discerning patterns of feeling entails four steps. First, one reflects on the sensate-visceral relations and sensations s/he has or is embodying. Next, one discriminates (i.e., makes fine distinctions) between which affects to focus on when considering all that are experienced. Then, one assesses these discriminate affective patterns in relation to his/her history of like encounters in order, lastly, to appraise the significance, importance, and value of this feeling. In other word, “feelings are tracing a logic in the flesh simultaneously with a logic in history” (Brennan 2004, 116). In my case, discerning my anger was as seemingly instantaneous process.

The surge of heat, the need to pace, the rapid talking, the loud focused thoughts, and the overemphasized gestures is a pattern of sensate-visceral relations and embodied sensations I have experiences countless times throughout my life. Separately each of these affects could be synecdoches for other feelings (i.e., the rapid talking = anxiety; the need to pace = worry). However, when discriminating between these instances of talking and pacing in conjunction with the heat, thoughts, and gestures, the pattern can be assessed as anger rather than anxiety or worry given my history of these sensations. As my past has taught me, when I feel angry, it is typically because I appraise a situation as
unfair or unjust. Feelings would be difficult, if not impossible, to discern without the aid of one’s memory of past affective experiences—a matrix of sedimented patterns of affect that are created from the day in, day out sensate-visceral relationships and sensations an individual experiences which are saturated with personal as well as cultural significance, importance, and value.

When a feeling attains a level of collective, not solely personal, significance it is better known as an emotion. Emotions, therefore, are qualified types of embodied feelings (i.e., discernable patterns of affect) that have communicative currency as subjective experiences and intersubjective concepts. As intersubjective concepts, emotions are “limited and contained expressions of affects” that have been linguistically and symbolically fixed within discursive formations and thoroughly imbued with cultural, political, ideological, and moral significance and importance (Grusin 2010, 81). Although emotions are “common biological occurrence[s]” with shared denotative meanings, Probyn (2005) explains that they “differentiate in their causes and expressions at an individual level and within social groups” (29). For example, smiling is a universal expression of happiness that signifies individuals’ sense of joy but the reasons why people feel happy (i.e., the causes of their happiness) vary greatly.

Emotions, then, are affects that have intersubjective, denotative meaning and collective significance but also retain their subjective, connotative meaning and personal importance. As such, they “reveal information about value, either value as an agent take things or value in the world” that makes them “signs of or sources of vitally important evaluative information” (Stocker and Hegeman 1996, 82-83). My anger about the Abu
Ghraib photos, for example, has collective as well as personal significance. As an intersubjective concept, anger has a common definition—a feeling of “displeasure or antagonism, excited by a real or supposed injury or insult to one’s self or others, or by the intent to do such injury” (Kassinove and Tafrate 2006, 3). Roused by a perception of being wronged, Solomon (1993) explains that anger elicits a “judgment of personal offence” that “often has a moral edge” (227). In other words, experiencing anger can be understood as an embodied “accusation or value judgment following from the belief that another “could and should have done otherwise’” (Weiner 2006, 35). However, anger is considered a negative emotion since it can provoke individuals to commit acts of violence, instigate chaos, and cause others pain. As “an affective state,” Kennedy (1992) states that anger is “experience[d] as a motivation to act in ways that warn, intimidate, or attack those who are perceived as challenging or threatening” (150). Due to this orienting and galvanizing potential for violence, public displays of anger or conducting oneself in an angry manner is often deemed illegitimate and inappropriate behavior regardless of the perceived slight or injustice.

The collective use of and value attributed to emotions makes affect susceptible to processes of normativity and regulation. Proveti (2009) argues these norms and conventions create “emotion scripts,” which “indicate culturally specific forms of acceptable performances of emotions” that are used in socializing and disciplining practices (25). In other words, norms and conventions are established regarding legitimate and appropriate uses, expressions, and displays of emotion. Individuals learn what are the appropriate emotions to embody for specific events (i.e., joy during one’s
wedding), in response to given actions (i.e., remorse when hurting a friend), and towards particular individuals (i.e., reverence to fallen heroes). Adhering to the norms and conventions of emotion then becomes “a marker of being human, biologically and socially” (Probyn 2005, 33). For example, I have been socialized to know that while it is legitimate and appropriate for me to enact my anger over the Abu Ghraib photos by researching and writing about it, that writing could not be too emotionally charged with anger-related wording or it would not be accepted in academia due to explicit biased. Consequently, the parameters of legitimate and appropriate emotional enactment and display are implicitly and explicitly policed within the public spheres to ensure people conduct themselves “properly” within any given context.

Actively policing behavior assumes that one’s affects, feelings, and emotions can be mentally registered or cognitively discerned or apprehended. Affective traces (i.e., sensate signs of affects, feelings, and emotions) can be consistently found on the surface of the skin and are also emitted into our surrounding via pheromones and other secretions, sounds, scents, and vibrations from even the slightest movements. When affective traces reach a point of salience, or sensual saturation via force, intensity, or contrast, they can be nonconsciously registered or cognitively discerned. For instance, “looming” sounds, or sounds that move towards an individual, are more salient to that person than receding sounds (Hall and Moore 2003). A loud bang in an otherwise quiet environment, a bright white cloud in the middle of a pale blue sky, the taste of cool, crisp water after two cups of coffee, the scent of gas in one’s home, and the feel of laying down in freshly washed sheets after a long day are all examples of salient sensory
information that can provoke affective responses—surprise at the sound, whimsy at the sky, refreshed by the water, alarmed at the scent, and relaxed when lying in the sheets.

Salience, as Levine and Parkinson (1994) explain, also “implies an increased level of attention”—the more salient an affect is, the more it rouses our attention; in some cases an extremely salient affect can galvanize individuals to narrow and sharpen their focus to the origins of the sensate information (343). A case in point is Carskadon and Herz’s (2004) finding that pungent and noxious scents can be salient enough to rouse some individuals from even the deepest stages of sleep. Additionally, Turnbull and Matisoo-Smith (2002) found that the salience of bitter tastes in vegetables, such as spinach, is an underlying cause of children’s aversion to eating them. Language use can also make certain affect, feelings, and emotions salient. For example, although it might be affectively accurate to say that the Abu Ghraib photos are disgust-ridden images signify the vileness of American Islamophobia from which our former, imperialistic interrogation policy were grounded in, I should not say this in a formal research project. Considering the emotional scripts that guide both anger and academic research, it is inappropriate for me to use this language because my choice of wording not only makes my anger about this situation clearly salient, it draws readers attention to my emotional state which may cause them to overlook the legitimacy of the claim. In other words, my anger makes my claim seem unreasonable to others.

When theorizing affect for use within rhetorical and argumentation theory, the distinctions between one’s ability to discern affective states as feelings and/or emotions and the process of apprehending (an)others’ affects, feelings, and emotions needs to be
addressed. When discerning one’s own feelings and emotions, a person reflects upon, discriminates, assesses, and appraises his/her immediate affective state in comparison to his/her history with like experiences. Discernment assumes recognition; through the process of discernment individuals will come to recognize what they are feeling due to the intricate, and typically intimate, somatic knowledge they have collected about affects, feelings, and emotions throughout the course of their lives. Butler (2010) asserts that overarching “norms of recognition” limit what affective state are publicly discernable (5). Norms of recognition adhere closely to socio-cultural emotional scripts making either clear embodiments of or obvious subversions to these scripts the most easily recognized forms of affective states.

Apprehension, on the other hand, is a form of sensory perception that does not assume recognition. “It is a form of knowing,” Butler (2010) explains, that is “bound up with sensing and perceiving, but in ways that are not always—or not yet—conceptual forms of knowledge” (5). In other words, apprehension is one’s ability to understand (an)other’s affective state even if it does not resemble a specific emotional concept or script that would be considered “appropriate” given the context. Norms of recognition can factor into the process of apprehension, however apprehension is just not completely limited to them; apprehending (an)other’s affective state implies understanding that is not confined by dominant conventions (Butler 2010). Apprehension requires a level of affective attunement with another—bringing oneself into physical and mental accord with the sensate-visceral relations and embodied sensations of (an)other. Affective attunement
is akin to an embodied appreciation for what someone else could be somatically experiencing that enables individuals to imagine the *conditions* that one is living in.

The conceptualizations of affect and apprehension lend themselves to a (re)thinking of context as a rich and textured sensual, embodied experience that occurs in the co-presence of others. Butler (2010) even shifts from discussing the context of a claim to addressing *conditions* of a life. Speaking to the conditions that one lives in assumes a fully embodied, affective experience rather than a strictly rhetorical situation. “The key here,” according to Proveti (2009), “is to *appreciate* the ecosocial embeddedness of affect. Affect indicates that living bodies…do not negotiate their worlds solely—or even for the most part—by representing to themselves the feature of the world, but by feeling what they can and cannot do in a particular situation” (48; emphasis added). It is from within these affect-laden conditions that individuals are oriented towards claims, texts, events, and each other, and are also galvanized to think, act, and express themselves. By being affectively attuned to the conditions in which (an)other lives, individuals can apprehend other peoples’ experiences without relegating their affective states to common emotional scripts in order to be recognized and/or discerned. When one apprehends the *conditions* of (an)other’s life, s/he can *appreciate* the radical distinctiveness of the affective states the other person experiences.

My anger as a (re)action to the Abu Ghraib images was cultivated both by my discernment of the soldiers self-conscious enjoyment and pride as well as my apprehension of the prisoners’ pain and humiliation. For instance, in the image of SPC Charles Graner and PVT Lynndie England standing in front of a backward pyramid of
naked and hooded Iraqi prisoners, Graner and England’s wide smiles, thumbs up, and
direct stare at the camera are easily discernable expressions of joy and pride. The
prisoners’ affective states are a bit more difficult to recognize partially due to my naïveté
about abuse and torture but also because their faces are both hidden and turned away
from the camera. Visually, the pyramid of prisoners looks like a ramshackle jumble of
pieces of men that have blurred together rather than whole and distinct individuals. Pain
is not clearly displayed in any one prisoner’s body but being attuned to their conditions
tells another story. These men have been jailed in a filthy prison, forcibly made to
publicly strip down, don a hood limiting their sense of sight, sound, smell, and taste,
climb atop other naked prisoners and stay there as their captors stand behind them to
photograph the moment for all posterity. Just from this image, I could appreciate the
severity of these prisoner’s conditions and apprehend the pain and humiliation they must
have felt that provoked my feelings of anger. As Ahmed (2004) explains, “anger” can be
“[felt] when faced with the other’s pain” that allows individuals to “enter into a
relationship with the other, premised on generosity rather than indifference” (21).

The acts of apprehension and discernment cultivate different types of
appreciation. Since apprehension is based on an assumption of alterity rather than
recognition, it cultivates an appreciation of difference as a basic condition of life. On the
other hand, discernment (i.e., the recognition of one’s own or (an)other’s feelings and
emotions) fosters a form of appreciation that is based on familiarity. When reflecting
upon and discriminating among affective experience, one can discern what s/he already
knows which makes it identifiable. This identification draws on the norms of recognition
that are collective established and followed that aids in the provocation of sensations of
stability. Discernment, therefore, creates a corresponding sensation of stability—or a
calmness that is based in the sensual and mental experience of consistency. The question
is how do “such norms operate to produce certain subjects as “recognizable” persons and
to make others decidedly more difficult to recognize” (Butler 2010, 6). Analyzing the
affective dimensions of social controversy can enable critics to examine the norms of
recognition that guide the conflict and assess how they can lend credence to or
completely impede the affective objections made by individuals or groups.

**The Affective Dimensions of Social Controversy**

Strongly based in the rhetorical and argumentative traditions, this chapter’s
conceptualization of the affective dimensions of social controversy addresses both the
persuasive and normative elements of affects, feelings, and emotions as they relate to
issues of transmission (i.e. circulation) and judgment. Drawing on scholarship about
affect, pathos, and emotion, the theories of emotion-based claims, affective states, and the
bi-directional relationship between them will be further developed to attend to the range
of ways affect functions in and through to social controversy. The force and intensity of
participants’ sensate-visceral relations and sensations not only inform their claims, they
also infuse the conflict with a variety of affects that can become be the argumentative
substance of objections and rejoinders either in the form of a rational-critical claim or
salient affective states. In this way, affects, feelings, and emotions play a role in
normative critique and reinvention as well as the overall regulation of public discourse
and conduct. Addressing the affective dimensions of this type of conflict will ultimately lead to a more textured, experience-driven theory of social controversy.

*Emotion-Based Claims*

Drawing on both the collective and personal significance of distinct emotions, emotion-based claims assert stances on how members of germane publics could and should feel and act in relation to a particular set of conditions. As discursive and/or nondiscursive arguments, these types of claims address the norms and conventions (i.e. emotional scripts) that guide affective conduct (i.e., behaviors that make given affects, feelings, or emotions discernable or apprehendable) amongst members of specific publics. As a form of oppositional argument, emotion-based claims are objections to and arguments about the normative standards of legitimacy and propriety that are used to justify dominant emotional scripts which deal directly with distinct feelings and emotions as the substance of proponents’ stances. Consequently, emotion-based claims focus on the regulation of public behavior while still providing insight into parameters of public discourse especially in relation to arguments about affect within the public spheres.

When emotion-based claims act as affective objections, they are used to block dominant enthymemes regarding the legitimacy and propriety of specific emotional behaviors within the conditions of a given context. For example, Sontag’s objection to Abu Ghaib posits that Americans should feel shame over both what is depicted in the images as well as the U.S. culture of shamelessness underpinning the social and political conditions that made these photographs possible. By blocking the enthymemes that concurrently shroud and justified dominant emotional scripts, emotion-based claims can
make the norms and conventions guiding affect salient enabling the contestation, reevaluation, and renovation of these normative behavioral and discursive practices.

Sontag’s objection is an example of what Gilbert (2001) calls “open emotion,” or a “straightforward” claim in which emotions themselves are “the topic of discussion, or…consistent with the topic of discussion” (241). Although a seemingly simple idea, analyzing how one makes rational-critical claims regarding a feeling or emotion is a fairly novel concept in argumentation. Within this discipline, Micheli (2008) explains, “emotions are [traditionally] seen as the objects of appeals,” or attempts to trigger specific affective responses, which “function as external adjuvants to [claims],” not the arguments themselves (2). Emotions, therefore, are used to arouse affective states as a means to enhance a claim; however, the claim itself had nothing, inherently, to do with the emotion. This posits emotional appeals, or more specifically pathos, as a supportive element of argumentation that is not attributable to the rationale, or logos, of a proponent’s stance. As an “alternative” to this, Micheli (2008) asserts that in some cases, “speakers do not so much ‘appeal’ to emotions as they formulate the reasons why they feel (or do not feel) a particular emotion and why this particular emotion should (or should not) legitimately be felt” (2).

Emotion-based claims are clearly examples of what Micheli terms as “alternative,” yet there is no need for such a definitive distinction to be made between these types of emotional arguments. When controversies openly deal with the normative aspects of affects, feelings, and emotions, it is assumed that the conflict will stimulate affective responses in form of both rejoining emotion-based claims and provoking
(re)active affective states within participants. Since affect is a relational phenomenon, the affective dimensions of social controversy share this characteristic. They feed off of and into each other. Emotion-based claims are grounded in and, more importantly, spring from corresponding affective states. In other words, there would be no emotion-based claims without an originating affective state. When asserted, emotion-based claims not only posit rational-critical arguments, they can also orient audience members by provoking the same or reactionary affective states within them. In some cases, these corresponding states will have enough force and intensity to galvanize certain individuals to publicly support, oppose, or add their perspective to the controversy.

Since feelings and emotions are both discernable forms of affects, emotion-based claims can be fairly easy to recognize. These types of arguments are made salient through their use of emotional language as well as easily discernable non-verbal emotional expressions and displays. The salience of emotion-based claims is also due, in part, to their use of the “traditional” argumentation style of rational-critical debate; claims are publicly made that attend to dominant norms and conventions as well as the prevailing standards that are used to rationalize them. This conventional process of objection and rebuttal is easily recognizable via its adherence to norms of “reasonable” discourse and formal argumentation. In this way, emotions are made familiar via a rational and intellectual process (Nussbaum 1996). As Fortenbaugh (1975) asserts,

When men are angered, they are not victims of some totally irrational force. Rather they are responding in accordance with the thought of unjust insult . . . their behavior is intelligent and cognitive in the sense that it is grounded upon a belief which may be criticized and even altered by argumentation. (17)
Although there is a cognitive component to the process of feeling and emotions (i.e. discernment), the embodied aspects of the affects, feelings, and emotions that are addressed in emotion-based claims should not be overlooked when analyzing these rational-critical arguments.

**Rush Limbaugh’s Emotion-Based Claim of Levity**

Rush Limbaugh’s (re)action and response to public expressions of “outrage” at the acts and images of prisoner abuse at Abu Ghraib prison is best described as an emotion-based claim of levity. For Limbaugh, the force and intensity of public outrage about the events at Abu Ghraib is incompatible with the gravity of the situation. As he asserts,

I'm sorry, folks. I'm sorry. Somebody has to provide a little levity here. This is not as serious as everybody is making it out to be…we’re all wringing our hands here. We act like, ‘Okay let's just die,’ you know? ‘Let's just give up. What can we do to make these people feel better? Let’s just pull out of there, and let’s just go. Let's just become a neutral country. Let's just do that.’ I mean, it’s ridiculous. It’s outrageous what’s happening here, and it’s not—and it’s not because I’m out of touch; it's because I am in touch, folks, that I can understand. (Meyer 2004, n.p.)

He refutes objections of shame, a la Sontag, by asserting the need for levity, or a reduction or lightening of the political importance and significance placed on the soldiers’ actions. In other words, Limbaugh does not believe that Americans should feel shame and outrage as a legitimate and appropriate response to the events at Abu Ghraib. Even though the term “levity” can mean frivolity, as an emotional state it is best described as a feeling of “buoyancy” and “lightness” that can occur after being released from a great weight or burden which can cause a corresponding sensation of relief.
American’s shame and outrage, according to Limbaugh’s stance, are too great of an emotional burden for the abuse at Abu Ghraib.

Scott (1999) explains that levity can “suggest [making] something easily endurable…to lighten something can also mean to make it clear” (217). Limbaugh’s emotion-based claim to levity, therefore, can be understood as an attempt to clarify the situation at Abu Ghraib, by reframing it within a different context to release Americans from the burden of feeling shame and outrage about the soldiers’ actions. He does this in two ways: by comparison and by suggesting a change of attunement. First, the soldiers’ abuse of their prisoners “is no different,” according to Limbaugh, “than what happens at the Skull and Bones initiation” (Meyer 2004, n.p.). In both situations, there are individuals in positions of power hurting and humiliating the people under their control as a form of induction or hazing for entertainment’s sake. The initial images did not indicate that any prisoners were severely physically injured, so why are we “going to ruin people’s lives over it, and…hamper our military effort,” because these soldiers “had a good time” (Meyer 2004, n.p.)? Limbaugh is arguing that feeling shame and outrage over something as seemingly banal as the pain and humiliation captured in the Abu Ghraib photos is simply not a legitimate or appropriate emotion response for Americans to have.

Second, Limbaugh is suggesting a change in our affective attunement so that American can instead appreciate the conditions our soldiers must endure just to keep us safe. As he argues, “You know, these [soldiers] are being fired at every day…I don’t understand what we’re so worried about. These are the people that are trying to kill us. What do we care what is the most humiliating thing in the world for them” (Meyer
Rather than ground judgments about Abu Ghraib on individual’s apprehension of the abused prisoners’ conditions, Americans should shift our focus to the collective conditions of our U.S. soldiers to apprehend, or understand in an embodied sense, what our military has to live through day in and day out. Instead of simply judging the events at Abu Ghraib on discernments of the emotions of a few individual soldiers and the apprehension of a few prisoners’ conditions, the American public should appreciate what our own soldiers experience before evaluating the prisoner abuse so gravely.

Furthermore, Limbaugh does not want the American people to overlook the fact that the prisoners in these photos are the same as the “people that are trying to kill us.” Instead of experiencing shame and outrage, Limbaugh is suggest that indifference or even indignation would be more legitimate and appropriate emotional responses to feel. In other words, our soldiers have a right to act this way—they are shot at daily while protecting Americans from the dangerous individuals that, he believes, intend to harm all of us. Limbaugh’s emotion-based claims about levity shed some light into the relationality of emotion-based claims. His argument for levity becomes clearer when taken in conjunction with the force and intensity of the public expressions of outrage and appeals to feel shame (e.g., Sontag) over the events at Abu Ghraib. Limbaugh implores us to, quite literally, lighten our affective load with regard to the soldiers’ abuse of their prisoners and look at it from a different perspective. His emotion-based claim of levity are a rationale and affective appeal to refute the legitimacy and propriety of feeling of shame and outrage in relation to the soldiers actions and, instead, arouse sensations of relief.
Affective States

Affective states are best described as diffuse moods, or collections of sensate-visceral relations and sensations that can become salient and gain significance during social controversies. Diffuse moods infuse an individual’s actions, claims, and performances, as well as material spaces, texts, events, images, music, and art with a diverse range of affects. Because affective states are ubiquitous in everyday life, they are not limited to only specific locations, occasions, texts, or individuals. Thus, it is not a question of whether or not affective states are present during social controversy but rather what affective states become salient during these conflicts and how these states function argumentatively.

In social controversies, the argumentative significance of affective states is two-fold: they can functions as experiential arguments and affective appeals. First, when an affective state acts as an experiential argument it testifies to a given set of conditions that has provoked this felt experience as well as operates as the grounds of this claim. One’s judgment of an affective state as an experiential argument questions the legitimacy and propriety of that which created the conditions of this state, not necessarily the state itself. Second, affective states also act as affective appeals which infuse a claim and/or stance with diffuse moods that underwrite the logic of a social controversy within a politics of specific affects, feelings, and/or emotions. In either capacity, affective states are

---

26 During critical analysis, naming salient affective states does pose a risk of creating normative moods attributed to specific social controversies as well as establish obstacles to the discernment and/or apprehension of other diffuse moods present in the conflict. However, not engaging in this type of criticism is also a risk; by not engaging in this type of critical analysis, the affective dimensions of social controversy may continue to be overlooked in these conflict and the insights into the conditions that provoke these mood will not be gained.
invitations to empathetically engage in this mood which can orient and galvanize audience to respond by either echoing the state or being (re)actionary to it.

Conceptualizing affective states as experiential arguments takes the emergent quality of affect as the basis of its claim. In other words, the argumentative significance of an affective state is grounded in its testimony to the emergence of a specific mood given a particular set of felt conditions. This sensate-visceral testament raises questions about the legitimacy and propriety of that which created these felt conditions, provoking this affective emergence. Affective states, then, function as both affective objections to and critiques of the dominant norms and conventions that enabled the condition’s creation as well as open up the possibility of alternatives to this experience.

Take, for instance, the Abu Ghraib image depicting Graner and England behind the pyramid of naked inmates. The prisoners’ affective states of pain, fear, and humiliation are testaments to the conditions that provoked these feelings (i.e., being imprisoned, forced to strip, hooded, made to crawl on top of other inmates and be photographed like this). Judgment of this state questions the legitimacy and propriety of that which created these conditions (i.e., the U.S. soldiers and the American government’s policy on interrogation and torture). In other words, are these soldiers’ actions and America’s interrogation policy legitimate and appropriate given the conditions it creates for Iraqi prisoners at Abu Ghraib? These questions can engage audiences’ “imaginative capacity” to envision a situation in which American interrogation policies does not justify this type of behavior by its soldiers, as a means to
create an alternative to the prisoners’ current conditions of abuse and torture provoking pain, humiliation, and fear (Sci 2009, 49).

When analyzing affective states as experiential arguments, the “form” that the affective state culminates in will impact how an individual discerns and/or apprehends the significance and importance of the felt experience of this state. The form affective states can manifest in include, but are not limited to, bodies, material spaces, images, discourse, art, music, film, etc. Thus, analysis of affective states also necessitates a consideration of the possibilities and limitations the “form” of this state generate. For instance, when analyzing the affective states that are salient within a film, critics should examine how the conventions of film help create the mood but also establish parameters regarding how that state can be apprehended and/or discerned.

Within social controversies affective states often culminate and become salient as a proponent’s embodied actions, claims, and performances. However, rather than “overtly privilege the body’s cultural meaning,” focusing on affective states can allow critics to “tell the psychosomatic body’s stories” (Probyn 2005, 41). In this way, Probyn explains, affect theory “provides a different kind of gestalt for theories of embodiment” (28). The extent to which a proponent’s affective state(s) can be discerned and/or apprehended implies an ethical relationship between the participants of a conflict and the individuals and/or audiences that bear witness to them. This relationship is not only based on the belief that they have “feelings and interests in common,” Garver (1994) explain, “but together agree [to] the appropriateness of those emotions to the events and to themselves”
which means collectively they have the power to change these norms if they deem it necessary (132).

Within social controversies, affective states also act as affective appeals which infuse verbal, visual, embodied, and experiential claims with explicit and implicit moods that underwrite the rhetor’s stance. This conceptualization of affective states is inspired by Aristotle’s theory of pathos, or the rhetorical creation of appropriate states of reception for audiences to embody and judge a claim from within. Affective states, as a form of pathetic appeal, can be understood as invitations and/or provocations to be moved by the diffuse moods that undergird a claim or overall argumentative stance. Analysis of these appeals focuses on the affective and emotional logic that grounds the argument and/or stance put forth during a social controversy to examine how the participants wants to orient their audiences and what these orientation are attuned to and appreciate.

Examining the combination of affective states offered by opposing sides can offer insight into the overall logic of a conflict which highlights how certain groups of affects, feelings, and emotions function in relation to create, what Ahmed (2004) calls a cultural politics of emotion, in which certain individual’s and group’s affective states are more valued than others as indicative of the outcome.

Individuals can be moved by affective states via the transmission of affect which has a physiological component. The transmission of affect, according to Brennan (2004), is “a process that is social in origin but biological and physical in effect” (3). It occurs when the affective state of one person or the mood of a material space are infolded and taken up by another. The transmission of affect can happen physiologically via the
entrainment of the senses. Immediate audience members consciously and nonconsciously soak in the sensory information (secretions, scents, sounds, vibrations, images, etc.) that a speaker emits into her/his surroundings that can trigger the same affective states in these onlookers. Additionally, when we enter a material space we embody the mood or sensate information of that area. When I walk into my local coffee shop, I am bombarded with the sensual particulars of this space—the smell of freshly ground coffee, the fast-paced Latino music playing in the background, the sunshine that floods the shop with a warm golden glow. As soon as I walk in, I experience a sense of comfort.

In today’s mediated society, the transmission of affect is a fairly limiting concept due to its dependence on immediacy. For instance, there is no “immediate audience” of social controversies since these are wide reaching conflicts that typically address whole populations and, even at times, the entire international/global community. However, the influence of affective states is not restricted to the transmission of affect. When individuals are unable to entrain the affective states of another or physically embody the mood of a space, they can still bear witness to rhetorical (re)presentations, or captures, of affective states. Captures are types of mediated representations—photos, video, audio, music, art, and texts—that portray an affective state; catching this affect within a distinct moment or moments.

A capture does not, nor cannot, fully encapsulate the original state it (re)creates. For instance, a photo of someone sobbing, or a video of an early morning sunrise can capture the affective states of an individual’s sadness or the mood of awe, respectfully. Neither the image nor the video can fully communicate the immediate force or intensity
of the affective states they (re)present. Yet, in some instances a capture can be even more moving that an immediate experience. Since captures narrow one’s focus on a specific moment of an entire experience, these (re)presentations can make an affect, feeling, and/or emotion, incredibly salient and, consequently, increases its affective intensity. The iconic image of Mohammed Ali standing over Sonny Liston after he knocked Liston out in the first round is good example of the power of a capture. As Liston lay on the ground, Ali only stood over him for a few seconds as Ali paced the ring taunting Liston to “get up!” Ali’s frustration and anger is more than just palpable, it is jarring in its force and intensity. As a mediated (re)presentation, captures can be shared, downloaded, forwarded, and circulated throughout publics which makes affective states more widely accessible but also makes them susceptible to forces of commodification, reduction, and misrepresentation.

Affective states may be discernable as specific feelings and/or emotions or apprehendable as distinct experiences of affect. In other words, even though there may be intersubjective concepts, or emotions, that can describe a given affective state, not all affective states have specific emotions that can be ascribed to them. Apprehending the affective character of a diffuse mood necessitates a level of attunement to the particular sensate-visceral relations and sensations that are or could be experienced when embodying it. Consequently, analysis of affective states as argument experiences should include a discussion of the different types of attunement and appreciation that are inherent within possible apprehension of these claims.
When a person discerns, apprehends, or entrains an affective state, this experience can consciously and nonconsciously inspire corresponding moods within this individual which has an imaginative aspect. Corresponding moods can be brought about by being in the presence of an affective state, remembering a past one, or imagining a scenario that could trigger it. Being around a happy person, watching a funny film, or visiting a candy factory can provoke feelings of happiness within us. Reminiscing about a good time with a past love can arouse a sense of melancholy. Imagining how the families in Joplin, Missouri, must feel having lost everything in a tornado, can incite feelings of compassion. There are two basic ways that corresponding moods manifest, either in a similar fashion or *echo* of the originating state, or in a relational manner or *(re)action* to it. Echoing an affective state can be brought about via transmission of affect or feelings of empathy (i.e., understanding cultivated by vicarious experience). When a person or environment’s given mood triggers a *(re)actionary* state in another, this *(re)action* is typically a response to an initial judgment of this mood. For instance, the force and intensity of public sentiments of shame and moral outrage evoked in Rush Limbaugh a negative *(re)actionary* state of frustration and indignation, as he exclaimed “it’s ridiculous!” (Meyer 2004, n.p.). When analyzing affective states within social controversies, critics need to take into consideration the influence these mood can have as provocation of echoing or *(re)actionary* states. Reframing DeLuca’s theory of body rhetoric to highlight the affective states of the advocates he analyzes reveals the differences between our conceptualizations as well as briefly showcase the types of insights this form of criticism can offer.
DeLuca’ Theory of Body Rhetoric and Affective States

Although not explicitly theorized, DeLuca’s (1999b) work on body rhetoric does touch on affective states when he addresses the argumentative role vulnerability plays in the embodied claims of EarthFirst!, Act Up, and Queer Nation advocates. As a form of embodied argumentation, body rhetoric is performed to publicize a marginalized and/or oppressed stance in hopes of influencing both the content and regulation of public discourse and public conduct. For DeLuca, the use of the body as an argumentative conduit is significant because it “is less focused on an abstract, universalized reason and more attuned to the feelings that accompany lived experience” (15-16, emphasis added). In other words, body rhetoric can make affect more salient by demonstrating the felt experience an argument is based within. When protesters utilized their bodies as the “site and substance of the argument itself,” DeLuca asserts that they are opposing dominant norms “not through good reasons but through vulnerable bodies” (10-11). Even though DeLuca attributes the force of these advocates’ embodied claims to the risk they are willing to endure and the vulnerability they experience (similar to an experiential claim), he does not theorize how this performance is an affective state that audiences are invited to sensually and imaginatively embody. Rather, the protester’s bodily display of risk and vulnerability is solely analyzed as a symbolic text, the meaning of which is attributed to the image of what this body is experiencing in this location and what symbolic significance this action has in comparison to dominant norms and conventions.

By privileging argumentative medium (i.e., the body) as the rhetorically significant element of the claim, DeLuca not only keeps intact the unnecessary distinction
between discursive and nondiscursive argument, he also maintains the binary between reason and affect, positing nondiscursive claims as unreasonable. Being unreasonable, however, is not something to be avoided or rejected, but a way of highlighting the critical force of objections to dominant framing. That is, DeLuca embraces the unreasonable as a critical alternative; but, even as a form of critique, positing body rhetoric as indicative of the unreasonable keeps the reason/affect binary in place. As he (1999b) states, “to understand the force of these groups’ protests,” a critic should analyze how they used their bodies to “[challenge] and [change] the meanings of the world not through good reasons but through vulnerable bodies, not through rational arguments but through bodies at risk” (p. 10). Which is why, in the end, DeLuca seem resigned to the ultimate futility of body rhetoric as a form of persuasive appeal, hoping only that some audience members will come to the advocates position via identification.

An emphasis on affective states, on the contrary, would address how the advocates’ intentional experience of risk, in order to publicize their ideological objection, cultivates a sensation of righteous vulnerability—the physical and mental state of being open to injury and subsequent pain out of a firm belief in the morality of one’s stance. When witnessing or imagining this state of righteous vulnerability, viewers may be seized by a sensation of bodily tension and foreboding best described as feelings of worry and anxiety, driven by the emotion of empathy—understanding cultivated by the vicarious experience of another. Ideally, it is from within this affective state of vicarious vulnerability brought about by the emotion of empathy, that onlookers understand and consequently judge protesters’ body rhetoric. An analysis that focuses on the combination
of body and affect could analyze how the sensate-visceral experience of symbolic critical performances is judged according to norms of recognizability, such as risk, oppression, and blame, to which individuals should adhere in order for their embodied claim to be deemed legitimate and appropriate, and therefore seem reasonable and be considered justifiable. This will be addressed in more detail in chapter four.

Joseph Previtera’s Body Rhetoric and the Affective State of Shame

Using Joseph Previtera’s silent protest outside the Boston recruitment office as an example of body rhetoric, the public display of his hooded, cloaked, and wired frame can be understood as a challenge to the U.S. military’s employment of harsh interrogation tactics. When Previtera uses his young, white, American male body to voluntarily mimic the stress positions Abdou Hussain Saad Faleh was forced to physically and mentally endure, he highlights the brutal and barbaric nature of the interrogation tactics that has been approved by the American government.

As a symbolic text, Previtera’s protest subverts the liberal ideology of torture that underwrites the U.S. military’s employment of these tactics by publicizing the lived experience of pain Faleh, and other prisoners like him, suffer through as a justifiable form of questioning. Luban (2006) explains, “The liberal ideology of torture insists that the sole purpose of torture must be intelligence gathering to prevent a catastrophe…torture in such circumstances is, in fact, little more than self-defense; and that, because of the associations of torture with the horrors of yesteryear, perhaps one shouldn’t even call harsh interrogations ‘torture’” (p. 43-4). Previtera places himself in a vulnerable position, both by embodying this “acceptable” tactic as well as performing in this way at this
location. He puts himself at risk of public scrutiny and retaliation to stress the cruelty embedded in “harsh” interrogation and the ideological rationale used to justify the U.S. military’s use of this blatant form of abuse and torture. Within a few hours of his protest, Joseph Previtera was “charged with three crimes: disturbing the peace, possession of a hoax device and making a false bomb threat” (Dodero 2004). Outraged by his arrest, a secondary protest was staged at the same recruitment office by a group called “Baghdad to Boston” to object to both U.S. approved interrogation tactics as well as the infringement on Previtera’s right to assembly. Shortly after this demonstration, all charges against Previtera were dropped, citing them as unconstitutional (Peaceworks 2004).

As insightful as an analysis of Previtera’s protest as body rhetoric like this can be, it only offers a symbolic understanding of his critical performance without addressing the affective state of his embodied claims. He is not simply claiming the U.S. approval of harsh interrogation tactics is wrong, Previtera’s embodied critique of the events at Abu Ghraib is underwritten by and creates an affective appeal based within his state of shame; a painful sensation caused by the conscious recognition of the inappropriateness and/or immorality of an action you believe you are, in some way, culpable for. Standing atop a milk crate, Previtera’s body was draped in a black cloak in the hot May sun and hoisted inches above passersby like a real life scarecrow with arm lazily extended, white wires dangling from his outstretched fingers. He stood this way for over an hour. The hood Previtera wore was so heavy and thick he did not see or hear the police as they taped off the sidewalk he was standing on prior to his arrest. This protest was not a simple, easy, or
pleasant experience; this was the intentional self-subjection to risk, discomfort, and pain out of a sense of intense disapproval provoked by feelings of shame at what U.S. soldiers are told to do in our name, and for our protection.

The experience of shame washes over one’s body as a wave of physical heaviness that cannot be gotten out from under—like wearing a weighty black cloak and hood in the warm spring sun. This heaviness is accompanied by a psychological anguish brought about by mental flashes of the mortifying deed repeated over and over again. Previtera’s body stands in for Faleh’s and acts as a memory trigger, mentally (re)collecting the images from Abu Ghraib and reconsidering their significance as the provocation of his shame. By creating an argumentative experience that cultivates an affective state of shame, Previtera is inviting people to empathize with this experience and vicariously feel his shame. The feeling of shame via empathy can compel onlookers to avert one’s eyes, lower one’s head, feel a panging sensation in one’s chest, and involuntarily recall mental images of Abu Ghraib resulting in the tightening of one’s throat making both the (re)collection and Previter’s display of this acceptable form of interrogation literally hard to swallow. As an attempt to engage onlookers in his experience of shame, Previtera enacts the belief that Americans should feel shame in response to the actions depicted in the Abu Ghraib photos. Ideally, it is from within this feeling of vicarious shame that onlookers, specifically potential recruits, would (re)think what being a U.S. soldier should entail and judge Previtera’s critical performance as a reasonable enactment of shame at the U.S. military’s approval of this abusive interrogation tactic.
Conclusion

Social controversies are fascinating rhetorical and argumentative phenomena. Inherent within this type of conflict is the possibility of social, cultural, and political change. Simply put, social controversies are moments of potential. Consequently, affect plays an important role in social controversy as an orienting and galvanizing force that can shift individual in relation to the conflict and incite them to engage in it.

Analysis of the affective dimensions of social controversy—emotion-based claims and affective states—should be based on the generative methodological framework that has been derived from the combination of Olson and Goodnight’s original article in conjunction with the friendly critiques and extensions it inspired. In other words, critics should analyze the tactical movements of the emotion-based claims that are asserted and/or the specific affective states that become salient enough to be apprehended or discerned. When describing these movements, each claim and/or state needs to be thoroughly explicated with consideration to the unique aspects of these types of affect driven arguments.

This examination should include a discussion of the discursive and non-discursive elements of each which needs to be firmly grounded in this sensate-visceral relations and embodied sensations of the affects, feelings, and emotions addressed. Additionally, criticism of the affective dimensions of social controversy should assess the ways that the controversy is framed as dichotomous opposition and how this construction glosses over some of the nuance participants’ emotion-based claims and affective states. Lastly, incommensurable discourses, which somehow pertain to these dimensions, need to be
taken into consideration to offer further critical perspective into the controversy. All in all, analyzing the affective dimensions of a social controversy will offer critics insight into how affect impacted individuals’ relation to and engagement in the conflict.
CHAPTER 3
THE INTERNATIONAL FREEDOM CENTER SOCIAL CONTROVERSY AND TAKE BACK THE MEMORIAL’S EMOTION-BASED CLAIM OF REVERENCE

“Affects are...not only indicative of the subjective mood of certain places; they also frame the array of activities and practices potentially enactable within that place” (Duff 2010, 884)

“What has happened to the value of critique as a democratic value?” (Butler 2004, 42)

Introduction

As a communicative process of (re)creating our shared, multi-faceted, and frequently conflicted past, public memory and the texts that represent it has inspired an impressive range of scholarship over the past twenty years. This academic fascination is driven, in part, by the “partiality and contestedness” of a public form of memory (Blair et al. 2010, 18). National commemorative practices, specifically the creation of public

---


28 This form of memory is public in four distinct ways. First, public memory is conceptualized as a collective’s (re)collections of its shared past. There is no singular proprietor of public memories which can provoke social controversy when different factions of a public feel a strong sense of ownership to the memory of specific events, individuals, and/or groups (Mandziuk 2003). Second, as (re)creations of a collective’s past, public memories are expected to satisfactorily represent the germane, and often
museums and memorials, are among the most contested public memory texts given their prominent status as permanent parts of a country’s landscape and their role as material encapsulations of civic lessons.

Collectively, official sites of public memory establish a nation’s explicit and implicit parameters of commemorative legitimacy and propriety through their material and aesthetic elements. These sites argue not only that some events are more legitimate and, hence, worthy of commemoration than others, but also that there are appropriate and inappropriate ways to (re)collect these memories while here. The normative parameters of commemorative sites apply to both the symbolic (re)presentations of public memories and the experiences individuals engage in while visiting them. In other words, individuals’ memorial experiences are bound by standards of legitimacy and propriety that establish dominant emotional scripts regarding how individuals should feel and conduct themselves when embodying these (re)creations of the past. This aspect of public memory, the affective experiences visitors should have at commemorative sites, has been a major issue during the redevelopment of the World Trade Center (WTC) site.

Given the significance of the WTC site—nearly 3,000 people died there in the worst terror attack on American soil—the public memorializing process regarding the conflicting perspectives members have on this past; yet, memorial texts always retain some form of partiality. When “one past out of many possible constructions is represented as the past,” the bias and prejudice of memorial texts, performances, and sites that are intended to be indicative of a collective’s history often incite social controversy (Miles 1997, 60). These conflicts ensue because, third, commemorative texts are intended for public circulation which not only (re)present a public’s shared past but also function as (re)presentations of this group’s current perspectives on this past, including what members’ perspectives are valued as part of this public. Disagreement can then ensue over what are legitimate interpretations, and thus appropriate (re)presentations, of the past in relation to the present norms, conventions, and needs of a public. Therefore, fourth, public memory texts are embedded with the dominant norms and standards the group has deemed legitimate and appropriate ways to interpret, understand, and feel about their shared past.
legitimate and appropriate way(s) to commemorate this tragic event at this infamous place has been, not surprisingly, vitriolic. September 11th was a profoundly traumatic and moving experience in American history. Intense affective states of sadness, grief, anger, fear, hysteria, and melancholy were captured in the stories and images of individual’s experiences who were there — in the towers, on the flights, in the Pentagon, and on the accompanying streets. As people from around the world bore witness to these affective captures, the global outpouring of sympathy was staggering. Interestingly, the force and intensity of the immediate as well as the mediated experience of 9/11, has posed a challenge when commemorating these events at the main site of the tragedy. Can we only collectively remember such a traumatic event by (re)collecting the mortal and material loss experienced and witnessed there? Understandably, social controversy has ensued regarding not only how to commemorate these events for all posterity at the devastated WTC site but also how individuals should feel and conduct themselves when experiencing the public memory texts there.

The relationship between the public memory of September 11th and affect theory has garnered some academic interest (Grusin 2010, Simpson 2006). Yet, as Blair et al. (2010) argue, affect remains an “underdeveloped” although “central” aspect of public memory that influences individuals’ judgments regarding what is “worthy of preservation” (7). In response to Blair et al.’s (2010) claim, this chapter offers an analysis of the affective dimensions of the social controversy that arose over the International Freedom Center (IFC)—a proposed, but now defunct, museum honoring the concept of freedom, which was supposed to be built at the WTC site. The IFC’s co-creators, Tom
Bernstein and Peter Kunhardt, envisioned the IFC as an educational museum offering exhibits and programs that would have portrayed “the story of freedom [as] a narrative of hope,” framing 9/11 as part of a larger network of global struggles to “powerfully illustrate that new challenges to freedom will always arise, that freedom’s work remains unfinished, and that there is a place for all of us in this work” (IFC 2005, 2). Initially, this proposed museum was well received but in less than a year, critics complained that the IFC was not worthy of this “hallowed” ground.

Objections to and critiques of this proposed museum were championed by the Take Back the Memorial [TBM] campaign, a coalition of 9/11 families and first responder (i.e. firefighter and police) associations that eventually garnered support by over forty thousand U.S. citizens. TBM members opposed the IFC’s mission and educational programming, which they believed could potentially provoke critique and debate about U.S. policy and politics at a site they considered sacred. For them, engaging in a commemorative experience that could even possibly result in the denigration of America here was akin to sacrilege. Rather, TBM supporters asserted that visitors to the WTC site should naturally and solely feel reverence—a deep sense of awe and profound respect—when experiencing this hallowed ground and conduct themselves in manner respectful of the deceased by venerating—enacting reverence via sincere admiration and honor—both the victims and America while there.

IFC supporters disagreed and asserted that the WTC site need not be strictly bound to feelings of reverence and acts of veneration. They believed that paying tribute to freedom at Ground Zero is both a legitimate and appropriate way to commemorate
9/11 since it is a founding principle of American life. Furthermore, honoring freedom means engaging visitors in experiences that would provoke sensations of hope and inspiration as well as analytical curiosity about the social, cultural, and political conditions that lead to acts of terrorism, tyranny, and injustice. Bernstein and Kunhardt believed this experience would not lead to the denigration of America; rather it would galvanize visitors to be more civically engaged against acts of social injustice and help prevent the intolerance and hatred that underwrite terrorism. From June to September 2005, the social controversy between the TBM campaign and IFC supporters raged on until former NY Governor George Pataki heeded the TBM’s request to “be a true leader and remove the IFC from sacred ground” (TBM 2005c). The building pressure from the force and intensity of the TBM’s continued opposition galvanized Pataki to evict the IFC from the WTC site on September 28, 2005. He explained, “Freedom should unify us. This center has not” (Dunlap 2005b, A1).

This analysis of the IFC social controversy asserts that the affective dimensions of this conflict are most salient and discernable in the emotion-based claim of reverence advanced by the TBM campaign. This claim purports that the experience of being at Ground Zero naturally provokes feeling of reverence which ascribes a certain type of venerable conduct that visitors should enact while there. Functioning as an overarching oppositional argument, the TBM’s emotion-based claim of reverence is both an affective objection to and the ground for their critique of the IFC. The IFC supporters did not have a singular overarching emotion-based claim to counter the TBM, instead these proponents focused on refuting the veracity and validity of the TBM’s stance.
For this analysis, 215 articles from the *New York Times*, *New York Post*, and *Daily News* that were published between May 1 and November 1, 2005 were examined to determine the overall structure and affective dimensions of the IFC social controversy. Since the WTC site is in New York City, only regional NY newspapers were used due to their extensive coverage of this conflict. Press releases, reports, websites, and other documents created by the Lower Manhattan Development Corporation (LMDC), the IFC and the TBM campaign were also analyzed. To explicate the critical findings of this examination, this chapter will be laid out as follows. First, two “conditions” of the IFC social controversy are addressed—the mortal and material devastation incurred at the WTC site and the LMDC’s role in the IFC’s placement there. Then, the initial objection to the IFC, as posited by Debra Burlingame, is discussed as the inspiration for the TBM campaign and foreshadowed its stance. This leads to an analysis of the TBM’s emotion-based claim of reverence which is explicated as both an affective objection and critique, followed by an examination of the IFC’s rebuttal of it. A discussion of the TBM’s framing of the LMCD’s deliberative democratic process as incommensurate with their stance will be offered next, leading to a discussion of Pataki’s decision before, finally offering some general conclusions about and implications of this critique.

**Conditions of the Controversy: The Site and the Plan**

Shortly after 9/11, Trimarco and Depret (2005) explained, “Most newspapers and television stations labeled the event a national trauma,” with the WTC site as the epicenter of this tragic ordeal (30). The devastation at Ground Zero was staggering. As American Airlines Flight 11 and United Airlines Flight 175 crashed into the World Trade
Center’s North and South towers, respectively, the severity of these attacks quickly became clear. Of the 2,995 people (including the 19 hijackers)\(^{29}\) who died in the attacks on September 11\(^{th}\), 2,762 individuals (includes 10 hijackers) met their demise at the WTC site (NSMM 2011).\(^{30}\) According to the 9/11 Commission Report, although hundreds of people were “killed instantly by the [planes’] impact,” literally hundreds more were trapped unable to escape prior to the collapse of the towers less than two hours later (NCTAUS 2004, 285). In the densely packed streets of lower downtown Manhattan, four buildings were completely destroyed, and seven additional buildings as well as two pedestrian bridges were damaged, some severely so. Yet, the ruins left by these buildings are only the material remains.

After the initial 2002 cleanup of “1.5 million tons of debris” from the WTC site, approximately “20,000 pieces” of human remains were excavated (Associated Press 2006). These human remains were strewn across the devastated site, mingled throughout the rubble. As Colwell-Chanthaphonh (2011) explains:

> Given the horrifying violence of the World Trade Center’s destruction, it is all too easy to imagine that people simply vaporized, turned incorporeal in a flash. In truth, thousands of fragments of human bodies descended with the grey ash of the World Trade Center that rained over the city. The human detritus ended up on rooftops and in sewers and intermixed with the steel and concrete of the skyscrapers. (5)

---

\(^{29}\) Perhaps one of the most bizarre aspects of my research has been how difficult it was to pinpoint a specific “tally” of the deceased. Of the major U.S. news outlets, I found discrepancies in the numbers at The New York Times, CNN, Fox News, CBS News, and the White House’s website. I decided to use the tally given by the 9/11 memorial website because it was both the most organized and the names listed here need to be accurate since it is considered the official roster of the deceased to be engraved on the memorial.

\(^{30}\) The breakdown of victims by location is as follows: 1,470 at WTC North, 694 at WTC South, 87 on American Flight 11 (which hit WTC North), 60 on United Flight 175 (which hit WTC South), 416 on duty and 25 off duty First Responders at the WTC site, 125 at the Pentagon, 59 on United Flight 77 (which hit the Pentagon), 40 on United Flight 93 (which crashed near Shanksville, PA), and 19 hijackers.
The excavation of human remains at the WTC site has been less than stellar. Of all the people who died at there, “Only 292 ‘whole’ bodies [meaning anywhere from 75% to 100% of the corpse]…have been recovered” (Colwell-Chanthaphonh 2011, 5). According to a January 2010 report by the New York City Medical Examiner’s Office, “1,626 Ground Zero victims” have been identified, a total of “21,744 remains had been recovered and 12,768, or 59 percent, had been identified” (Esposito 2010, n.p.). Since close to 2,000 additional fragments of human remains have been unearthed since the initial excavation, many wonder what other remains may have been left behind at Ground Zero. Sadly, after almost 10 years, the remains of 1,126 victims still have not been recovered while almost 9,000 fragments of victims’ remains linger at the Medical Examiner’s Office unidentified. Once construction is completed, all remains that are still unidentified will be returned to the WTC site where they will be housed at the memorial complex. Up until the summer of 2006, the development and construction of the memorial complex at Ground Zero was completely under the auspice of the Lower Manhattan Development Corporation (LMDC).

The LMDC’s Plan for the IFC

In the wake of September 11th, former NY Governor George Pataki and Mayor Michael Bloomberg created the LMDC “to help plan and coordinate the rebuilding and revitalization of Lower Manhattan” with special attention on the reconstruction of the WTC site (LMDC 2007). Since 2002, the LMDC has overseen the development, design, and continued implementation of the general plans to rebuild the entire 16 acres of this site. This plot is made up of four quadrants, one of which is the 6.5 acre spot where the
WTC towers once stood which is often referred to as memorial quadrant. Over the years the LMDC’s role, and significance, has diminished greatly, however it was their deliberation-based initiatives (i.e., town meetings in NY, on-line dialogues, mass mailings to victims’ families, the creation of eight advisory councils representing the major stakeholder groups, etc.) that resulted in the initial reconstruction plans for Ground Zero. From this process, the LMDC found there was an overwhelming consensus—the public not only wanted a moving memorial at the site, they also wanted an increased cultural presence in lower Manhattan. Specific requests were made to include cultural and art institutions to the WTC site in order to revitalize the lower downtown area.

In response to this request, the LMDC held an international competition to select four institutions to be housed at Ground Zero—two at a cultural complex on memorial quadrant and two at a performing arts complex on the northwest quadrant. The LMDC offered numerous suggestions for applicants regarding potential uses for the site such as “creat[ing] humanities programs and conduct[ing] forums drawing from cultural and academic resources” to create “a place of inquiry and discussion” (Dunlap 2005d, B8). The LMDC also suggested that applicants offer “international programming…[to]

---

31 This process included seven main initiatives. Two town hall meetings were held at the Jacob Javits Convention Center on 7/20/02 and 7/22/02. The first meeting was the largest public dialogue in New York history with approximately 4,300 in attendance. On-line dialogues on the LMDC website, www.renewnyc.org, were conducted from 7/29/02 to 9/12/02. Multiple public meetings were organized in New York City from 8/20/02 to 9/5/02 and one was held in New Jersey on 9/25/02. Eight advisory councils were created to represent the interests of the major stakeholders with regard to the redevelopment of lower Manhattan. These councils are: The General Advisory Council; Arts, Education and Tourism Advisory Council; Development Advisory Council; Families Advisory Council; Financial Services Council; Professional Firms Council; Residents Council; Restaurants, Retailers and Small Business Advisory Council; and the Transportation and Commuters Advisory Council. Private meetings were held with “Community Boards, civic groups, planning and not-for-profit organizations, federal, state and local elected officials and government agencies”. Mass mailings were sent to the families of all victims soliciting their input. Lastly, the LMDC welcomed open correspondence with the general public via email and postal service.
highlight the values of tolerance, diversity and understanding among nations” (Dunlap 2005d, B8). A total of 113 applicants were received and reviewed and in July 2004, the IFC was announced as one of the four winners.33

Envisioned as a non-partisan educational museum, the IFC would foster “conversations on freedom” as a world movement, which the U.S. is a leading part of (Pogrebin 2005b, E27). To do so, Bernstein and Kunhardt proposed the IFC as a celebration of the ideals of freedom and tolerance by featuring installation on leaders such as George Washington, Nelson Mandela, Abraham Lincoln, Mahatma Gandhi, and Martin Luther King Jr., as well as national founding documents like the Declaration of Independence and the South African Constitution. Initial plans for the IFC also featured an exhibit about historic freedom struggles including: the resistance against the gulag in the former USSR, the caste system in India, slavery in America, fascism during World War II, and apartheid in South Africa. A tribute to all of the countries that lost citizens in the 9/11 attacks, was be displayed in the “Gallery of Nations,” which would also feature an exhibit about the international outpouring of sympathy following that tragic day (Pogrebin 2005b, E27). Lastly, the IFC planned to host an evening educational series; “the Aspen Institute helped organize a consortium of universities that [would] each be allotted 5 to 10 evenings [per year] for lectures, conferences and other programs” at the museum (Pogrebin 2005b, E27).

32 Applicants were an evaluative committee consisting of members of the LMDC, the State Council on the Arts, and the NYC Department of Cultural Affairs. During this process, the LMDC sponsored a public forum and seven community workshops, and also elicited feedback from all of their advisory councils for the evaluative committee to take into consideration when making their decisions.

33 All four of the original cultural and performing art institutions that won the design competition will no longer be housed at the WTC site.
Initially, the IFC was hailed by all NY elected officials as reflective of the pride and courage shown in the face of the terrorist attacks on 9/11. When announcing the IFC as one of the four winners, Pataki stated, “The Freedom Center has formed a committee of outstanding individuals to create vibrant content on the global quest for what our own Declaration of Independence deems the inalienable rights of humanity” (Dunlap 2005d, B8). However, this original support gave way to harsh criticism beginning in June of 2005.

**Objections to the IFC**

Debra Burlingame’s (2005) *Wall Street Journal* opinion piece, “The Great Ground Zero Heist,” was a strong objection to and harsh critique of the legitimacy and propriety of the IFC at the WTC site and can be credited as the impetus of the Take Back the Memorial campaign. Burlingame, a member of the WTC Memorial Foundation and sister of Charles F. Burlingame III the pilot of American Airlines Flight 77 which struck the Pentagon, argued that “Ground Zero has been stolen, right from under our noses” by the creators of the IFC and urged the public to “get it back” (A14). In this article, she establishes the emotional tone and oppositional structure of the IFC social controversy; however, she did not advance any single salient or discernible emotion-based claim.

*Foreshadowing the TBM*

Foreshadowing the TBM’s stance, Burlingame asserted that the IFC would not capture the experience of 9/11 making it disrespectful to those who died there. She also launched an ad hominem attack on the IFC supporters, questioning their intentions for wanting to build the museum at this sacred site. This claim laid out the dynamic between
those who (correctly) believe the IFC is an illegitimate and inappropriate way to commemorate the events of 9/11 and those who (mistakenly) believe otherwise.

For Burlingame, the IFC would act as an obstacle to the personal connection people want to this tragedy by “stubbornly refuse[ing]” to let visitors relive the trauma of 9/11 when they come to Ground Zero “yearning to return to that day” (A14). She argued that from the moment the attacks occurred, people have been drawn to “the empty pit of Ground Zero” which beckons people to come and (re)collect their experience of that day as well as pay their respects to the deceased (A14). As Burlingame explained:

[Visitors] will come because they want to remember what they saw that day, because they want a personal connection, to touch the place that touched them, the place that rallied the nation and changed their lives forever. (A14)

Since visitors want to relive the trauma of 9/11 while at the WTC site, creating anything that would compromise this experience is simply unacceptable. Burlingame argued that if the IFC was created there, “[t]he public will be confused at first, and then feel hoodwinked and betrayed” (A14).

Burlingame also insinuated that the IFC creators and board members were amoral and anti-American since they proposed building a “critical” museum here. As she asserted, the IFC founders and board members are radical liberal “activists and academics [that] are salivating at the prospect of holding forth on the ‘perfect platform’ where the domestic and foreign policy they despise was born” (A14). These men and women make up a virtual “Who's Who of the human rights, Guantanamo-obsessed world” and are associated with such “radical-left” organizations as Human Rights First, the ACLU, Columbia University, and the Open Society Institute (A14). The IFC founders and board
are opportunist “ideologues” who are trying to “force-[feed]” Americans “the so-called lessons of September 11” (A14). “Rather than a respectful tribute to our individual and collective loss,” Burlingame asserts, these people want to give visitors “a slanted history lesson, a didactic lecture on the meaning of liberty in a post-9/11 world” (A14). As she warned, “do not be fooled into thinking that their idea of freedom is the same as” ours. (A14; emphasis added).

The TBM’s Emotion-Based Claim of Reverence

Inspired by Burlingame’s article, Robert D. Shurbet along with a coalition of 9/11 families groups, created the Take Back the Memorial campaign.34 Similar to Burlingame, the TBM campaign asserted that the IFC did not have a natural connection to the WTC site and, thus, would engage visitors in inappropriate conduct there. Thus, they took up Burlingame’s argument regarding the “the disturbing and disrespectful plans the IFC has for this very sacred site”—polished and condensed it—transforming it into a clear, articulate, and easily accessible emotion-based claim of reverence (Shurbert 2005, n.p.). This claim maintained that the legitimate and appropriate affective atmosphere at the WTC site naturally is, and should be, one of reverence, which would engage visitors in acts of veneration. As Duff (2010) explains, “Affective atmospheres capture the emotional feel of place, as well as the store of action-potential, the dispositions and agencies, potentially enactable in that place” (881).

34 Following the publication of Burlingame’s article, in June 2005, the TBM campaign was created by a small assembly of 9/11 victims’ family groups. But by late September 2005, the campaign had grown exponentially and was supported by fifteen 9/11 family groups (making up a decisive majority of victim family members), the Uniformed Firefighters Association (22,000 members), the Firemen’s Association of the State of New York (110,000 members), the Patrolmen’s Benevolent Association (106,000 members), NY Congressman Peter King, former NY Congressmen Vito Fossella and John Sweeney, former NY Senator Hillary Clinton, and over 47,000 citizens who signed TBM’s on-line petition.
The TBM’s emotion-based claim of reverence functions as both an affective objection and the grounds for their critique which appealed to the norms of respect in an attempt to regulate the public’s conduct that the WTC site. Their objection to the IFC “throw[s] open the question” of what the legitimate and appropriate felt experience provoked by the WTC site is, while the TBM’s critique of it attempts to “free up exploration and experimentation with alterior” ways to commemorate September 11th here (Olson and Goodnight 1994, 252). James Slevin, the Vice President of the Uniformed Firefighters’ Association, stated TBM’s most salient emotion-based claim of reverence during a rally at Ground Zero on September 10, 2005. As Slevin asserted:

All of those who were killed on September 11th need to be remembered at a place that will pay homage to their story and show reverence to their memory. We owe it to all of the lives lost and to future generations, who will seek to learn of the day’s events, to have a memorial that conveys homage, without the revisionist history that cultural institutions like the IFC will attempt to portray. (TBM 2005c)

This claim suggests an affective attunement to and appreciation of the conditions of the victims’ death (i.e., the pain and suffering they must have endured during this shocking, violent, and illogical trauma) and their families and friends (i.e., the grief of losing a loved one in this horrific manner). For TBM supporters, feeling reverence for the 9/11 deceased at Ground Zero is the legitimate and appropriate thing to do, in fact, we “owe it” to the victims and our fellow citizens. Being reverent at the WTC site implies that visitors should conduct themselves in a respectful manner that, in this case, means commemorating the victims’ stories and the events of 9/11 in a strictly positive manner without extraneous historical or international framing. In other words, visitors should *venerate* both the victims and America.
As an intersubjective concept representative of a discernable affective state of feeling, reverence is the experience of sensations of awe combined with fear, melancholy, and/or elation in conjunction with the cognitive recognition of one’s human limitations which results in an orientation of profound respect and humbleness. Since one can feel reverence in relation to something that frightens, saddens, and/or elates him/her, sensations of reverence combine awe with these other feelings that are dependence upon the conditions of the experience. Reverence, according to Woodruff (2001), is a virtue, or “habit of feeling,” that culminates in a “well-developed capacity to have the feelings of awe, respect, and shame when these are the right feelings to have” (6-8). Knowing when it is “right” to feel reverence is driven, Woodruff (2001) continues, by communal politics, not religion, since being reverent “lies behind civility and all of the graces that make life in society bearable and pleasant” (5).

Experiencing reverence implies that individuals know the dominant norms and conventions of respect that guide a collective’s public conduct in order for them to behave legitimately and appropriately in relation to that which they revere. As a virtuous affective habit, reverence assumes a level of ethical righteousness; when individuals feel reverent they are inclined to do what they believe is “the right thing” (Woodruff 2001, 62). With regard to the WTC site, conducting oneself in a reverent manner assumes that a visitor will venerate the events and victims of 9/11. As the behavioral correlate of reverence, veneration is enacted as a heartfelt admiration of someone or thing considered superior to oneself; intense sensations and expressions of veneration are similar to
worship and idolatry. Performing veneration at Ground Zero suggests paying homage to the events of 9/11 in a strictly positive, almost devote, manner.

_Affective Objection—Natural Feelings of Reverence at Ground Zero_

The TBM campaign believed the WTC site is a sanctified space because the very soil there had been consecrated by the blood and ash of all those who died. Eschebach (2011) explains, “Soil from graves or from sites of death is often imagined as a substance that carries the spirits of the dead and is thus endowed with an aura of sanctity . . . transforming it into a holy site” (139). When one visits Ground Zero, this experience should naturally be influenced by the sensate-visceral relation of stepping on the same soil consecrated by the remains of the 9/11 victims in conjunction of with one’s personal (re)collections of the attacks. This combined sensual and cognitive experience should result in sensations of melancholy over this mortal loss and awe at the devastation that happened that day. The WTC site is also considered sacrosanct because it is “the last resting place for loved ones whose bodies were not recovered and whose remains are still within that hallowed ground” (Giuliani 2002, 67). As Rachael O’Brien, a 9/11 widow and TBM member stated, “I have no remains of my husband, and to me that’s sacred ground. That's the last place he was” (Lovett 2005, 8).

People will come to the WTC site simply to (re)collect what happened on 9/11 because the site itself, which Pataki likened to “the beaches of Normandy or Pearl Harbor,” is diffused with the felt memory of that day (Healy et al. 2005, B1). As a site of material and mortal trauma, Ground Zero has an “emotional geography of place” akin to modern day ruins (Duff 2010, 881). Due to the historical significance and sanctity of
Ground Zero, there is a stipulation in the site’s redevelopment plans stating that nothing can be built over the footprints of the WTC towers. The massive outlines of the collapsed towers must remain empty for perpetuity symbolizing the site’s sanctification; an eternal reminder of the devastation that occurred there (Foote 1997). “An environment of ruins,” Navaro-Yashin (2009) explains, “discharges an affect of melancholy . . . [and] those who inhabit this space of ruins feel melancholic” (14). The intentional absence of the towers’ footprints becomes a permanent embodiment of tragic loss, literally mapping the WTC site with an affective state, or diffuse mood, of melancholy by ensuring that part of the material remains of 9/11 is left behind, built in the “redeveloped” landscape. Infused with the melancholy of loss and sensations of awe at the enormity of this physical absence, TBM proponents believed that visitors’ experience at the WTC site would naturally, and undeniably, provoke feelings of reverence.

TBM supporters do not assert that creating a museum to the concept of freedom is inherently wrong; rather, they argue that creating it at Ground Zero and framing 9/11 as one of many freedom struggles fought around the world is inappropriate considering the feelings of reverence individuals should naturally experience at this hallowed site. In other words, the IFC simply does not belong here. At a rally on September 11, 2005, one TBM member explained:

The organizers of the International Freedom Center say that in order to understand 9/11 we must see exhibits about slavery, segregation and genocide and its impact around the world . . . This is history that all should know and learn, but not here—not on sacred ground . . . Nobody is coming to this place to learn about Ukraine democracy or to be inspired by the courage of Tibetan monks. They’re coming for Sept. 11. (Fisher 2005, B4)
The relationship between these historical events and September 11th is an “artificial connection;” the IFC’s creators want to construct a revisionist global history and “appropriate 9/11 . . . to promote a decidedly political agenda” (TBM 2005a). Stepping on the “sacred” ground where thousands died on 9/11 and being in the presence of the “ruins” there will not make people curious about Ukrainian democracy, it will make them feel reverent. Furthermore, feeling reverent here will create an expectation; visitors to Ground Zero will expect to learn the historical details of 9/11, not these other freedom struggles.

If the IFC is created at the WTC site, the TBM asserted, visitors will “wonder by what perverted logic is it appropriate to use this spot to dredge up shameful, painful episodes in American [and global] history that have nothing to do with 9/11” (“Memo” 2005, 28). Feeling shame, provoked by museum exhibits about America’s past failures (i.e., slavery and WWII internment camps) during which our fellow citizens’ freedoms were forcibly curtailed by our own government, is an inappropriate affective state for visitors to Ground Zero to embody here. Feelings of shame at this sacred site can only be experienced via an artificial connection to the events of 9/11. The TBM campaign suggests, “If visitors to New York want a lesson in world politics, they can take a taxi ride over to the United Nations” (TBM 2005a).

*Affective Critique—Enacting Reverence at Ground Zero*

Even though melancholia may infuse the ruined space of the WTC site, the sanctification of Ground Zero assumes that the events that occurred there “hold some lasting positive meaning that people wish to remember—a lesson in heroism or perhaps a
sacrifice for community” (Foote 1997, 7). Since the sanctity of the WTC site limits what visitors can learn from 9/11 to solely positive lessons and the natural experience of reverence creates an expectation to only learn about September 11th there, visitor’s conduct is narrowly constricted to acts of veneration. Being respectful at Ground Zero, therefore, entails more than mournfully reflecting on the deceased, it also means enacting one’s heartfelt admiration of the moments of courage, kindness, and fortitude that occurred in the midst of this tragedy and the days following it. Ground Zero, according to the TBM campaign, is the place:

[W]here our children and grandchildren will go to learn not only about the tragic events of that day—the loss of the bright, brilliant and beautiful people who had so much to give to future generations—but also the stories of heroism, the nation’s resiliency, the world’s response and the unprecedented outpouring of goodness and humanity. (TBM 2005a)

When enacting veneration at the WTC site the pedagogical lessons of September 11th take on the traditional ideals of heroism and more importantly, America’s survival of this tragedy. This survival is narrowly framed as immediate reactions to the trauma site and initial expressions of sympathy and unity suggesting that 9/11 was a contained historical moment in our collective past. September 11th happened; it was mortally, materially, and affectively devastating but now it is over and we survived. An underlying assumption of this lesson is that 9/11 has no ties to the present—it was a lone incident of which the victims and America was the innocent victim.

Having “survival” as the historical lesson of 9/11 suggests that there was nothing Americans could have done in the past, or should do in the future, to prevent this type of tragedy; the best we can hope for is to get through it with pride and dignity. “Reverence,”
Dickinson et al. (2006) assert, “exercises a double articulation, evoking both a profound sense of respect and a distanced, observational” orientation (28). Feelings of reverence foster an appreciation of and attunement to the conditions of the 9/11 victims’ deaths and orients one towards September 11th without questioning what has happened in the past or internationally that may have contributed to the creation of these conditions. Since reverence is a sensation of awe and, in this case, melancholy, with a concurrent recognition of human limitation, people feel reverence when facing something larger than themselves that they “believe lies outside [their] control—God, truth, justice, nature, even death” (Woodruff 2001, 3).

To assert that visitors to Ground Zero should feel reverence for and enact veneration of the victims and America implies that Americans should believe the events of 9/11 were simply out of human control; both the September 11th deceased and American citizens are blameless victims of the attacks. Given this, it becomes disrespectful to raise questions about, or worse, implicate American politics and policy in the events of September 11th because it would compromise America’s and, by implication, the victims’ innocence. “Respect,” according to Deem (2010), is not an “a-priori condition” of public conduct and discourse; it “must be demanded, negotiated, and delivered in and through argumentative interaction” (62). In other words, the parameters of “respectful” behavior is challenged and negotiated via claims to the normative standards of legitimate and appropriate conduct given the conditions of an experience. Thus, the TBM’s appeals to respectful behavior at the WTC site are attempts to regulate public conduct in order to shield Americans and victims’ families and friends from any
additional pain the disrespectful behavior of “blaming” may cause them regardless of the veracity or plausibility of the critical claim.

TBM proponents believed that the IFC museum experience would jeopardize the innocence of America and 9/11 victims by promoting analysis and debate that could potentially lead to acts of blame and denigration. That is, the experience of analytical curiosity and critical thinking that the IFC founders were proposing for the museum was considered risky because it could lead to questions about how American policy and politics may have contributed to the conditions leading to September 11th. As one supporter explains, “The center intends to create a multimillion-dollar show-and-tell emporium allegedly meant to celebrate “freedom”—but with no guarantees it won’t quickly degenerate into just one more bash-America venue” (“Now” 2005, 38). Defaming America at this sacred place of national tragedy is illegitimate and inappropriate conduct at Ground Zero because it would detract from the solemnity of a sanctified site.35 As one proponent explained, “Just as we do not see political rallies at Arlington National Cemetery . . . or performing arts at Oklahoma City National Memorial or debate at the Pearl Harbor Memorial, we should not see those activities . . . at this sacred site” (“Now” 2005, 38).

This critique of the IFC is an appeal to reaffirm the dominant norms of respect that traditionally regulate the public’s conduct at sacred sites. The dominant norms of

---

35 According to the TBM, the evening lecture series that would have been offered at the IFC is considered especially susceptible to this type of inappropriate blaming behavior because of its ties to “world-class universities” which are really just “Petri dishes for subversive theorizing—the sort of corrosive nonsense that may have a place on campus, but which has no business whatsoever at Ground Zero” (“Promises” 2005, 28).
respective behavior at sacred sites are so prominent that on June 26, 2005, Pataki implicitly supported the TBM by stepping in and issuing a warning to the IFC founders and board. He asserted:

I view that memorial site as sacred grounds, akin to the beaches of Normandy or Pearl Harbor, and we will not tolerate anything on that site that denigrates America, denigrates New York or freedom, or denigrates the sacrifice or courage that the heroes showed on Sept. 11th. (Lovett 2005, 8)

This warning has a regulatory function; critique is rejected out of “respect for the deceased” and thus, aids in the disciplining of the past by deeming it illegitimate and inappropriate to problematize 9/11 at the site of the tragedy where it should “naturally” be (re)collected in a reverent manner.

Once Pataki asserted that Ground Zero is indeed “sacred ground” that necessitates respectful conduct, the terms of the social controversy changes because the TBM’s emotion-based of reverence is given political and normative leverage. Feeling reverent at the WTC site is the legitimate and appropriate result of affectively experiencing Ground Zero. The legitimate and appropriate way to act respectfully behave here is not demeaning America, New York, freedom, or the sacrifice and courage of the 9/11 victims. The TBM no longer needed to assert the legitimacy and propriety of their stance; rather the onus is on IFC supporters who now had to prove the proposed museum is worthy of this sacrosanct place.

**IFC Supporters’ Rebuttal**

Proponents of the IFC had been put in a difficult position during this social controversy. The IFC, one of the winning proposals of a year-long, public competition for a place at the WTC site, now had to defend its right to be there given the strict norms of
respect now imposed upon them. To do so, IFC proponents would have to prove this proposed museum is not only worthy of a spot at ground zero, but that this sacred ground is the most legitimate and appropriate place for it. Since the IFC was on the defensive, there is no specific objection/critique format that structured its proponents’ stance and, more importantly, they did not assert any one salient, overarching emotion-based claim. Rather, IFC supporters shared one common belief and mission that drove their opposition to the TBM’s plea to evict this museum from Ground Zero. IFC supporters generally believed that in response to 9/11, Americans should (re)collect the ideal of freedom that underwrites our way of life as fitting tribute to the events of September 11th. They asserted that the reaffirmation of an ideal of freedom at the site of this tragedy was a means to end the type of hatred and intolerance that affectively undergird terrorism in hopes of preventing these types of attacks in the future.

Based mostly in claims of refutation, the IFC’s stance was three-fold. First, the IFC has a logical, not artificial, connection to the WTC site. Second, although feelings of reverence may be a “natural” response to being at the WTC site, visitors’ experiences do not have to be strictly limited to it. Third, “survival” is not the only lesson to be learned at Ground Zero, there are a myriad of lessons to take away from 9/11 and the most respectful thing visitors can do is learn as much as possible. For these reasons, IFC proponents believe that the proposed museum is both worthy and respectful of this sacred place.
The Logical Connection

The inspiration for the IFC arose from President Bush’s initial reaction to the terror attacks of September 11th when he stated that, “freedom and democracy [were] under attack” that day (Bush 2001). Bernstein and Kunhardt, the IFC co-founders, believed there was no better place for a museum of freedom than “at the place where freedom was so brutally challenged” (Dunlap 2005b, A1). A New York Times editorial astutely captured the connection the IFC has to this sacred site by explaining that TBM proponents questioned:

‘Why here?’ Why imagine creating an institution that would celebrate freedom and foster discussion of its meaning, and the meaning of 9/11, within the memorial quadrant of ground zero? Wouldn’t that dishonor the dead? We have never thought so. We believe that the site is sacred to more than death. It is sacred to life and to the principles—as well as the people—attacked there on Sept. 11, 2001. (“Keeping” 2005, 20)

For the IFC creators and supporters, creating a museum to the concept of freedom at the WTC site is a logical response to 9/11 since terrorists attacked this country and what it stands for, not specific individuals. Thus, we should honor both the victims and the values that were assaulted here. “Throughout our history,” as stated in the IFC’s Content and Governance Report (2005), “freedom has been the engine driving the American experience” making it deserving of recognition at Ground Zero (4). IFC creators believed that a fitting tribute to the U.S. would celebrate difficult but ultimately triumphant moments when individuals’ freedoms were stripped away, sometimes brutally, provoking them to band together and fight for positive political change.

Creating an International Freedom Center at the WTC site also seemed like a logical response to 9/11 considering that nearly 500 victims were from over 80 other
countries and the attacks had and continue to have worldwide effects. Positioning September 11th within a global context, therefore, was not thought to be revisionist history. These attacks impacted countries throughout the world; its reverberations are still felt in a myriad of ways—military actions, citizen revolts, economic downfalls, security precautions, changes in media coverage, etc. Creating the IFC at Ground Zero acknowledges that the U.S. is not a nation alone in the world but rather that our actions and inactions have global significance, consequences, and implications. As Paula Grant Berry, 9/11 widow and member of the IFC board, explained, the proposed museum “will look at 9/11 in the way 9/11 affected the world” (Pogrebin 2005b, E27).

The international framing of IFC is also reflective of its founders’ belief that “Freedom is essentially a universal quest,” and the museum “ought to be representative of the struggle of mankind [sic] rather than of one particular nation” (Pogrebin 2005a, E1). IFC proponents assert that 9/11 is one such struggle, pitting the U.S. against the threat of Islamic Fundamental terrorists. The proposed museum, then, can be considered a legitimate and appropriate way to commemorate September 11th as well as promote international freedom as the antithesis of global terrorism and other forms of tyranny and injustice. As Bernstein explained, “historically, if you look at the response to tyranny—in our view, terror being a modern variant—the only response, and the necessary response, and the crucial response is the reaffirmation of the values [i.e. freedom] that are under assault” (Dunlap 2005c, M37). Consequently, the IFC was designed to engage visitors in a museum experience that would galvanize them to develop or renew their commitment
to the ideal of freedom specifically as a means to oppose “tyranny, terror, and injustice” (IFC 2005, 4).

Only Reverence is Unnecessarily Limiting

IFC supporters did not refute the TBM’s stance that reverence is a “natural” affective response to experiencing this site. Rather, they argued visitors’ experiences at the WTC site need not be limited to reverence alone, this place can be open to other affects, feelings, and emotions and it should be. Most people’s experience of 9/11 was not restricted to sensations of reverence, so our commemoration to September 11th should be reflective of the breadth of this incident. Visitors may feel relief that 9/11 is in the past, fear that it may again, sadness at the enormity of this loss, but also an appreciation for life when faced of tragic death, love for the people they hold dear, curiosity about the historical and global conditions that led to the attacks, inspired to make positive change in their lives and the world, and even hope that things can get better. If the experience of being at Ground Zero has the potential to provoke all of these different affects, feelings, and emotions, why should reverence be considered the only legitimate and appropriate emotion to have there?

As a site of public memory, there is no reason to constrain the experience of the WTC site to “please a vocal group of people whose genuine grief has already taken on a sharply political edge” (“Keeping” 2005, 20). Commemorating 9/11 at Ground Zero is a collective endeavor and although the victims’ families and friends were those most immediately effected and affected by this tragedy, their experience alone should not dictate how the public can feel while at this public memory site. For IFC supporters, this
controversy is “a battle to determine whether the area where the World Trade Center
towers once stood will become a vibrant tribute to the American spirit or a place of grief
only, a public cemetery with no possibility of renewal or regeneration and no vital
connection to the city around it” (“The Governor’s” 2005, A14). Bernstein, one of the
IFC founders, believed that the museum could invigorate Ground Zero by creating an
experience that would be “thought-provoking and produces a greater sense of reflection,
rather than something that creates a sense of veneration” (Pogrebin 2005a, E1).
Restricting visitors’ experience to reverence alone chances losing an opportunity to turn
the WTC site into a place of global hope, inspiration, and curiosity.

When developing the proposal for the IFC, Bernstein explained, “I had in my
mind’s eye an institution like the United States Holocaust Memorial Museum. I had seen
how profoundly it affected the people who visited it (Dunlap 2005c, M37). Together
Bernstein and his partner, Peter Kunhardt, designed the IFC with the explicit goal of
creating an intensely affective museum to engage its visitors in feelings of hope—a
sensation of desire for a specific, typically positive, outcome. They wanted “the
International Freedom Center [to] help bring hope and resolve to a place of tragedy and
grief” (IFC 2005, 5). By presenting freedom as a narrative of hope, Bernstein and
Kunhardt believed visitors would feel inspired to join current struggles for social justice
and analytical curiosity about the social, cultural, and political conditions that lead to acts
of terrorism, tyranny, and oppression. To provoke these feelings, the IFC (2005) planned
to include “exhibits [that] encourage an understanding of freedom, connect the events of
September 11 to world history, and...show how, time and again, individuals have been crucial to freedom’s advance, and that the contributions of ordinary people matter” (7).

*The Pedagogical Potential of the WTC Site*

Envisioned as a pedagogical museum, the IFC would offer visitors insights into current and historical struggles for freedom from oppression as well as celebrate the types of freedom that underwrite democratic life. However, Bernstein explained, the IFC would “emphasize questions rather than answers,” since “[o]ur ambition is not to tell you what to think, it’s to make you think” (Pogrebin 2005b, E27). Visitors would be challenged to critically reflect on the conditions that have lead to acts of injustice, oppression, and terrorism. Doing so, IFC supporters believed, would help “inspire an end to hatred, ignorance and intolerance” via intercultural understanding (“Memo” 2005, 28). IFC proponents argued that this museum would show honor and respect to America, New York, freedom, and the 9/11 victims, by engaging visitors in a critical and reflective experience that may help prevent future attacks. Lessons on heroism and survival do not expand our understanding of the 9/11 attacks, they just reinforce a wound culture based in feelings of victimhood. Rather, taking on a global orientation to September 11th would offer visitors a means to widen and deepen their perspective on this tragedy that does not solely focus on victimization. The IFC’s stance suggests an attunement to and appreciation for the conditions of other’s struggles and oppression, not just the 9/11 victims alone. Visitors would learn from the commonality and differences between current and historical plights of victimized individuals throughout the world. Surveying
9/11 from this perspective may yield insights into the inner workings of injustice and provide a means to aid in its reduction or, ideally, prevention.

The IFC’s creators and board wanted visitors to learn from 9/11 not just learn about it. As one proponent explained, “We believe that the power of that site should be used to consider what happened that day and to see what lessons we can derive from it, not only to mourn the dead” (“Keeping” 2005, 20). Limiting the lessons learned from September 11th to ideals of heroism and survival would make the WTC site a stagnant place filled with well-worn lessons. Richard Tofel, president and CEO of the proposed museum, believed that:

Short-term political correctness [should not snuff] out long-term vision. Instead of a memorial site that “stands the test of time” and offers a continuing meditation on freedom's oft-threatened lifeline, [TBM supporters want] a 9/11 dead zone with 9/11 in perpetual focus. Reverent, yes. Forever Relevant? [I suspect] not. (Finn 2005, M2)

Supporters of the IFC believed they had the long-term vision necessary to keep Ground Zero a vibrant and civically significant place. However, this opinion was not shared by many and, in the end, the IFC would not be able to prove its potential relevance.

**Framing the LMDC’s Deliberative Democratic Process as Incommensurate**

During the IFC controversy, Mayor Bloomberg’s stance was considered, by the TBM supporters, as incommensurate with the conflict. As *New York Times* reporter David Dunlap (2005b) noted, whenever Bloomberg was asked to comment on the conflict over the IFC he always “recalled the importance of the planning process” (A1). Bloomberg believed that the deliberative democratic process that the LMDC had put in place would produce the most reasonable decision regarding whether or not the IFC
would be respectful enough for the WTC site. For Bloomberg, the decision of what should or should not be housed at the WTC site should be the result of a deliberative democratic process rather than decided by any one group of people or politicians. As a site of a national trauma, Bloomberg asserted that the redevelopment of this site should be guided by a collective democratic procedure.

For instance, after Pataki’s warning to the IFC founders and board (which the TBM urged), the LMDC requested a revamped report of the IFC’s proposed programming that would describe how the museum would not denigrate America, New York, freedom, and the 9/11 victims. Instead of simply taking Pataki’s vague warning as a sign to oust the IFC, the LMDC wanted to give the museums’ creators an opportunity to explain how they could create an engaging museum experience and also guarantee the center would not devolve into denigrating debates. On September 23, 2005, the creators of the IFC presented the LMDC with a 49 page “Content and Governance” report outlining how they planned to create a museum experience that would provoke respectful conduct in its visitors.

The legitimacy and propriety of this plan was to be deliberated on during the LMDC’s September 28th and 29th meetings. To assure the procedural fairness of these deliberations, the LMDC released guidelines for public participation and hired Peter Woodin, an attorney and former Deputy Special Master for the federal September 11th Victims Compensation Fund, to mediate these meetings. As Bloomberg explained, he personally found the IFC’s placement problematic but “It’s up to the LMDC, in the end. [Although] I would urge them, and I’m certainly urging my members on the LMDC to
read that report carefully and then discuss it and see if you can’t come to some resolution” (Gaskell 2005, M2). Unfortunately, the LMDC was never given the opportunity to hold their deliberations.

The TBM refused to take part in the deliberations and felt that the addition of a mediator was a ruse. They argued that:

. . . individual and collective members of the 9/11 family groups, along with citizens from the Lower Manhattan community and other interested parties, have been meeting in good faith at LMDC-sponsored forums for more than three years . . . If anything, the LMDC has once again demonstrated that it does not understand the difference between having meetings and actually listening to the public. (TBM 2005b)

Frustrated about deliberation process, the TBM did not believe their concerns were being listened to, implying a deep anxiety that the LMDC’s deliberation process would result in the IFC’s creation at the WTC site. In an attempt to circumvent the LMDC’s decision-making authority, the TBM campaign continually called upon Pataki to step in and police this situation. This call was a rhetorical strategy to reposition Pataki as the “real” authority, who needed to put an end to the LMDC’s deliberative processes before they could decide on the IFC’s fate. For the TBM, it was time for Pataki to do the right thing by evicting the IFC from the WTC site.

**Pataki’s Decision**

On September 28th Pataki did just that when he announced that he would not allow the IFC to be housed at Ground Zero. This decision came just a few hours before the LMDC’s planned deliberations and consequently rendered their entire deliberative democratic process a waste of government time and money. Former NY Senator Hillary Rodham Clinton, former NY Mayor Rudolph Giuliani, and NY Representatives Vito J.
Fossella, Peter T. King and John E. Sweeney all supported Pataki’s decision. In a statement, Pataki released these remarks:

   Freedom should unify us. This center has not. Today there remains too much opposition, too much controversy over the programming of the IFC and we must move forward with our first priority, the creation of an inspiring memorial to pay tribute to our lost loved ones and tell their stories to the world. (Colford 2005, 4)

Pataki had made it clear; the experience the IFC would create for visitors to embody would provoke feelings and possible conduct that is illegitimate and inappropriate at the WTC site because it breaches the dominant norms and conventions of respect at sacred sites. Simply put, the IFC had no place at the WTC site.

   When asked for his reaction to the IFC’s eviction, Bloomberg explained, “Although I understand Governor Pataki's decision, ‘I am disappointed that we were not able to find a way to reconcile the freedoms we hold so dear with the sanctity of the site’” (Dunlap 2005b, A1). Even though the LMDC offered their assistance in finding a new space for the proposed museum, within forty-two minutes of Pataki’s statement the IFC founders responded by stating they would not move forward with the project. The TBM supporters were elated; their emotion-based claim of reverence had prevailed ensuring that “all Americans who will be coming to the WTC [site]” will experience “the story of 9/11 and that story only” which is an “uplifting story of decency triumphing over depravity” (Dunlap 2005b, A1). The success of the TBM’s emotion-based claim of reverence as an attempt to narrowly regulate how visitors should feel and conduct themselves at Ground Zero is indicative in both Pataki’s eventual eviction of the IFC and the general lack of public backlash. The TBM had gotten their wish—the IFC was deemed unworthy of a place at the Ground Zero, but what are the implications?
Conclusion

In the IFC social controversy, the effectiveness of the TBM’s emotion-based claim of reverence could be attributed, in part, to their claims for the reaffirmation of dominant norms rather than the subversion of them. The TBM’s stance on reverence was aligned with the dominant, and very rigid, norms of respect that guide the public memorialization of sacred events and individuals. They called upon the public and specifically former Governor Pataki to reinforce these norms, which support the veneration of victims at sites of tragedy, by evicting the IFC from the WTC site. As Deem (2010) explains, “respect is performed and emerges in acts of public arguments . . . [however,] We do not understand how it becomes defined, contested, and reclaimed” (62). This analysis has offered some insight into how this occurred in the IFC social controversy. During this conflict, the public designation of Ground Zero as sacrosanct led to the active policing of visitors’ experience via the reinforcement of the rigid norms of respect for and at sacred places.

When a tragic event becomes sacred, Fritch et al. (2006) found, “The victims must remain pure to keep the nation pure; they must remain innocent to keep the attacks horrible” (201). Just the possibility that visitor may question how U.S.’s politics and policy could have contributed to the conditions leading to 9/11, rather than solely feeling reverent and venerating America and the deceased, was believed to jeopardize the cohesion of American society at a place that should create unity. Simply proposing an experience that could potentially result in critical debate about September 11th made the IFC and its supporters a risk, and, in turn, the museum was deemed unworthy of Ground
Zero and in violation of the norms of respect. This disciplinary function rejects critical thinking out of “respect for the sacred” and thus, aids in the solidification of the past by deeming it illegitimate and inappropriate to even potentially problematize 9/11 here. When “we confront something that is disrespect;” Deem (2010) asserts, “we fail to see that its meaning and effectivity must be understood in a larger context” (62). In this controversy, the value of the IFC’s mission and programming could not be appreciated by TBM members and supporters due to IFC’s narrow focus on 9/11 alone. The lack of political and public support for the IFC suggests a lack of appreciation for international conditions of oppression and injustice. Individuals did not want to be attuned to and current and historical struggles for freedom here, implying that others’ oppression is unimportant when (re)collecting September 11th.

Considering the clarity and cohesiveness of the TBM’s claim of reverence, the IFC’s lack of an equally salient and unified emotion-based claim to counter the campaign made their case weaker and vulnerable to criticism. Although the IFC’s creators wanted to create an affective experience that would provoke feelings of hope, inspiration, and curiosity, doing so would also created the opportunity for visitors to question and possibly critique American politics and policy. Since the norms about sacred sites are so well established, IFC supporters were at a disadvantage because they had to refute the TBM’s appeals for the reaffirmation of an already dominant norm as well as forward an overarching emotion-based claim that would not subvert these norms. Furthermore, given that the majority of the TBM’s public supporters were the victims’ families, friends, and colleagues, there is an affective force to their claim of reverence that adds a sense of

129
legitimacy their stance. During times of national tragedy the loss of life as well as the pain and suffering of one’s fellow citizens is made public, witnessing this can establish feelings of empathy for the victim’s loved ones and a desire to help ease their pain.

During this social controversy, the TBM’s emotion-based claim of reverence and the IFC supporters’ refutations of it were embedded within different forms of attunement and appreciation. For instance, support for Pataki’s resolution of this conflict is indicative of a stronger affective attunement to the TBM’s claim of reverence based in an appreciation for the conditions of familial grief and the blameless suffering of 9/11 victims. It is possible that the mediated coverage of the trauma of 9/11 oriented individuals’ to the 9/11 victims’ families conditions of grief and galvanized their attunement to and appreciation of the TBM’s stance. In this way, the affectively intensive and force of the 9/11 coverage may have led to a type of felt evidence that supported the TBM’s claim. As Meek (2010) states, when mediated (re)presentations of (an)other’s pain and suffering are powerfully salient and affecting, views can feel as if they are virtually “participating in [this] traumatic experience” (173). Views can “participate” in this trauma by bearing witness to the other’s pain which is not simply watching or seeing, as Rentschler (2004) asserts, “it is also a form of bodily and political participation,” an affective engagement with the other’s pain and suffering based on a relation of empathetic imagining (298). Bearing witness to 9/11 creates an affect-based civic relationship between the victims, their families, and friends and the larger U.S. and

36 This suggests that affective attunement and appreciation is related to acts of judgment. Judgment of a claim is influenced by how attuned one is to the conditions that undergird the argument and rhetor as well as the extent to which he/she appreciates these conditions as evidence of the claim’s validity.
global viewing audience because we vicariously experienced their pain and felt their suffering. With regard to this controversy, the empathy-driven connection created when bearing witness orients the public to the affective conditions victims’ families and could enabling individuals to imagine how they would feel if someone wanted to address their deceased loved ones in a critical manner at the site of their tragic death. The TBM’s emotion-based claim of reverence, then, gains a type of felt validity for people who bore witness to September 11th.

The findings of this analysis, therefore, suggest that the success of the TBM’s affective objection and critique of the IFC was aided by the public’s witnessing of the events of 9/11. In the IFC social controversy, the empathetic imagining inherent in the act of bearing witness may have galvanized individuals to support the TBM resulting in the rigid regulation of the public’s conduct and discourse at the WTC site. Bearing witness, in this case, encouraged the creation of conservative norms and public policy, not just progressive political change. Recognizing the potential issues this may cause, Rentschler (2004) explains:

> When citizens pay witness to acts of mass violence ‘against our own,’ it also helps define a national community of victims. The concept of witnessing as a mass mediated, commemorative experience of others’ suffering presumes on a certain level that people *should* identify with victims and their suffering, and that media representations should ideally capture images and narrative of suffering. With victim-identified witnessing, there is no burden to understand the source of violence and how to alleviate them. In fact, often the injunction to witness others’ suffering, whether within or outside one’s imagined community of citizens, can be used to increase another group’s suffering. (301)

Deeming reverence and the veneration of America and the deceased as the legitimate and appropriate way to respectfully feel and act at Ground Zero commemorates more than the
events of 9/11; it also memorializes the U.S.’s collective victimhood. This is not to say
that empathetic imagining, inherent in the act of bearing witness, make it an insidious act;
an emotion that enables one to envision the pain of others and response in a
compassionate manner should not be condemned. However if acts of citizenship are
performed based on one’s ability to empathically imagine another’s pain and suffering,
what happens when we cannot or simply do not want to bear witness to the affective
conditions of (an)other’s traumatic experience? Can we be attuned to or have the ability
to appreciate an individual’s emotion-based claims and/or affective states—enough to
publically support him/her—when we do not empathetically experience the affective
conditions of the claim or state? If political decisions are influenced, even partially, by
one’s ability to bear witness to the trauma of (an)other, than the relationship between
affect, witnessing trauma, and the norms of citizenship need to be explored in more
detail.

Lastly, even though dominant emotional scripts and norms were reaffirmed
during the IFC social controversy resulting in the strict regulation of public conduct, this
conflict should not be considered a false, or disingenuous, controversy. During false
controversies, Fritch et al. (2006) explain, “the parameters of public discussion are
reinforced rather than redrawn” (194). They further state that false controversy “does not
facilitate the open exchange of ideas, even in the face of uncertain outcomes, but, rather,
calcifies beliefs and practices and stifles alternate perspectives” (Fritch et al. 2006, 201).
The IFC social controversy, on the contrary, was an active public debate that did not
stifle dissent or discussion; rather it engaged citizens in a lively discourse regarding how
visitors should collectively remember 9/11 at the WTC site. Unfortunately, the outcome of this conflict was the enforcement of rigid restriction on public discourse and conduct rather than the creation of more open, inclusive, and, most importantly, democratic norms of respect and respectful behavior. That does not make the IFC social controversy false; it makes it, in my opinion, disheartening.
CHAPTER 4

THE LOI N* 2004-228 SOCIAL CONTROVERSY AND CENNET DOĞANY’S AFFECTIVE STATE OF DEFIANT COMPLIANCE

“To ask for recognition, or to offer it, is precisely not to ask for recognition for what one already is. It is to solicit a becoming, to instigate a transformation, to petition the future always in relation to the Other.” (Butler 2004, 44)

Introduction

The Islamic veil and hijab, the Islamic practice of modest dress, is deeply imbricated in political debates and social controversies surrounding gender, culture, religion, and citizenship (Ahmad 1992, 2005a, 2005b; Grace 2004; Lewis 1996; Macdonald 2006; Mernissi 1991, 1992; Vivian 1999; Yeğenoğlu 1998). One such

37 In this article, I use the terms “veil,” “headscarf,” and “hijab,” interchangeably. In France, the equivalent term is foulard or voile; however since we considered this an “American” analysis we have chosen the former terms which are more dominant stateside. By these terms, I am referring to a type of head covering that goes on top of one’s head, hair, ears and neck but not necessarily an individual’s face. However, the term “hijab,” is Arabic for Islamic modest dress, which ranges from simple head coverings as mentioned above to face and full body coverage depending on region and religious sect. For an extensive discussion on Islamic modest dress, including tips on purchasing and wearing all forms of hijab, see Saraji Umm Zaid’s website, How to Hijab: Your Comprehensive Guide to the Islamic Dress Code for Women and Men, http://www.modernmuslima.com/hijabhow.htm. Zaid not only offers descriptions of each type of covering (head, face, and body), she also identifies and explains the extensive variations in coverings across regions and sects. For instance, another form of hijab, in addition to the veil, is the niqab, or face veil, which covers the entire face with a small opening for the eyes. There is a type of face veil, the boushiya, which also covers the eyes. Also, there is full body outer covering, which leaves various amounts of flesh exposed, can include loose fitting dresses, sari-like wraps, skirts, tunics, and pants. Since September 11th, the two types of head to toe coverings most frequently featured in U.S. media are the chador (worn in Iran and Iraq) and the burq’a (worn in Afghanistan and Pakistan). Also, Zaid describes the often overlooked forms of modest dress for Islamic men.
conflict ensued over the 2004 French law banning conspicuous religious attire in public schools. On March 15, 2004, former President Jacques Chirac approved Article L141-5-1 of Loi n* 2004-228 for inclusion in the national Code de l’éducation. This law states, “In public school, colleges and universities, the wearing of signs or behaviors by which pupils express openly a religious membership is prohibited” (Croucher 2008, 200).

Included in this national ban are Islamic veils and hijab, Sihk turbans, Jewish kippa (or skull caps), and oversized Catholic crosses. More discreet symbols of one’s conviction such as “small crosses, Muslim Hands of Fatima and Stars of David” are allowed (Siemon-Neto 2003, n.p.). It only took just over three months for this controversial law to be overwhelmingly passed by both houses of the French Parliament and approved by Chirac.³⁸

The longstanding social controversy regarding the legitimacy and propriety of veiling in French public schools, specifically the creation and approval of the 2004 law, have garnered substantial and insightful academic analysis (Allwood and Wadia 2009; Bowen 2007; Choudhury 2007; Croucher 2006, 2008, 2009; Joppke 2009; Keaton 2006; Volpp 2007; Winter 2008). This research has assessed proponents’ stances on interconnecting issues regarding the norms of laïcité, French Islamophobia, and the conceptualizations of French citizenship that underwrite the controversy. Given the thoroughness of this scholarship as well as the passionate tone of the conflict, it is surprising the affective dimensions of the 2004 social controversy have been overlooked. Therefore, this chapter offers an analysis of these dimensions by focusing on the

³⁸ In France’s lower house of Parliament this bill was passed by a margin of 494 to 36 with only 31 abstentions. Then, it was passed by the French Senate by another overwhelming margin, 274 to 20.
oppositional affective states that infused the conflict; the proponents’ stance is imbued with *fear* and *risk*, whereas the opponents’ stance is saturated with *indignation*.

Examination of these affective states, which underwrite the logic of the controversy, offers insight into how proponents’ fear of the potential risk hijab posed to the French republic was ultimately justified despite the oppressed conditions the law creates for veiled French-Islamic girls.

To capture the full range of the affective dimensions of the controversy, this chapter will also include an examination of an incommensurate discourse offered by Cennet Doğanay’s, a veiled French-Islamic student, which is irreducible to the pro/anti dichotomous logic of this conflict. Cennet wanted to obey the law and observe hijab rather than choose to acquiesce to or completely defy the law. In this section, her affective state of *defiant compliance* will be analyzed as an embodied experiential argument that attests to the harrowing felt conditions the law created for her as a veiled French-Islamic girl. Frustrated yet determined to reconcile her Islamic belief in hijab with the law, Cennet made the painful decision to shave her head as a means to unveil (so she could stay at her school) but still not show her hair, which she believed was the spirit of hijab. On October 1, 2004 when Cennet arrived at school and publicly unveiled her shorn head, her affective state of *defiant compliance* became salient and made the doubly oppressive experience and sensate-visceral impact this law can have on young, veiled French-Islamic girls apprehendable. Audiences were invited to engage in this state as a means to apprehend the intricacies of Cennet’s affective experience and judge the legitimacy and propriety of *Loi n*° 2004-228 from within it.
The social controversy regarding *Loi n* 2004-228 and Cennet’s affective state of defiant compliance as an irreducible response to it is a significant case study to analyze how incommensurate stances function in relation of commensurate ones. Cennet’s state of defiant compliance poses questions regarding the options available to French-Islamic girls who do not want to choose between their education and their veil and invites audiences to apprehend the felt conditions of her experience to appreciate the skewed “moral economy” which she lives within (Hauser 2000, 140). The extent to which the conditions of Cennet’s defiant compliance are apprehended can aid in the cultivation an appreciation for the felt oppression of her lived experience under this ban and recognize it as a manifestation of injustice which puts the legitimacy and propriety of the law into question.

Since Cennet’s objection was a more insulated incident, a number of diverse texts were used to (re)create and analyze her affective state of defiant compliance. These texts include 19 French, Turkish, and English newspaper, newswire, television transcripts and magazine articles that feature stories about Cennet from October 1, 2004 to October 1, 2005, compiled from a search on Lexis Nexis Academic. Cennet is of French and Turkish descent; hence the focus on French and Turkish articles and these articles were translated to English using Google Translate software. Additionally, institutional reports about Cennet made by the Muslim Writers Alliance, the Islamic Human Rights Commission, and AKDER Women’s Rights Association Against Discrimination were also analyzed as well as the website *Islam Online* which featured extensive coverage and interviews with her.
This critical reading of the affective dimensions of the \textit{Loi n*} 2004-228 social controversy and Cennet’s affective state of defiant compliance begins, first, with some background on the conditions that led to the controversy. Next, the affective dimensions of the \textit{Loi n*} 2004-228 social controversy is assessed, followed by a discussion of Cennet’s dilemma due to the law’s implementation. Then, her affective state of defiant compliance is analyzed as an embodied experiential argument regarding the oppressive conditions of her experience that invites audiences to apprehend the moral economy of her situation. Lastly, a brief examination of the public reports and responses to Cennet is examined to address how the dichotomous stances of the controversy can obscure the public’s apprehension of her state as one of defiant compliance.

\textbf{Conditions of the Controversy: Affairs, Malaise, and Laïcité}

Prior to the \textit{Loi n*} 2004-228 social controversy and Cennet’s affective response to it, there had been a longstanding conflict regarding the legitimacy and propriety of veiling in public schools. Goodnight (2005) asserts that long-term sustained social controversies “do not so much die out as become dormant, only to reappear in more virulent form later” (27). New reiterations of longstanding conflicts do not simply consist of the same claims repeated over again; rather stances can mutate over time since “[t]he focal issues of a period may shift” (Goodnight 2005, 27). Historically speaking, the controversy surrounding the creation and approval of \textit{Loi n*} 2004-228 is a reiteration of the conflicts prompted by \textit{l’affaires du voile} or headscarf affairs, in relation to the norms
of laïcité. L’affaires du voile are individual cases of French-Islamic girls refusing school officials’ orders to unveil, typically resulting in court battles over their liberty of conviction and the parameters of French citizenship. Each affair and court battle prompted a new bout of this longstanding social controversy; thus, long before Cennet’s affective state of defiant compliance functioned as an embodied experiential argument regarding her oppressed condition under this law, her body was intricately wound up within this sustained conflict.

Prior to this legislation, the State Council’s 1996 ruling declared that an outright ban of religious attire in public schools was forbidden unless religious dress interfered with a school’s pedagogical mission either because it was used as a reason for absenteeism, class disruption or as an act of “pressure, provocation, propaganda or proselytism” (Saas 2001, 454). This decree was enforced at the institutional level; hence, each school’s officials had the authority and flexibility to interpret, implement, and discipline students in accordance to it at their discretion. This ruling remained intact until a bevy of circumstances gradually led to a fundamental change in public opinion. In 2003, public and school officials argued that hijab in public schools is a “basic challenge to the State Council” because now, simply donning the veil was believed to be an act of

---


40 Earlier attempts to ban veils in French public schools occurred in 1989, 1992 and 1996. Each of these instances was prompted by headscarf affairs; however, until the current law the State Council 1996 ruling that “the principle of secularism forbids any discrimination in access to education against pupils on the basis of their religious convictions” remained law (Saas 2001, 453).
proselytism (Bowen 2004, 96). Bowen (2007) argues that two recent l’affaires du voile,\textsuperscript{41} the 9/11 attacks, and, most importantly, a general feeling of malaise—sensations of discomfort and unease—about the economic, social, and political state of the French republic were all major factors that led to this change in public opinion and the proposed of law.

Within public opinion, concerns over France’s economic and political prowess were tied to a perceived decline in the republican ideal of laïcité.\textsuperscript{42} Based in notions of secularism and neutrality, laïcité refers to the need for a formal separation between religion and politics to help ensure that state legislation and judicial rulings are based on public order and not private conviction.\textsuperscript{43} “In principle,” Croucher (2008) explains, “this concept insures the neutrality of the State towards religious affairs, and the neutrality of the church in political/economic affairs” (26). As a “bedrock principle” of French citizenship and cultural identity, strict adherence to the norms of laïcité is considered

\textsuperscript{41} In 2002-2003, there were two high profile headscarf affairs that added to public and school officials’ insistence that a national ban needed to be created. These were: the 2002 teachers strike at Lycée La Martinière Duchère in protest of a student’s refusal to unveil and the 2003 expulsion of Lila and Alma Levy. See Allwood and Wadia (2009) for a good overview of both cases.

\textsuperscript{42} In response to the perceived adulteration of laïcité, former President Chirac created The Independent Commission of Reflection on the Application of the Principle of Laïcité in the Republic to assess the French public’s views on laïcité and he appointed former education minister Bernard Staci commission head; hence the nickname the Staci Commission. Even though the commission “compiled its report [from] the testimonies of some 120 people, including veiled women, heads of French parties, human rights organization representatives, intellectuals, and writers,” none of its members were advocates of veiling or could speak to the experience of veiled Islamic women (Yahmid 2003). The closest connection the commission had to Islam was Muhammed Arkoun. Yet, another commission member later explained, “It was unfortunate that there was no one with sensitivity about Islam. René Rémond had that for Catholicism and Patrick Weil for Judaism; Muhammed Arkoun has no real ties with the Muslim community, things have moved well beyond him” (Bowen 116).

\textsuperscript{43} The origin of the term laïcité dates back to the French Revolution of 1789 but it gained national importance with the 1905 law “mandating the separation between Church and State” which declares “The Republic neither recognizes, nor salaries, nor subsidizes any religion” (Croucher 2008, 28). See Croucher’s (2008) book Looking Beyond the Hijab for a thorough historical account of laïcité origins in France.
“essential for a cohesive society,” and, consequently, national discord and weakness was thought to be a sign of a decline in the enactment and public enforcement of it (Coq 2004, 25). Laïcité was also a driving force in the creation of a public education system as the purveyor of both academic instruction and civic cultivation. To ensure the perpetuation of the norms of laïcité, public schools were to teach students the central role this principle plays in French society and citizenship.

Within mediated and political discourse, the connection between the adulation of laïcité and veiling became fetishized whereas other possible causes, as well as solutions, to the affective state of malaise such as issues of discrimination, poverty and the substandard quality of urban schools, were quickly glossed over (Bowen 2007; Choudhury 2007). Public schools where pinpointed as the first place adherence to the principle, and the norms of laïcité were compromised and needed to be reaffirmed. As Laurence and Vaisse (2005) explain, “Schools lie at the very heart of French political identity, and they are the first line of defense of laïcité” (164). Public and school officials argued that a law completely banning hijab in public schools was needed at the national level to ensure students were free from proselytism and France’s young citizenry could learn the value and norms of laïcité undiluted by religion.44 Former President Chirac agreed and on December 11, 2003, he proposed a law not only banning Islamic veils and

44 The discourse surrounding this law to ban conspicuous religious attire in French public schools hegemonically constrains Muslims simply because they differ from dominant Christian religion. As Moruzzi (1994) explains, “When French intellectuals mount a defense of secular values, they are refusing to acknowledge that their version of secularism allows for freedom of religious practice for one hegemonic group—who go with their heads uncovered outside of a sacred space and pursue their community devotions on Sunday—but not for others—who may believe that the head should always be covered and that the Sabbath falls on Friday or Saturday. For members of those religious and cultural communities, French secularism becomes an unequal religious prohibition, and hence a deeply felt political problem” (p. 665).
hijab, but also other “conspicuous” religious attire such as turbans, kippas, and oversized crucifixes, in all public schools, universities and colleges (Croucher 2008).\footnote{This law was adapted by the report given by the Staci Commission with suggestions on how to (re)affirm the norms of laïcité in the republic. The ban was not the only suggestion made by the commission, in fact, a total of twenty actions were offered; however, it was the only one that was made into a law. For example, the commission also recommended that French public schools should observe some Jewish and Muslim religious holidays and recommended that companies should adopt the same policy. These recommendations were attempts to even out the structural inequality experienced by religious minorities since the majority of France’s public holidays are based on Roman Catholic celebration days. The commission also recommended that “the history of slavery, colonialism and de-colonialism, immigration and religion be included in the curriculum” as well as programs to make it “easier for children to learn their parents’ languages, such as Arabic and Kurdish” (Broughton, 2003). Yet, only one week after this report was presented to former President Chirac on December 11, 2003, a bill was drafted which only included the ban on conspicuous religious attire in French public schools. The other recommendations were left behind and have not yet been revisited.}

Even in its earliest conception the focus of this law has been hijab since veiled French-Islamic girls were the largest population affected by this proposed legislation.\footnote{In France, the Muslim community is one of the largest minority populations over five million strong; making Islam the second largest religious sect, Catholicism being the first.} Ironically, there was a discrepancy between the actual amount of French-Islamic girls that were veiled and the perceived risk their presence in public schools posed to the continuity of laïcité. Even though the 1996 Council’s ruling supported students’ choice to display their religious and cultural affiliations, fewer and fewer students were actually veiling after it was passed. According to the Ministry of the Interior, in 2003, only 1,254 Muslim girls attended public school veiled (Laurence and Vaisse 2005). This is a significant decrease from the 2,000 veiled students reported in 1994 and only represents less than 1% of all French-Muslim women (Laurence and Vaisse 2005). Keaton (2006) found that:

Even more striking are the results of a survey reported by the newspaper Le Monde which showed that 91 percent of teachers that they polled had never been confronted by a “veiled” student in the schools where they teach, while a reported
65 percent had never seen a “veiled” girl in their class in their career. And yet, 76 percent of teachers polled favored the law banning “ostensible” religious symbols. (181)

While public and education officials asserted there was an intense need for a national ban on veils and other conspicuous religious attire in public schools, the actual magnitude of the issue (i.e., the number of students observing hijab) was continually decreasing.

**Overview of the Affective Dimensions of the Social Controversy**

The proposed law reignited the longstanding social controversy about veiling once again. Oppositional, dichotomous stances on the law were taken and participants from both sides appealed to differing norms of laïcité that informed their conflicting conceptions of French citizenship and civic conduct. Laïcité, Joppke (2009) explains, “is marked by a tension between being a principle of rights and religious liberties and being a principle of national unity and integration: both the defense and the rejection of the Islamic headscarf could be done (and historically have been done) in [its] name” (33). Pro-law supporters asserted the conceptualization of laïcité based in national unity and integration; whereas their opponents argued that laïcité could and should support citizens’ rights and liberties by promoting public neutrality rather than secularity. Each side asserted the legitimacy and propriety of their conceptualization of laïcité based on claims saturated with conflicting affective states. During this controversy, the law proponents’ state of fear infuses their stance regarding the risk that veiling poses in public schools and the law’s opponents state of indignation grounds their stance that the law is unjust. These states underwrite the argumentative logic of the controversy positing
two different orientations towards hijab which are attuned to and appreciate different form of French citizenship.

Pro-Law Stance

During the social controversy regarding Loi n° 2004-228, pro-law supporters argued that veiling in public school posed an immediate and potential risk to France and its citizenry which individuals should be fearful of. Banning the veil and other conspicuous religious attire from school was necessary to preserve French national identity and culture as well as keep its citizenry safe. Fear, as an affective state, is experienced as sensations of anxiety which course through the body as one’s senses become more alert, breathing accelerates, and limbs are retracted; preparing the body to (re)act when confronted by what is perceived as an imminent danger, risk, or threat. When experiencing this affective state, the mind focuses sharply on what it considered the source or object of fear to help attenuate one’s physical and mental distress. The emotion of fear “is felt as an unpleasant form of intensity,” which Ahmed (2004) explains, has a “temporal dimension” because it is experienced in “anticipation of hurt or injury” not immediate pain (Ahmed 2004, 65). Fear prompts (re)actions based in the impulse for self-preservation; to save oneself from that which poses a potential risk of harm and/or pain.

The affective experience of risk, on the other hand, is the felt sensation of vulnerability which provokes anxiety when exposed to instances of possible injury and pain. Similar to fear, risk also has a temporal component; the affective state of risk is a sensate-visceral experience infused with anxiety over what one imagines are potential
dangers his/her is physically, mentally, and affectively left open to (Slovic 2010). Thus, there is an interrelated relationship between the affective states of fear and risk. Experiences of risk expose one to the possibility of pain which provokes states of fear; feeling fear, in turn, can lead to a desire to remove oneself from the experience of risk as a relief from the anxiety it provokes (Altheide 2010; Ericson and Haggerty 1997; Lerner et al. 2005; Staples 2000). From a national study on fear and risk, Lerner et al. (2011) found that feelings of fear can lead to more pessimistic judgments about the force and intensity of the experience of risk one is open to, especially in relation to potential acts of terrorism. Furthermore, when the emotion of fear is either intentionally or naturally primed in an individual, it can intensify existing feelings of being at risk and provoke individuals to imaginatively expand upon the realm of potential dangers one is vulnerable to. This priming of fear also can create a greater sensation of pressure galvanizing individuals to relieve the feeling of risk.

Affective states of fear and risk can be experienced as diffuse moods at the collective, not just individual, level which can be evoked in public discourse. Collective states of fear, Ahmed (2004) explains, are “concerned with the preservation not simply of ‘me,’ but also ‘us,’ or ‘what is,’ or ‘life as we know it,’ or even ‘life itself’” (64). As a galvanizing force of national preservation or security, rhetorical fear appeals can and have been used to mobilize audiences into action as a means of protection. Altheide (2010) argues, “The prevalence of fear in public discourse can contribute to stances and reactive social policies that promote state control and surveillance. Fear is a key element in creating ‘the risk’ society,” organized around communication oriented to policing,
control, and prevention of risks” (261). Political action that is created and implemented in (re)action to fear makes the affective economy, or politics, of fear more salient (Ahmed 2004). The affective economy of fear “works to contain the bodies of others” as a means to restrain or prevent the experience of risk (Ahmed 2004, 67). In other words, the object of fear is rationalized as a national danger or risk which justifies actions to restrict, contain, and/or control it. As Ahmed (2004) asserts, “fear functions as a technology of governance: the sovereign power either uses fear to make others consent to that power, or civil society promises protection, and the elimination of fear, to ensure consent” (72).

Allowing French-Muslim girls to veil in public schools, proponents asserted, would create an atmosphere of risk by jeopardizing: students’ integration into French culture, national cohesion and unity, student safety, and gender equality. Supporters of the ban argued that donning the veil, as an icon of Islam, is a form of proselytism and a sign of French-Islamists’ girls unwillingness to embrace the Republic which subverts the dominant norms of laïcité that promote integration within public schools (Appiah 2004; Bowen 2007; Choudhury 2007; Thomas 2006; Vivian 1999). As former President Chirac stated when proposing the ban, “Wearing a veil, whether we want it or not, is a sort of aggression that is difficult for us to accept” (quoted in Choudhury 2007, 199). For Chirac and other law supporters, the sensate-visceral experience of veiling was so intense that simply donning the hijab would create a state of aggression and act as a claim of hostility toward French culture making the veil inherently anti-French. Thus, banning this “aggression” within public school was for the “greater good” of France to promote national unity and integration via religious and cultural exclusion.
Pro-law proponents argued that the “French tradition explicitly rejects pluralism as a public good” because it put the nation’s cohesion and strength at risk (Carle 2004, 67). Dominant norms of laïcité, they assert, “can ensure the separation of public and private only by refraining from recognizing distinctive cultural and religious identities within the public sphere” (Wievioka 2004, 29).\(^{47}\) From this integration perspective of laïcité, citizenship and national identity is intimately bound to French culture; performing one’s citizenship depends, in part, on his/her willingness to both accept and enact French as the national culture above all other cultural, ethnic and religious affiliations. The experience of unity, then, was dependent on the sense of sight—all citizens had to “look” French and publicly enact French customs giving the appearance of a unified nation. The more multicultural and religiously diverse French identity appeared to be, law supporters argued, the weaker and more vulnerable the nation became. Ahmed (2004) explains, “Fear involves reading such [multicultural] openings as dangerous; the openness of the [national] body to the world involves a sense of danger, which is anticipated as a future pain or injury” (69). Hijab in public school, then, put national unity and security at risk by making veiled students’ Islamic identity more visually salient than their French identity signifying their intentional resistance to the dominant norms of laïcité and aggression towards the French government.

\(^{47}\) An important critique of laïcité proponents is that strict adherence to this ideal privileges Christianity. Of the four types of religious attire addressed by the ban—the hijab, the turban, the kippa and the crucifix—all are considered mandatory by their associated religious faith except the crucifix. As Jean-Arnold Clermont, president of the Protestant Federation of France explains, “people no longer wear huge crosses so it is kind of hypocrisy to say that, of course, we are not against Jews or Muslims but against all ‘conspicuous’ signs” (Carle, 2004, p. 65). Therefore, Catholics are not truly affected by this law even though this law purports to subordinate all religions to the republican value of secularism.
School officials felt they had to mentally and physically protect “pupils from the pressures” of veiling since French public schools were considered “the cradle of democratic unity” (Bowen 2007, 96-7). As Weil (2004), a member of the Staci Commission which researched the decline of laïcité and a pro-law supporter, explains:

It has become clear that in schools where some Muslim girls do wear the headscarf and others do not, there is strong pressure on the latter to “conform.” This daily pressure takes different forms, from insults to violence. In the view of the (mostly male) aggressors, these girls are ‘bad Muslims,’ ‘whores,’ who should follow the example of their sisters who respect Koranic prescriptions . . . Furthermore, in the increasing number of schools where girls wear the [veil], a clear majority of Muslim girls who do not wear the headscarf called for legal protection and asked the commission to ban all public displays of religious belief. (n.p.)

From this perspective, unveiled French-Muslim girls are innocent victims that are consistently exposed to experiences of risk via the felt pressure to veil for religious and safety reasons. Law proponents asserted that this pressure was so intense that simply the presence of veiled girls put unveiled girls in danger of proselytism and verbal/physical violence. Hijab wearing girls and Islamic boys were oppressors that French-Muslim girls were pleading for protection from; pro-law supporters believed it was their duty to keep these students safe and reduce their fear and risk of being bullied. Yet, French-Muslim girls are not the only ones in danger; rather the entire French citizenry is at risk and the public school system was the material site of this danger.

“[T]he defense of laïcité in public institutions, particularly in schools,” according to Allwood and Wadia (2009), “was presented by many pro-ban supporters as a means of protecting French democracy against fanatical ideologies, namely Islamic fundamentalism” (165). As Weil (2004) explains, “The reason [for the ban] was plain:
the wearing of a headscarf or the imposition of it on others is much more than an issue of individual freedom: it has become a France-wide strategy pursued by fundamentalist groups who use public schools as their battleground.” Framing “public school” as a “battleground” implies that there is a war between Islamic fundamentalism and French national identity. A fear of what “fundamentalists” would do to the larger French citizenry, if they could terrorize young French-Muslim girls, implies a sense of moral and mortal urgency. French citizens would be endangering themselves if they allowed girls to continue veiling in public schools, since hijab was a “France-wide strategy” used by Islamic Fundamentalists plotting to infiltrate and occupy France.

From this perspective, veiling was not only an icon of Islamism; it also was an embodiment of an intense and radically devout form of Islam that is closely connected to fundamentalist sects. As one public school teacher explained, “In its task of teaching general rules, the secular school cannot tolerate having some adolescents voluntarily or fearfully bending themselves to the fundamentalism of a community” (Graff et al. 2004, 37). To this teacher, and many others, hijab is not a sign of faith or cultural tradition, but rather a political insignia of fundamentalism and a form of patriarchal oppression that French-Muslim girls needed to be protected from. Former National Assembly speaker, Jean-Louis Debre explained that “what is at issue here is the clear affirmation that public school is a place for learning and not militant activity” (“France Votes” 2004). The best way to reaffirm this distinction, according to pro-law advocates, is pass a national law prohibition hijab in public schools; otherwise, students as well as the entire French citizenry will be exposed to the danger posed by Islamic Fundamentalists.
Anti-Law Stance

Opponents of the law, not surprisingly, argued that this proposed legislation was a blatant act of Islamophobia; a form of fear specifically oriented towards Islam. The disproportionate effect the ban would have on veiled French-Islamic girls was “proof of barely concealed anti-Arab/Muslim racism” that ran rampant throughout France (Allwood and Wadia 2009, 173). This stance is infused with an affective state of indignation in (re)action to the fear that underwrites the law and in its supporters’ stance. The opposition’s indignation was experienced in (re)action to three perceived injustices. First, the law, as an act of Islamophobia, was unjust and would harm French-Islamic women and girls. Second, imposition of this ban was an act of forced assimilation which infringes students’ liberty of conviction. Third, it is culturally insensitive and morally wrong to assert that hijab is solely a sign of female oppression and patriarchal dominance.

The affective state of indignation is experienced as a type of anger; a coursing heat that surges through the body culminating in a sense of restlessness and intense focus on what is cognitively recognized as a morally unjust act committed against oneself (Dubreuil 2010). Feeling indignant typically provokes an urge to retaliate in response to this perceived injustice. As an emotion, Hattam and Atkinson (2006) explain, indignation is a righteous anger that is oriented “towards the dominant forces that generate, inform, and shape discrimination, dehumanization, and human misery” (697). For instance, one reason critics of the law felt indignant was because public and school officials fixated on “simplistic accounts of liberation and emancipation” to explain hijab which promotes a
colonialist mentality and overlooks the rich array of cultural and religious reasons women have for veiling (Moorti and Ross 2002, 267). Since indignation is felt in response to perceived acts of injustice, the experience of indignation implies a belief in the legitimacy and propriety of one’s anger as the appropriate response to human and civil rights violations (Macedo 2004). Prinz (2007) asserts that one generally feels indignation when he/she bears witness to public officials’ failure “to take care of” their citizenry which is a violation of societal norms of justice (69).

Opponents of the law argued that the intentional infringement of young citizen’s liberty of conviction in public schools was simply a means to attenuate the public’s fear of Fundamentalist Islam regardless of the pain and suffering the ban would clearly caused veiled French-Islamic women and girls. Choudhury (2007) explains, “opponents contest the ban itself as an act of discrimination against a marginalized minority and as a law that hurts the very people it claims to protect” (206). The law’s opponents felt indignant about the government’s proposal for a national ban that violates the civil rights of its own citizenry and scoffed at the claim that this unjust restriction would create a greater sense of national unity. They argued that the “law will stigmatize French Muslims and exacerbate already fragile relations between religious and ethnic communities” (Abu-Rabia 2006, 101). A national ban would be an act of forced assimilation, not the seamless integration of the Islamic population into the general population (Croucher 2008). Creating a situation in which a minority is even further ostracized within the public sphere would not lead to a more cohesive society but rather greater separation, resentment, and an even more fractured citizenry.
The law’s opponents argued, “[t]he French value of individual religious liberty has . . . been superseded by the perceived threat to national sovereignty and the French way of life” (Laurence and Vaisse 2005, 167). The injustice of this normative violation of citizens’ liberty of conviction evoked an affective state of indignation in critics’ which galvanized them to propose a change to the dominant norms of laïcité. Critics of the law, Keaton (2006) explains, “support an interpretation of laïcité as the school’s neutrality toward religious beliefs (therefore its equal respect for their expression)” and challenged the legitimacy and propriety of a law that would add to the material and mental oppression of its own citizens (177). Interpreting laïcité as a principle of individual rights suggests a form of French citizenship that appreciates liberty, diversity, and social unity based in tolerance. Whereas, supporting norms of laïcité based on integration justify the denial of students’ right to a public education and force them to sacrifice their conviction in order to receive one.48

The anti-law stance asserted that “French republicanism’s emphasis on individual liberty,” underwrites French-Muslim girls’ right to choose whether or not they want to veil in public schools; thus, choosing to veil is an enactment of, not an aggression towards, French citizenship and culture (Beller 2004, 597). In other words, a girl’s choice to hijab (not the imposition of it) is “a French thing to do” and consequently, supporting that choice “would [also] be a French thing to do” (Beller 2004, 597). On January 17, 2004, in cities across France over 20,000 Muslim women did just that as they protested the law chanting “Not our father, not our husbands, we chose the headscarf!” During

48 This is a fairly “Americanized” understanding of citizenship considering that freedom is one of our founding principles.
these rallies, protesters’ indignation was palpable as they “embraced their simultaneous identity as Muslims and French citizens by signing the Marseillaise, wearing headscarves featuring the French tricolor, and waving their national identity cards” (Choudhury 2007, 204). For these women, being a French citizen entitled girls their liberty of conviction and supported their right to veil, if they choose to do so. Denial of this right would be a blatant manifestation of social injustice, making the law an illegitimate and inappropriate piece of legislation.

Critics also argued that hijab is not a definitive sign of female oppression and the proposed law glosses over the multitude of reasons women have for donning the veil. For instance, it did not matter if girls veiled as: a refusal to be subjected to the male gaze, liberation from westernized standards of beauty, an act of political resistance to acculturation, an embodiment of religious beliefs in modesty, a sign of cultural pride and tradition, or simply a fashion preference. According to the logic of the proposed law, all that mattered was whether or not French-Muslim girls unveiled because they were a threat to national unity and the public’s safety. The anger and frustration caused by this intentional reduction in meaning prompted one supporter to assert, “It is absurd to expect a Muslim girl to form a secularized, public identity at school and yet maintain an unencumbered Muslim identity at home” (Carle 2004, 68). The law not only severs the act of veiling from the intricate web of personal, political, cultural and religious reasons women hijab, but, critics argued, it also forces a deep separation between their French and Islamic identities. Simply put, opponents of the law believed there was no justifiable reason to subject French-Islamic girls to this physically, mentally, and civilly oppressive
ban. Recognition of this injustice provoked their affective state of indignation which undergirded their oppositional stance. Yet, the majority of citizens and public officials believed the oppression of this small group of students was justifiable because it was for the greater good of the French republic. In this way, Ahmed (2004) explains, “fear work[ed] to restrict some bodies through the movement or expansion of others” (69).

Epilogue to the Controversy

Despite the controversial nature of this proposed law, it was approved by both houses of the French Parliament and former President Chirac in only three months. Indeed, the law has been deemed legitimate, appropriate, and, ultimately, justified. The dominant norms of laïcité as a principle of national secularism promoting national unity was reified and allowed the government to deny students a public education if they enacted their religious and cultural beliefs by wearing “conspicuous” religious attire in schools. This law rigidly regulated the public conduct of French-Islamic girls, French-Sikh boys, and French-Jewish boys by completely banning veils, turbans, and kippa, implying that donning these symbols signified their refusal to integrate into French culture.

The approval of this law politically and affectively marks veiled French-Islamic women and girls as “fearsome” because they are “a danger not only to one’s self, but to” the French way of life which “justif[ies] violence against” them (Ahmed 2004, 64). To be appreciated as French citizens, these students would have to publicly sacrifice their religious and cultural adherence to these beliefs and customs due to the potential risk they posed. The approval of this law suggests that the injustice and harm to those immediately
affected simply does not matter in the larger scheme of things; their oppression is a type of collateral damage experienced for the greater good of the French republic. Veiled French-Islamic girls, as the largest population impacted, have disproportionately felt the brunt of this law. As Keaton (2006) explains:

... these girls are penalized for the politics of others, people who would sacrifice the girls’ education to their own beliefs, thereby reducing the girls’ life chances in a credential-driven society. Already, those in the outer cities receive a woefully inadequate education, and it is only further compromised by this law. Moreover, the law contributes to their stigmatization and social exclusion. (183)

The further material and social oppression of veiled French-Islamic girls is justified by this law; legalizing the creation of oppressive conditions which they must live within in their own country. Given that veiled schoolgirls are the individuals must immediately affected by this law, it is surprising that during the controversy they did not have a strong public voice in the conflict.

Both Tévanian (2005) as well as Allwood and Wadia (2009) found that during this controversy the majority of the public discourse was produced by academics, writers, politicians, and journalists whereas veiled students themselves as well as their families, friends, and teachers received little to no media coverage or public representation. Furthermore, the pro-law stance received a larger amount of print and airtime than the law’s opponents; 46% to 38% respectively (Allwood and Wadia 2009, 162). Concerns over the affective conditions of veiled French-Islamic girls’ experiences under this law were largely ignored during the Loi n* 2004-228 social controversy. Consequently, Allwood and Wadia (2009) assert, “questions about how schoolgirls affected by the ban coped with isolation from their friends or with the difficulties of following distance-
learning courses, about how their classmates felt, or about the educational future of all those affected directly or indirectly by the ban met with deafening silence” (162).

However, Cennet Doğanay’s affective state of defiance compliance can be understood as a “new reiteration” of this longstanding social controversy because it “unsettle(s) the balances of [these] well-known paths of argument” by offering an incommensurate, irreducible discourse as an alternative to the dominant pro/anti framework (Goodnight 2005, 27). As an embodied experiential argument, Cennet’s affective state of defiant compliance makes the plight of veiled French-Islamic girls apprehendable and recognizable as an experience of oppression which enabled audiences to appreciate their conditions under this law as a manifestation of social injustice. The conditions leading to this state offer insight into how Cennet’s experience of this new law galvanized her to shave her hair as an embodiment of her feelings of defiant compliant.

**Conditions of Cennet’s Shorn Response**

The law first went into effect on September 2, 2004 and Cennet Doğanay was a 15 year-old sophomore at the *Lycee Louis-Pasteur de Strasbourg*, a high school in a northeast suburb of Paris. The ban posed a challenge for Cennet. She began veiling in sixth grade out of her own conviction and desperately wanted to continue observing the Islamic tradition she loved but she also wanted to remain at her school. “This new law broke my heart,” she explained, “I was asked to choose between my religion and my studies, between being myself and having a future. Why would the government do that” (Fouquet 2006, n.p.)? If she simply followed French law and unveiled, Cennet would abandon part of her religious and cultural identity. As she stated, “[m]y headscarf is my
dignity, not just a piece of fabric. It’s me” (Fouquet 2006, n.p.). Conversely, if Cennet remained veiled she would have to leave her school and either go to school abroad, which was financially impractical, or attend a publicly subsidized private, most likely Catholic, school since in 2004 only one private Islamic school existed in all of France even though two others were being developed (Bennhold 2008, A6). Cennet could not easily choose one situation over another without either compromising her deeply held religious and cultural beliefs or, at fifteen, changing schools and possibly moving away from her family and friends.

Uncertain what to do, Cennet as well as approximately 639 French-Islamic girls, arrived at their public schools veiled (Laurence and Vaisse 2005, 170). These girls were not allowed to attend classes; instead veiled students began a mandated, individual dialogue processes which “precede[d] the enforcement of all disciplinary procedure” (Kramer 2004, 58). However, as the former education minister explained, “this phase [was] not, the rules make plain, a time for negotiation” (“A Hot” 2004, 43). These “dialogues” were merely a means to facilitate the decision to either: unveil and stay; or veil and make other schooling plans. By the end of the year out of the approximate 639 students that arrived veiled, 48 girls were expelled for hijab, 143 students “voluntarily” left the national education system to be home schooled, and the rest, including Cennet, unveiled (Laurence and Vaisse 2005, 171).

Cennet remained in dialogues for about one month and become desperate for a resolution since, in her words, “there was no time” (Doğanay 2004, n.p.). She had wasted an entire month, languishing alone in detention and she wanted to return to her classes.
As her mother explained, Cennet was determined to find a way “to go to school like everyone else” (“Une lycéenne” 2004, n.p.; google translation). Reluctantly, Cennet did what she felt she had to in order to continue her education at her school as well as honor her country, her religion and her culture—she shaved her head. Cennet felt she had “no choice than what I did” (Doğanay 2004, n.p.); the sensate-visceral pressure imposed on her by these doubly constricting conditions provoked an array of feelings—sadness, frustration, desperation, anger, and resignation—which galvanized her to do the only thing she believed appeased both French and Islamic law.

**Cennet’s Affective State of Defiant Compliance**

For Cennet, shaving her head was a means of survival; the only option available to her given the rigid behavioral regulations established by the new law that narrowly confined her lived experience to two undesirable choices. The oppressive sensations of these conditions provoked a sense of defiance—the sensate-visceral experience of frustration and contempt felt in response to imposed restrictions provoking intentional and blatant resistive actions. Her defiance was oriented towards the French government for imposing these harsh restrictions on her. But, she also felt compliant—the sensate-visceral experience of yielding to the felt pressure of an imposed restriction—given her desire to stay at home and in her school. These combined conflicting sensations created an affective state based on the conditions of an embodied contentious struggle; Cennet gave her body over to the felt pressure imposed on her by the law while concurrently resisting this pressure by refusing to fully concede to these restrictions.
On October 1, 2004, when Cennet publicly unveiled her shorn head, the intensity of this experience made her affective state of defiant compliance salient and the oppressive conditions of her situation apprehendable. As Cennet stated prior to unveiling, “I will respect both French law and Muslim law by taking off what I have on my head and not showing my hair” (Doğanay 2004, n.p.). In the context of the controversy, Cennet’s affective state of defiant compliance functions as an experiential argument; it raises questions regarding the legitimacy and propriety of the law given the distressing and oppressive experience it created for her which lead to her disparaging decision to shave her had as an act of “survival.”

When explicating how her affective state functions as an experiential claim, the form this state culminates in effects the way the argument operates. In Cennet’s case, her defiant compliance is most salient as it culminates in her embodied act of publicly unveiling her shorn head. The body can be a compelling conduit for affective states; bringing to life the sensate-visceral experience of one’s mood through the flesh while placing it on display upon the surface of the skins (Butterworth 2008; DeLuca 1999; Dolmage 2009; Hauser 1997, 1999, 2000, 2006; Hawhee 2006; McNaughton 2007; Palczewski 1998, 2002; Pezzullo 2003; Ray 2007). As embodied experiential claims, affective states act as a type of testimony based in an individual’s sensate-visceral enactment of his/her affective state which can illuminate the “moral economy” this experience is based within (Hauser 2000, 140).
Affective states, as embodied experiential arguments, have a demonstrative element to them; they create a bodily display of one’s affective state as a sensate-visceral enactment of the felt conditions that provoked this experience. In other words, one’s affective state both testifies to one’s sensate-visceral experience and, simultaneous, is evidence of the felt conditions that provoked it. If the conditions leading to an affective state are to be apprehended, “one needs to mount a convincing claim” testifying to the sensual experience of it (McNaughton 2007, 142). Thus, the relationship between embodied states and testimony is unique. Palczewski (2002) explains, “A person’s testimony is not the same if repeated by another, and in the very testifying, speakers are asking for others to assent not only to the claims, but also to their existence” (16). Affective states as testimony attests not only to an individual’s sensate-visceral experience but also claims that there is political significance embedded within the conditions of this experience which needs public recognition.

Like body rhetoric, embodied experiential claims are unconventional forms of argument which tend to be used by marginalized individuals and groups that do not have a strong public voice/presence (Fabj 1993; Delicath and DeLuca 2003; DeLuca 1999; Hauser 1999, 2000; McNaughton 2007; Olson and Goodnight 1994). As testimony to the oppressive conditions of one’s experience, the public display of an affective state can illuminate the “moral economy” this unjust experience is based within (Hauser 2000, 140). Barker (2006) explains that a moral economy is “a set of ethical assumptions underpinning” acts of resistance towards dominant norms, law, and governing bodies (21). Moral economies are “negotiated, relational, dialogical, constructed, and
reconstructed as part of an ongoing interaction between power and powerlessness” (Barker 2006, 21). For instance, Hauser (1997) argues that during hunger strikes:

The fasting body cannot force the authority to cave in, but [the] public display of helplessness before a superior power presents itself as paradigmatic for the society's moral economy. The strike focuses attention on seemingly misguided values that would allow a person to perish rather than negotiate the complaint . . . As the physical body diminishes its rhetorical incarnation grows until it is massive, touching the conscience of ever enlarging circles of society . . . demand[ing] the authority must act. (251)

Apprehension of one’s affective state as indicative of a skewed moral economy, assumes that audiences would deem this embodied experiential claim of injustice legitimate and appropriate given the society’s ethical assumptions and norms of justice. Farrell (2006) explains that “the anticipated response” to the moral economy of one’s affective state “required a ‘right appreciation’ for the suffering” that is experienced (81). Empathetic engagement in a rhetor’s affective state can help cultivate the “right” appreciation for it as indicative of a skewed moral economy. From within these states, audiences judge whether or not an experience is just based upon the force and intensity of risk, blame, and oppression felt. In other words, these judgments take into consideration how severe the risk felt, how culpable the victim was for this experience, and how intense the oppression felt.

Cennet’s Defiant Compliance as an Embodied Experiential Claim

At first, Cennet, like several girls, attempted to appease both French and Islamic law by wearing a large beret instead of her veil. She explained, “I felt like I was dishonoring my religion, but it seemed to be a good compromise” (Fouquet 2006, n.p.). For Cennet, wearing a beret was a form of unveiling because it is not a traditional or
religiously sanctioned form of hijab. She hoped wearing a beret instead of her veil would be an acceptable enactment of the law since technically she unveiled. Unfortunately, berets and other head-coverings were deemed illegitimate and inappropriate behavior for French-Islamic girls; yet, non-Muslim students were allowed to wear them (IHRC 2005). For school officials, wearing a non-Islamic style headcovering (i.e. beret, bandanna, etc.) was not appreciated as an experience of compromise for girls of Muslim heritage because covering one’s Muslim head is only recognized as a sensate-visceral enactment of hijab, even though from an Islamic perspective it was not.

This situation left Cennet feeling discouraged and desperate. She could not cover her head at all since any piece of clothing would be interpreted as hijab. This left her only one option if she wanted to comply with the law and still observe hijab—shaving her head. French law imposed restrictions on her behavior pressuring her to unveil and her own conviction in Islam obligated her to refrain from publicly displaying her hair; being bald was the only rational way she could fulfill her duties as a French citizen and an Islamist. As Cennet explained, “Hijab for me is a religious obligation; it’s a dress of honor and dignity” Cennet explains, “If I have shaved my head as I did, that was I do not have any other solution to go to my school. I prefer to shave my head than to commit a sin” (Doğanay 2004, n.p.). For Cennet, shaving her head was the only practical answer to her quandary; it was not what she wanted but rather something she felt she had to do given the restrictions forcibly put upon her behavior and experience via the law and self-imposed as part of her faith.
Cennet’s defiant compliance does not easily fit within the oppositional logic of the Loi n° 2004-228 social controversy; she does not simply acquiesce to law proponents’ fear of hijab, nor does she fully defy the law out of indignation. As she stated, “[w]hat I did was not to protest the hijab ban but to look for a quick solution to go to the school” (Doğanay 2004, n.p.). Being bald was not intended to be a sensate-visceral enactment of an affective state of indignant protest but rather defiant compliance which galvanized her to shave her hair as an act of mental and physical survival given the increasing disparate conditions of her experience after the law was implemented. Cennet believed, “In Islam, your actions depend on your intentions I, myself, would like to ask a question: Is it permissible in Islam, for a girl, to show her hair?! I have no choice than what I did” (Doğanay 2004, n.p.). For Cennet, a sensate-visceral enactment of indignant protest would have galvanized her to remaining veiled until she was expelled but she did not do this. On the other hand, complete acquiescence would have culminated in her unveiling without shaving her hair. Instead, publicly unveiling her shorn head is as an enactment of her defiant compliance functions as a form of uncivil obedience. She adheres to the legal restrictions imposed upon her conduct by unveiling, but she does so in manner that subverts the dominant norms of French civility inherent within the act of publicly displaying her female shorn head.

In France, the female shorn head carries multiple traces of punishment and suffering from World War II. Shortly after the German occupation of France, women who were thought to have politically or sexually corroborated with German troops were publicly shorn as punishment (Virgili 2002). The public display of Cennet’s female shorn
head, then, is reminiscent of this sexed form of punishment and inscribes her sensate-visceral enactment of defiant compliance with a historical context of civil norms of conduct regarding insubordination. Simply put, French women behave uncivilly when they corroborate with dangerous enemies that pose a risk to the nation. During WWII, this meant providing intelligence to or having sex with German soldiers. In Cennet’s case, it meant being unwilling to completely acquiesce to the ban for the greater good of the French republic. Indicative of her sexed punishment for uncivil behavior, Cennet’s shorn female head signifies her insubordination but also is a sensate-visceral enactment of the punishment she feels she is being made to live through.

*The Skewed Moral Economy of the Law*

Empathetically engaging in or positively (re)acting to Cennet affective state of defiant compliance illuminates the skewed moral economy created by the new law and cultivates an appreciation for her experience as a form of social injustice. Cennet was “severely sad” as her “tresses fell in the ground,” but she also felt numb having “prepared [her]self, for this moment” (Doğanay 2004, n.p.). Regardless of how heartbroken she felt, she believed this was the correct decision for her. Cennet explained that, “Shaving my head was the most powerful thing I’ve ever done. It was like transforming myself. I felt I grew up more on that day than I had in all the years before” (Fouquet 2006, n.p.). Cutting off her hair was a profoundly affective experience for Cennet. This was not the rebellious whim of a fifteen year old, this was deeply significant act. As a sign of femininity and sexuality, a woman’s hair can be used to both gain and resist power (Weitz 2001). Cennet understood that shaving her head was literally and figuratively a sign of the intensity of
her resolve to appease both French and Islamic law and relieve the pressure imposed upon her by both.

By embodying the limited space left open between French and Islamic law, Cennet sensate-visceral enactment of defiant compliance displayed the respect she afforded French government while concurrently showing how the state did not appreciate her distressing position. As she unveiled, the affective state of Cennet’s felt experience—the internal and external struggles she fought due to this law—became as salient as her bald head. Her face was resigned but earnest, her eyes sad but no tears, her tone intense but not aggressive. A mixture of shock, sadness, anger, disgust, and indifference collectively pervaded the scene. Empathetic engagement could evoke sadness or anger in response this vicarious experience of her defiant compliance. The felt experience of Cennet’s affective state could make her oppressive conditions under this law apprehendable; the injustice of her situation could be felt and judged accordingly. The defiant compliance Cennet experienced while publicly unveiling her shorn head illuminated the skewed moral economy this law creates by valuing one group’s fear of a potential risk, more than the immediate oppression and injustice of others. In the polarizing struggle of the *Loi n°* 2004-228 social controversy, Cennet’s affective state of defiant compliance exists between the fear and indignation that underwrite the conflict. Within this moral economy Cennet, as a veiled French-Islamic girl, had to sacrifice something, in this case her hair, if she wanted to enjoy the benefits of French citizenship without also forsaking her Islamic convictions.
Although Cennet’s parents empathetically engaged in her affective experience, they did not share her resolve; they experienced shock and horror in (re)action to Cennet’s act of defiant compliance, and anger at the government for creating the unjust conditions their daughter had to live within. They could not stand watching their daughter suffer like this. As Cennet explains, “I wandered into the kitchen with my head half-shaved and asked my mother for help. She burst into surprised tears and couldn’t. My dad came to help. I could tell it was painful for him to see what I’d done” (Fouquet 2006, n.p.). Cennet’s mother, Meryem, found her “shaved hair . . . horrible,” and her father was outraged but the situation (Ternisien, 2004, n.p.). Her parents were well aware of the stigma of female baldness as “unsightly and shameful,” indicative of an extreme rejection of the feminine norms of beauty and unstable behavior (Weitz 2004, 136). For Meryem, Cennet’s shorn head also reminded her of another group of people persecuted for their religious and cultural convictions.

The iconography of the oppressed shaven head also carries traces of Jewish concentration camps where men and women were shorn upon arrival. Her (re)collection of shorn Jewish prisoners plagued Meryem, who feared how others would treat Cennet. Meryem explained, “I did not prevent Cennet . . . but later my heart broke when I remembered how the Nazis treated the bare-headed women, Jewish women and others during the World War II” (Yahmid 2004, n.p.). Like these Jewish “bare-headed women,” Cennet baldness also signifies distress caused by her religious and cultural convictions. Her shaven head bears the trace of shorn concentration camp survivors and Holocaust victims whose suffering is, in many ways, an exemplar of injustice and suffering.
Indelible connotation of innocence, risk, and oppression are embedded within the image of the shaven heads and ravaged bodies of these victims and survivors. In this way, Cennet’s shorn head is a sign of a horribly askew moral economy in which she is an innocent victim of a national power that has oppressed French-Islam girls by making them vulnerable to the mentally and physically distressing conditions of the new law.

Cennet’s father, Hikmet Doğanay, on the other hand, felt anger and indignation as a (re)action to Cennet’s affective experience. Consequently, he contacted the media and informed them of his daughter’s actions and her plan to publicly unveil at school on October 1st. Hikmet wanted the public to recognize what Cennet was “compelled to do to be able to study” (Galpi 2004, n.p.). Hikmet appreciated Cennet’s experience as the result of unjust oppressive conditions that should be recognized as such by the government and the public. Empathetically engaging in Cennet’s defiant compliance, Hikmet apprehended the intense pressure she felt that galvanized her actions. He appreciated Cennet’s shorn head as an act of survive within a skewed moral economy that knowingly makes young girls suffer simply out of fear of the perceived risk they pose to the republic.

**Publicly Apprehending and Perceiving Cennet**

In Cennet Doğan’s case, her shorn response to the law did not overturn the ban but her affective state of defiant compliance did offer some insight into France’s skewed moral economy that makes French-Islamic girls choose between public education and hijab, between French and Islamic culture. The experience of Cennet’s affective state was empathetically engaged by some. Her story was featured by the Muslim Writers Alliance
in their series “Muslim Women Making History,” the Islamic Human Rights Commission, and AKDER Women’s Rights Association Against Discrimination. Cennet also spoke on behalf of the Becket Fund for Religious Liberty and shared her struggles with the law as a veiled French-Islamic girl. Yet, the framing of Cennet’s affective state within the public discourse highlights how her unveiled shorn head “seen” through the dichotomous lens of the Loi n* 2004-228 social controversy. This forecloses one’s ability to apprehend the conditions of Cennet’s defiant compliance and the recognition of the act of shaving her head as an act of survival and sensate-visceral testament to her oppressive experience under the law.

There have been several attempts to reframe Cennet’s actions as protest (i.e. indignant resistance of the ban), as well as manipulation at the hand of Islamic extremists. These two interpretations suggest that Cennet’s defiant compliance is “seen” within the dichotomy of acquiescence/resistance to the law rather than understood as a sensate-visceral enactment of survival under it. Several Muslim newspapers, websites, and newswires including the Iran Daily, Islam Online, HaberVitrini.com, Haber 7, and the Ihlas News Agency, depicted Cennet’s actions as an act of protest indicative of her resistance of the law (“Cennet” 2005, Dökümü 2004, “Fransa” 2005, “French Muslim” 2004). This framing implies that the image of publicly unveiling a shorn head has the appearance of indignation signifying one’s act of resistance to the law. However, this interpretation overlooks how her actions ultimately comply with the French law and brush over her desire to reconcile her French citizenship with her Islamic religion. Although this framing appreciates her experience as a testament to the unjust conditions
imposed upon veiled French-Islamic girls, it does not apprehend how the immediate risk of her situation makes her shorn head an act of survival not just resistance.

Conversely, on the French TV show *Let’s Be Direct*, the host Emmanuel Chain concluded Cennet had been manipulated by Dr. Milcent, a fundamentalist Islamic leader, to shave her head in protest. The combination of Cennet’s words and action were perceived as evidence of devious manipulation that the public should be fearful of. Chain argued that no fifteen year old girl could have thought of this on her own, and thus, she must have been manipulated by a radical fundamentalist to do it (Galpi 2004, n.p.). Two days later this same conclusion was reached on another TV show, *Arret Dur Images*. Interestingly, this framing implies that Cennet’s discursive claim about respect in conjunction with her logical decision to shave her head is a sophisticated objection to the law. In fact, the appearance of her action is so advanced that it created an experience of cognitive dissonance for law supporters and the only logical explanation, within the context of the *Loi n*° 2004-2008 social controversy, is that Cennet was a pawn in the maleficent plan of a radical fundamentalist. To consider her claim from any other perspective, especially the apprehension of her felt oppressive experience as a means to appease both French and Islamic law, would jeopardize the affective logic of the pro-law stance and the justification for the law, offering no relief from the intense sensations of risk law supporters felt. Rather, perceiving Cennet’s shorn solution as indicative of radical manipulation adds further justification for the law and the restrictions on hijab as a means to contain the experience of risk created by the perceived threat of Islamic Fundamentalism. In these situations, the conditions of Cennet’s defiant compliance are
not apprehended or appreciated as she experienced them, rather she is perceived within the confines of the controversy’s logic of indignation and fear.

**Conclusion**

This chapter has analyzed the affective dimensions of the *Loi n*° 2004-228 social controversy and Cennet Doğanay’s affective response to it. During this controversy the oppositional stances of “pro” and “anti” the law were infused by the affective states of fear of the potential risk veiling in public schools posed to the French citizenry and republic and, conversely, indignation at the blatant injustice of this law. The affective states imbued in these stances underwrote the argumentative logic of the controversy. Ultimately, the law was passed justifying the law proponent’s fear and legitimating the immediate oppression of veiled French-Islamic girls as an appropriate way to ensure public unity and safety. This was not, however, the end of the longstanding social controversy regarding veiling in public schools. Cennet’s affective state of defiant compliance was analyzed as a new reiteration of this controversy that asserted an incommensurate stance to the logic of fear and indignation.

Within this controversy, Cennet’s defiant compliance which was made salient in her act of publicly unveiling her shorn head functioned as an embodied experiential argument that attested to the unjust conditions the law imposed upon her. Apprehension of the state and the conditions that provoked it could enable audiences to appreciate Cennet’s shorn head as act of survival given this harsh experience. Empathetically engaging this state illuminates the skewed moral economy created by this law which values citizens’ attenuation of fear and risk more than the veiled schoolgirls’ liberty of
conviction and freedom from oppression. Unfortunately, the unjust conditions that provoked Cennet’s state of defiant compliance were not always apprehended. Public responses to Cennet’s shorn head signal the perception, not apprehension, of her affective state which mirrors the oppositional stances taken during the controversy.

In these cases, the act of shaving her head was either indicative of Cennet’s indignant protest as a means to resist the law or devious manipulation that the public should be fearful of. Thus, even though this chapter celebrates the possibility of political transformation rooted in affective states as embodied experiential arguments, it also recognizes the ease with which the apprehension and appreciation of these states can be constrained by dominant, overarching oppositional stances especially when the rhetor’s body is inscribed within longstanding social controversies. Regardless of how immediately effective, rhetorically and affectively compelling, and politically significant Cennet’s response was—she was able to return to her classes, her story was circulated worldwide by major news outlets, and she became a spokeswoman for Islamic human rights and religious tolerance—the ban remains intact. Seven years later, veiled French-Islamic girls still face the same oppressive conditions they did in 2004.
CHAPTER FIVE

AFFECT, CONDUCT, RISK, AND CITIZENSHIP

Introduction

During social controversy, the norms guiding public life can be negotiated, reaffirmed, negated, and/or transformed. This can lead to progressive political, cultural, and/or social change in some instances, while establishing or reifying conservative and even oppressive norms, practices, and laws in others. In an attempt to understand how and why this happened, Olson and Goodnight (1994) developed a theory of social controversy that focuses on political, cultural, and ideological aspects of conflict to address differences in the oppositional stances of participants. This critical analysis of social controversy highlights the argumentative practices and techniques that are used when individuals object to dominant norms and conventions via appeals to normative standards of legitimacy and propriety as well as when they propose alternatives to existing norms. Examination of these conflicts offers insight into how public discourse is regulated and what implications this has for issues of inclusion and exclusion in germane publics.

Building upon this conceptual foundation, this dissertation argues that scholars should analyze the role affect plays in social controversy as a means to address how these conflicts impact the regulation of public conduct as well as discourse. In this project, the
rhetorical and argumentative significance of the affective dimensions of social controversy have been conceptualized and analyzed via an examination of emotion-based claims and affective states that have become salient, discernable and/or apprehendable during specific public disagreements. Such a conceptualization demonstrates that critical insights can be gained by focusing on the controversy’s affective dimensions. To highlight the importance of the study of affect in social controversy as well as better understand the larger critical significance affect theory has for rhetorical and argumentation studies, this final chapter addresses three overarching insights and findings from this dissertation that have implications for future work in the field of controversy.

This dissertation posed two overarching research questions guiding the development of the theoretical and methodological framework used for this project as well as the analysis of each case study. The first question aimed to answer how considering affect extends and contributes to our understanding of the nature and significance of social controversy. Specifically, this project analyzed how the affective dimensions of social controversies emerge and what findings critical analysis of these dimensions would offer with regard to the presumptions underwriting dominant norms and conventions that regulate public life. The discussion about the regulation of public conduct as well as risk and vulnerability are explicated in response to this question.

The second research question driving this dissertation asked what an analysis of these dimensions tells us about relationship between affect and citizenship. In other words, how is citizenship increasingly being shaped by norms and conventions of affect and what are the implications of doing so? Specifically, what figures of the citizen are
articulated in affective states and emotion-based claims and how do these dimensions serve as sites of ethico-political pedagogy? The final section on affect, citizenship, and empathetic engagement addresses this second research question.

**The Regulation of Public Conduct**

The first major insight from this project is that an analysis of the affective dimensions of social controversy addresses the regulation of public conduct as well as public discourse. As mentioned in chapter one, more traditional social controversy criticism enables scholars to assess the procedural aspects of public discourse and results in findings about the identities, locution, substance, and forums that are deemed legitimate and appropriate throughout the process. As Wilson (1995) explains, analysis of social controversy reveals “a culture’s rules and presumptions on who gets to talk, what counts as proof, whose language is authoritative, and what norms . . . govern decisions” (204). Examining the affective dimensions of social controversy offers insight into these regulatory parameters and also allows researchers to analyze how aspects of participants’ affects, feelings, emotions, and conduct are managed, controlled, and privileged during these conflicts.

Emotion-based claims and affective states pose arguments regarding the legitimacy and propriety of one’s experience of affects, feelings, and emotions at given sites and in specific scenarios as well as the types of conduct this experience should produce. Analysis of these arguments take into account their force, intensity, and logic enabling scholars to identify whom and what these claims orient audiences towards, attune them to, and help them appreciate. Hence, examination of the affective dimensions
of social controversy allow critics to assess the relationship between affect and the dominant communicative norms and conventions that are at issue in the conflict to analyze how its resolution impacts the regulation of public conduct within given situations.

For instance, these norms address how we should feel and conduct ourselves at public sites; what types of cultural and religious conduct should be allowed in public schools; how we should or should not feel in relation to certain controversial actions and events. Assessment of the affective dimensions of social controversy enables critics to identify whose affective experiences are privileged when judging a claim. Additionally, this analysis offers insights into what affective and emotional logics underwrite controversies and what impact these logics have when attempting to apprehend affective experiences considered illegitimate, inappropriate, or irreducible to dichotomous stances.

Analysis of the affective dimensions of the Abu Ghraib social controversy focused on claims regarding what the legitimate and appropriate felt response to the leaked photos should be. Affective objections, such as Sontag’s and Previtera’s, not only focused on the abuse and torture depicted in the Abu Ghraib images but also the soldiers’ affective state of pleasure at causing their prisoners’ pain which is captured in the photos. For instance, Sontag’s emotion-based claim of shame asserts that these images are indicative of America’s “culture of shamelessness” which she believes underwrites the soldiers’ actions and provoked them to visually document it. Sontag is dismayed by the affective conditions that brought about the soldiers’ experience of pleasure when torturing and abusing their Arab prisoners as well as the creation of the photos as trophy
pieces, evidencing the soldiers’ pride at what they had accomplished (i.e., the prisoners pain and suffering). Simply put, the soldiers’ shamelessness and the actions it enabled are not anomalies—they are affectively cultivated by U.S. culture.

For Sontag, the fact that the images were intentionally taken and circulated to soldiers’ families and friends cannot, and should not, be separated from the horrific acts they depicted. Her objection is an appeal to the norms of liberal democracy—it is illegitimate and inappropriate for democratic citizens to experience shamelessness at feeling pleasure by causing our prisoners’ pain. Those that affectively objected to the photos believe there should be stronger regulations on public conduct imposed by both the self and the U.S. government. In other words, the norms of democracy should dictate that individuals and the State feel shame at the soldiers’ actions, take responsibility for the culture that bred them, and change the U.S. governmental policies that helped cultivate the soldiers’ behavior. Feeling shame at the soldiers’ joyful acts of abuse and torture and the images that capture it is what U.S. democratic citizens should experience when bearing witness to the photos and our governmental actions should reflect that by outlawing this behavior, not provoking or permitting it.

The eventual court marshal and conviction of eleven soldiers, the majority of whom were the low ranking officers depicted in the images, does suggest that these affective objections were partially upheld. These soldiers’ actions were deemed illegitimate, inappropriate, and illegal but there were no major changes to the U.S. policies that enabled this behavior. Thus, the convicted soldiers were depicted as a “few rotten apples” that did not accurately reflect US policy and forces in Iraqi. This suggests
that these individuals were rogue soldiers—morally monstrous, sexually deviant, and viciously depraved—whose corrupt actions were completely their own.

This is surprising considering that “the Pentagon’s own probes have acknowledged that military commanders, civilian contractors, the CIA and government policymakers all bear some responsibility for the abuses” (“Introduction” 2006, n.p.). The highest ranking officer to face criminal charges in connection to the Abu Graib controversy was Lieutenant Colonel [LTC] Steven Jordan, supervising Military Intelligence (MI) officer at Abu Ghraib. Other higher ranking officers implicated, such as former Brigadier General Janis Karpinski and former Brigadier Commander Thomas Pappas who were in charge of Military Police (MP) and MIs respectively, were officially reprimanded, released from duty, demoted, fined, but not criminally charged.

Furthermore, even though some minimal changes were made to America’s official stance on legitimate and appropriate interrogation tactics, the rationale for the use of numerous “harsh” tactics remained intact for the duration of former President Bush’s term. On March 8, 2008, Bush even vetoed a bill that would have banned multiple tactics used at Abu Ghraib such as beating, electrocuting, stripping, hoooding, and waterboarding. In his official statement, Bush explained that “The bill Congress sent me would take away one of the most valuable tools in the war on terror, so today I vetoed it. . . . This is no time for Congress to abandon practices that have a proven track record of keeping America safe” (“Bush” 2008, n.p.). All in all, while affective objections to Abu Ghraib did help instigate some tighter regulations on public conduct, they did not result in the
rigid governmental change needed to fully transform the affective conditions that 
provoked the soldiers’ feelings of pleasure at causing their prisoners pain.

Analysis of the affective dimensions of the IFC social controversy yielded 
insights into: how norms of respect guide public conduct at sacred site; what affects, 
feelings, emotions, and behaviors are considered legitimate and appropriate in relation to 
these norms; and how a rhetor’s affective experience can afford her/him a type of 
privilege when arguing for or against these regulations. Norms of respect help establish 
the parameters of acceptable and justifiable conduct and behaviors in public spaces and 
places. These norms differ in relation to the history, affective atmosphere, purpose, and 
use of a given site and can be challenged, negotiated, reified, or reformed during social 
controversy. During the conflict over the IFC, the norms of respect were guided by the 
history and atmosphere of Ground Zero as a site of collective trauma, its purpose as a 
place of public memory, and its conflicting uses as a means to commemorate 9/11 as well 
as a space to culturally and economically revitalize lower downtown Manhattan. In other 
words, the norms of respect that regulate public conduct at the WTC site are influenced 
by the force and intensity of the tragedy that occurred there and the melancholy 
atmosphere created by its remains and ruins as well as Ground Zero’s significance as a 
commemorative site of collective remembrance, and, lastly, its need for public approval 
in order to draw visitors and generate revenue.

After months of relentless campaigning, the TBM’s emotion-based claim of 
reverence was taken up by former Governor Pataki’s who evicted the IFC from the WTC 
site. By doing so, Pataki reinforced the dominant norms of respect at sacred sites by
establishing strict regulations on public conduct which assert that feeling reverent and engaging in acts of veneration are the legitimate and appropriate ways to affectively engage in the experience of Ground Zero. According to these norms, the affective experience of analytic curiosity and the act of questioning U.S. politics and policy are illegitimate and inappropriate conduct at Ground Zero. Rather, respectful conduct is driven by feelings of reverence for the mortal and material loss incurred at this site which can provoke a cathartic experience when publicly (re)collecting the events of 9/11 there.

Interestingly, this narrow regulation on public conduct at Ground Zero subverts the dominant norms of contemporary memorial sites. As Blair and Michel (1999) explain, “Rather than telling us what to think,” contemporary public memorials “invite us to think, to pose questions, to interrogate our experiences and ourselves in relation to the memorial’s discourse” (37). Although a dominant norm of memorial conduct, this type of critical behavior is inappropriate and illegitimate because it is considered disrespectful to the sacredness of the WTC site. This suggests that commemorative spaces of national trauma are bound by stricter norms and conventions that establish rigid regulations on visitors’ conduct prohibiting the same sense of analytic curiosity normally cultivated at contemporary sites of public memory.

The strict regulations imposed upon individuals’ conduct at the WTC site also reveals the privilege allotted to the victims’ families, friends, and colleagues as authorities on the affective experience Ground Zero “naturally” provokes. It is assumed that these individuals have a more immediate connection to the trauma of 9/11 via their affective proximity to the loss and the intensity of their grief. In other words, if anyone
knows how individuals should feel when (re)collecting 9/11 at the site of the trauma, it is those who were the most immediately affected by it. This afforded the TBM’s emotion-based claim of reverence a type of privilege which positioned victims’ families as authorities on the affective experience of Ground Zero. This implies that anyone without the same type of immediate connection to the 9/11 victims should not have the authority to decide what affective experiences WTC visitors engage in. Hence, the TBM’s successful circumvention of the LMDC’s authority to judge the legitimacy and propriety of the IFC at the WTC site. The privilege afforded to the TBM as affective authorities also implies that the academics and activists are not as knowledgeable about what visitors’ affective experience at Ground Zero should be for lack of an immediate connection to the attacks. Thus, IFC supporters do not know the “right” way to commemorate 9/11 there. As TBM (2005d) proponents asserted, “The IFC represents the wrong people telling the wrong story” (n.p.).

Analysis of the affective dimensions of the Loi n* 2004-228 social controversy, provides insights into: how norms of laïcité not only regulate students’ conduct but also create oppressive affective experiences for veiled French-Islamic girls; what affective states underwrite the creation of these regulations; and how the conditions of some individuals’ affective states are privileged over others in the creation of these regulations. The principle of laïcité is a central tenant of French citizenship and is considered a lynchpin of national unity. This principle has been interpreted in two conflicting manner which imply divergent norms of behavior. Laïcité can either value integration and national secularism as a means to promote national unity through the equal exclusion of
religious attire in public schools or value tolerance and national neutrality as a means to promote national unity through the equal inclusion of this type of attire.

The approval of a national ban on conspicuous religious attire in public schools imposed strict regulations on veiled French-Islamic schoolgirls’ conduct as legitimate, appropriate, and, thus, justified in relation to the integration-based norms of laïcité. Consideration of the affective dimensions of the Loi n* 2004-228 social controversy highlights how regulations on veiled schoolgirls’ public conduct created affectively arduous conditions these girls have been forced to live within. Banning the practice of hijab from public schools puts veiled schoolgirls in a position to decide between unveiling or leaving public school which can trigger intense sensations of pressure to choose between their religious and cultural beliefs and their desire for a public education. The conditions of this sensate-visceral experience is saturated with conflicting feelings and emotions such as sadness, anger, worry, confusion, melancholy, indignation, and resignation, which veiled girls must negotiate in order to make the decision and even then, their decision may not fully relieve the intensity of the affective conditions they are now forced to within. Thus, legalizing regulations on public conduct which reaffirm integration-based norms of laïcité justify the creation of oppressive affective conditions veiled French-Islamic girls are subjected to.

From the integration-based perspective of laïcité, veiling was considered an intentional rejection of and an implicit aggression towards French culture that jeopardized the unity of France’s citizenry and the public’s safety. During the Loi n* 2004-228 social controversy, the emotion of fear underwrote this stance justifying the
ban on hijab in public schools as a means to attenuate the sensate-visceral experience of risk that veiling posed to the French republic and the feelings of vulnerability that accompanied it. This fear has a colonist tenor; it is a fear of the physical danger the veiled Other (re)presents as a symbol of Fundamental Islam as well as a fear of the dilution of French national identity caused by this Other’s presence in public schools. Since the pro-law stance is grounded in a politics of fear, this affective state is meant to orient audiences away from the felt conditions of veiled schoolgirls and, instead, attune them to the larger public as well as French-Muslim girls who felt pressure to veil. The decision to legalize a national public school ban on conspicuous religious attire highlights how the desire to relieve feelings of fear and reduce the experience of risk are valued and privileged more than alleviating opponents’ feelings of indignation and attenuating the oppressive conditions imposed upon veiled French-Islamic schoolgirls.

In order for veiled French-Islamic girls’ experience to be valued, they must choose to openly sacrifice their belief in and adherence to religious law and cultural customs that are not deemed inherently “French” while at public school. If girls want to enjoy the benefits of public education their French citizenship entitles them to, they must renounce hijab while at school regardless of how affectively painful and difficult this decision would be. In other words, the experience of sacrificing one’s “Other” identity is necessary to assuage the fear and risk associated with hijab; whereas choosing to remain veiled reifies the affective state of fear and is perceived as a blatant act of opposition to the French state. The rigidity of this affective logic and the privilege afforded feelings of fear and the desire to alleviate experiences of risk can make it difficult to apprehend
and/or discern experiences that are irreducible to the logic of acquiescence and/or resistance. Cennet Doğanay’s affective state of defiance compliance which became salient during her act of publicly unveiling her shorn head is an example of this difficulty.

The relationship between affect and the regulation of conduct suggests that there is a connection between the affective dimensions of social controversy and theories of governementality, which can have implications for future argumentation scholarship. Originally conceived by Foucault (2001) as the “conduct of conduct,” theories of governementality address liberal and neoliberal forms of governance which function as a diffuse form of power “structur[ing] the possible field of action of others” (341). Governementality, according to Collier (2009), is a form of political rationality “that shapes the ‘conditions of possibility’ for thinking and acting in a certain way” (96). In other words, governementality studies address how collectives problematize and rationalize issues and situations facing society to make them knowable and, thus, manageable. Once rationalized, political technologies (i.e., means of regulating a populations’ field of possible actions) can be used to manage difficult issues and situations by “shaping and reshaping” public conduct into “regimes of practice” (Dean 1999, 18).

These regimes normalize individual and collective actions—impacting individuals’ felt conditions—which enables the government of public life by both the self and the state. Within the governementality field, Campbell (2010) argues these theories should incorporate an examination of the “emotional life of governmental power,” since the politics of affects, feelings, and emotions aid in the mobilization of political technologies and normalization of regimes of practice (37). For instance, in order for the
French ban on conspicuous religious attire to be approved, hijab had to be rationalized as a threat that created the conditions of risk to both national unity and security. The law, then, is a political technology employed to help the French republic govern this problematic situation by creating a “racialised [sic] emotional regime [of practice]” that makes the affective conditions of one part of the population more hospitable, while creating oppressive conditions for another (Johnson 2010, 499).

As a public debate regarding the legitimacy and propriety of actions, events, texts, and claims, criticism of social controversy gives a unique look into the governing practices of a society. During social controversies, the argumentative rationale of oppositional stances become salient, enabling critics to analyze forms of reasoning that ground public sentiments regarding the reform, creation, perpetuation, and/or transformation of the norms and conventions (i.e. regimes of practice) a population collectively lives by. These norms and conventions establish the regulatory processes that guide public discourse and the analysis of the affective dimensions of social controversy offer insights into the affective and emotional rationality that supports the regulation of public conduct. Extending social controversy research to incorporate theories of governmentality would enable critics to further conceptualize this type of argumentative practice as a political technology that is used to justify the establishment of rigid restrictions on one’s own and other’s conduct as legitimate and appropriate responses to a given set of the political, cultural, ideological, economic, and affective conditions.
**Risk and Vulnerability**

In the Abu Ghraib, IFC, and *Loi n* 2004-228 social controversies, analysis of their affective dimensions illuminated how the rationale for tighter regulations on citizens’ public conduct was rationalized as necessary due to the potential risks and the vulnerabilities these actions, or inactions, would create and/or perpetuate. In these case studies, when norms or laws restricting the citizenry’s conduct were proposed, they were asserted as a means to create national unity and civility by foreclosing on sensate-visceral experiences of risk that provoke feelings of vulnerability. In other words, the experiences of risk are seemingly too intense to be publicly permitted without jeopardizing a nation’s cohesion and safety. The affective state of risk engages individuals in a sensate-visceral experience of embodied exposure to what is cognitively recognized as a danger or threat, provoking sensations of vulnerability. An examination into what participants claimed created experiences of risk offers insights into what and who are considered dangerous to a public and what implications this has.

In the Abu Ghraib social controversy, some affective objections were underwritten by feelings of fear over the perceived risk the public circulation of the images created. In these cases, individuals feared that upon seeing these images, the “Arab Other” would retaliate. As stated by school teacher, Rosalind Gittings, “The Arabs already hate us, and now we're giving them even more reason to hate us and get revenge . . . it reminds me of images you see from the Holocaust . . . It makes me embarrassed to be an American” (Jacobs 2004, A1). Gittings’s felt (re)action of disgust at the soldiers’ pleasure while causing their prisoners pain is evidenced by her statement of
embarrassment. She personally does not approve of their feelings and conduct. However, her objection to the photos is not solely a moral stance; it is underwritten by both disgust and fear. Gittings believed that the public circulation of these photos would create the affective conditions necessary to provoke vengeful acts. In other words, the force and intensity of the affective state the Abu Ghraib images capture is enough to incite feelings of hatred, anger, and desire to cause Americans pain for the suffering we inflicted. This implies that some pleas for tighter regulations on public and State conduct are driven by a need for a sense of security, not solely out of ethical or ideological obligation.

In the IFC social controversy, TBM supporters’ objection and critique of the IFC was based on their assertion that the proposed museum could potentially engage visitors in critical thinking regarding U.S. politics and policy from a historical and international perspective. According to TBM supporters, provoking critical thinking posed a risk that made visitors vulnerable to conflict and division at the very place the nation should feel unified via the collective act of publicly commemorating 9/11. This type of critical experience was considered, by TBM supporters, to be disrespectful of both the U.S. and the 9/11 victims at the site both were attacked because it would undermine the affective state of reverence visitors’ ought to feel while there. Positioned as the opposite of reverence, the experience of critical thinking at Ground Zero is a subversion of the norms of respect at sacred sites and, therefore, jeopardized the conditions for national unity visitors should engage in there.

The threat of the IFC is based in its potential to engage visitors in sensations of analytical curiosity that can challenge and problematize their existing beliefs and feelings
regarding U.S. politics and policy, specifically in relation to 9/11. TBM proponents believed that experiencing critical thinking about historical and international struggles for freedom would galvanize individuals’ to question and debate the legitimacy and propriety of U.S. governmental action. This experience of critical thinking is what Natanson (1965) deems an act of argumentation which puts participants’ subjectivities (i.e., their sense of self) at risk. During moments of argumentation, Natanson (1965) explains, “[r]isk is established when the affective world of the person is disrupted, and this disruption means that his [sic] immediate life of feeling and sensibility is challenged and made open to challenge” (19). Thus, the IFC is threatening because it creates a “risky” situation for visitors’ during which their political beliefs become vulnerable to questions and challenges which can provoke individuals to negotiate, reaffirm, and/or transform them.

For TBM proponents, the potential risk the critical experience of the IFC could pose was too dangerous for the proposed museum to be built at Ground Zero. Feelings of reverence and acts of veneration were valued as a means to achieve national unity; whereas the experience of the IFC would only cause discordance (regardless of its potential to provoke political change). National unity, then, is achieved by (re)presenting 9/11 from an overtly positive, nationalistic manner that does not historically or internationally contextualize the attacks. In order to create the conditions for national unity at the WTC site, visitors could not be allowed to engage in an experience of critical thinking because it would jeopardize our collective cohesion.

The IFC co-creators and board did aspire to create the type of critical experience of risk and vulnerability the TBM supporters feared. However, IFC proponents believed
creating this type of “risky” experience was not an act of disrespect to America or the 9/11 victims. Rather, they believed building a museum that would engage visitors in this type of critical experience would be the most respectful way to pay tribute to September 11th. For its supporters, the IFC adhered to the norms of respect because it could potentially lead visitors to understand September 11th from a different historical and international perspective in hopes of ending the “hatred, ignorance and intolerance” they believed underwrote the attacks, helping to prevent future ones (“Memo” 2005, 28).

Thus, there is value (not danger) in problematizing U.S. governmental actions which could enable visitors to empathetically engage with the oppressed conditions individuals and groups have historically and still continue to struggle against all over the world. For IFC supporters, this risk could not happen if public conduct at the WTC site is strictly limited to feelings of reverence and acts of veneration.

In the end, the IFC’s eviction from Ground Zero signals the decision to promote national unity through reverence and veneration, implying that critically engaging 9/11 at the WTC site was simply too much of a risk. Pataki’s decision to remove the IFC can be understood as a form of risk prevention; a means to remove individuals from experiences that present a potential risk to the affective state citizens should have at this sacred site. As risk prevention, evicting the IFC creates a sense of public security from the division critical thinking can cause ensuring a stronger sense of national unity through reverence and veneration.

During the Loi n° 2004-228 social controversy, the approval of the national ban was rationalized as a necessary means to attenuate the intensity of the risk experienced by
the law’s supporters who believed hijab posed a threat to the unity and security of the French republic. As a visible sign of Islam, the law’s proponents argued that donning the veil made women and girls’ faith in Islamic religion and culture more salient than their embodiment of French culture signifying a division amongst France’s citizenry. This division was considered a major cause of the affective state of malaise that seemed to plague France, weakening the republic’s political, cultural, and economic power.

Wearing the veil, then, threatened the republic’s unity and strength and perpetuated the public’s feeling of malaise. For some proponents, hijab did not just signify Islam; rather, it was considered an iconic symbol of Islamic Fundamentalism. This stance implies that hijab is an extreme practice which only the most zealous believers would engage in. In other words, the depth and intensity of faith one must have to either choose the veil or impose it upon someone else was considered emblematic of the most radically devote sect of Islam—fundamentalism. Perceived as representative of Islamic Fundamentalism, hijab provoked a sense of fear at what someone with such radical beliefs potentially could do. Considering this, banning hijab in public schools can be understood as a preventative measure; a way to stop the progression, or spread, of Islamic Fundamentalism by reducing the experience of risk veiling creates. Doing so, would help keep the republic unified and safe.

Within the wider context of hijab in European nations, Fortier (2008) argues that positing veiling as visually symbolic of Islamic Fundamentalism is “part of an ongoing process of organization and systemitization of a disciplining gaze that constructs distinctions between the moderate and the fanatic, and between citizens who are willing
and those who are unwilling to reassure fellow nationals” (96). Appreciation for or simple consideration of the oppressive material and affective conditions this law puts veiled French-Islamic girls in is secondary to the need to “reassure” individuals who perceive the hijab as indicative of an Islamic Fundamentalist threat they are fearful of. As Weil (2004) stated, “I admit that the law passed by the French parliament has one unfortunate consequence: the right of Muslim girls who freely want to wear the scarf in public schools, without pressuring anyone else, is denied” (n.p.). Yet, he makes no attempt to apologize or empathize with the oppressive condition this creates to veiled schools. Instead, Weil (2004) explains that the law was a necessary measure because “The historical success of the French model of secularisation, laïcité, rests on its guarantee to individuals of state protection against pressure from any religious group” (n.p.).

Imposing strict regulations on veiled French-Islamic schoolgirls’ behavior as a preventative measure is meant to lessen individuals’ exposure to the sensate-visceral experience of the risk posed by hijab. Reducing the possibility of this experience is an affect-based form of security; it is an attempt to decrease the number of conditions in which this risk, and the fear associated with can be provoked. Simply put, it lessens the chances individuals have to feel risk and fear in relation to hijab. The preventative aspect of this law is also denoted by the specific group of people most affected by the law—veiled schoolgirls. Restrictions on veiling were imposed upon children and young adults at public institutions where both academic and civic lessons were to be learned. As a form of risk prevention, there is an assumption that the combined experience of unveiling
and being taught French civic lessons may prompt an affective change in these girls and young women, galvanizing them to stop practicing hijab altogether.

Cennet’s Doğanay’s affective state of defiant compliance, as an embodied experiential argument, is also an experience of risk that becomes salient in the *Loi n°* 2004-228 social controversy. When she publicly unveils her shorn head, Cennet’s state of defiant compliance testifies to the felt conditions that provoked this experience. As such, Cennet’s defiant compliance is a risky endeavor; she makes herself publicly vulnerable which can orient and attune the public to the oppressive conditions the law creates for her as a veiled French-Islamic girl. Thus, Cennet’s affective state is similar to Natanson’s (1965) conceptualization of argumentation as a moment of risk and embodied vulnerability. As Natanson (1965) explains, “The self is not risked through arguments or even through willingness to argue seriously; only when the full range and depth of the affective life is shocked into openness is a true risk attempted” (17). Cennet becomes vulnerable—physically by unveiling her shorn head and affectively by the saliency of her affective state salient—as a means to survive. If audiences can apprehend and appreciate the felt conditions of Cennet’s defiant compliance, it may prompt them to question the legitimacy and propriety of the law.

Examination of the affective dimensions of social controversy reveal how the desire to attenuate experiences of risk and the feelings of vulnerability that accompany them were motivating factors in the creation, implementation, and justification of strict regulations on public conduct. In these cases, anger and fear over the potential risks posed by the IFC and hijab, respectively, underwrote concerns over national unity and
safety. Since these controversies resulted in governmental actions (i.e., eviction of the IFC and creation of the national ban), they can be understood and analyzed as acts of risk prevention and a form of governmental security. The outcomes of these controversies exemplify attempts to weaken and/or reduce a collective’s exposure to conditions of risk as a means to quell their fears, dull their feelings of vulnerability, and, consequently, provoke experiences and sensations of safety.

Future scholarship on the affective dimensions of social controversy that result in restrictions of public conduct, therefore, can benefit from research on risk and national insecurity. As Magnusson (2001) explains, “In the context of democracy, insecurity arises from the fear that the norms, institutions, and rules of the regime are incapable of protecting individuals, groups, society, institutions, or the democracy itself from those imperfectly socialized into either the normative value or the operational functioning of the regime” (213). Within this scholarship, some researchers focus on how fear, risk, and vulnerability can be politically mobilized as a means to rationalize and justify the oppressive use of governmental power with the consent of portions of the public (Altheide 2010; Beck 1992, 2009; Beck and Sznaider 2006; Berlant 2005; Bigo 2002; Fortier 2008; Hudson 2003; Slovic 2010; Walklate and Mythen 2006, 2010). This work can help scholars of affect and social controversy to further theorize the connections between moments of public conflict and governmental acts of regulation to analyze the affective logics that underwrite forms of governing power that enable the creation of oppressive conditions for portions of a citizenry while benefitting from a general sense of public support (i.e., population and state sponsored forms of discrimination).
Affect, Citizenship, and the Act of Empathetic Engagement

The last major insight from this dissertation deals with the relationship between affect, citizenship, and the act of empathetic engagement. Throughout this project, the connection between affect and citizenship has become salient in two ways. First, given that the affective dimensions of social controversy deal with the regulation of public conduct, the outcomes of these conflicts help illuminate the normative parameters of citizen conduct highlighting the relationship between, what Johnson (2010) calls, “public emotions and the construction of the ‘good’ citizen” (500). These parameters imply that there are affective dimensions to citizenship that address how citizens should feel and conduct themselves in relation to each other and within specific situations. Second, empathetic engagement with specific emotion-based claims and affective states establish a civic relationship of recognition between audiences and rhetors that is akin to the act of bearing witness—both are “[t]he vicarious experience” of (an)other that assume recognition is the first step towards civic support and action (Rentschler 2004, 298).

In the Abu Ghraib social controversy, the affective objections made were appeals to the norms of liberal democracy which dealt specifically with issues of citizenship. These objections address what feelings and conduct are legitimate and appropriate for U.S. soldiers to enact as well as what American citizens should experience in response to the leaked photos. For Sontag and Previtera, the norms of liberal democracy suggest that U.S. citizens should feel shame at the blatant enjoyment our soldiers experienced while causing their prisoners pain and suffering. This stance is based in the belief that liberal democratic citizens should not enjoy harming those we have power over, specifically our
prisoners. In other words, joyfully inflicting pain on individuals within our legal custody subverts Americans’ fundamental liberal democratic beliefs and is more indicative of the type of state tyranny the U.S. has historically opposed. Thus, the soldiers’ pleasure is inherently undemocratic behavior and not feeling shame in response to its capture in the Abu Ghraib photos suggests that Americans have abandoned their liberal democratic values. Affective objections to these images are an attempt to reaffirm the norms of liberal democracy and prompt the self and state regulation of U.S. citizens’ conduct and governmental policy, respectively.

Pataki’s decision to oust the IFC from the WTC site establishes civic parameters of public conduct by asserting that U.S. citizens should feel reverence at sacred sites of national trauma. These parameters of citizen conduct suggest that “the good citizen both feels and performs particular emotions” within a given set of conditions (Johnson 2010, 501). In other words, as an enactment of American citizenship, individuals should engage in a sensate-visceral experience of awe and melancholy over the 9/11 attacks that provoke a sense of profound respect while at Ground Zero. This felt experience should galvanize individuals to perform acts of veneration as a type of devote homage to the victims of 9/11—the deceased and the U.S. Although not a “law,” reverence and veneration become the normative emotional scripts visitors to the WTC site are compelled to embody as ‘good’ U.S. citizens.

Positing reverence and veneration at this place of public memory as indicative of ‘good’ citizenship conduct implies that Americans should be oriented towards the pain and suffering their fellow citizens experienced on 9/11 as well as acts of heroism in the
midst of tragedy when collectively remembering September 11th at Ground Zero. As ‘good’ U.S. citizens, individuals should empathetically engage in this suffering and heroism by vicariously experience this pain and courage victims felt on September 11th. This act prompts individuals to recognize the U.S. and the deceased as blameless victims of the 9/11 attacks. When commemorative experiences empathetically engage visitors in this manner, they functions as a political form of witnessing. As Rentschler (2004) explains, “To commemorate usually means ‘to feel’ in common with others, for the purpose of remembering a past event, but it can also be the means through which political actions are mobilized under the cover of ‘remembering’” (299). By evicting the IFC, Pataki politically normalized this empathetic engagement with American pain and suffering as the proper form of U.S. conduct when (re)collecting national trauma.

Production of this normative conduct, therefore, formally situates the critical experience proposed by the IFC as not just disrespectful but also inherently un-American conduct at sites of national trauma. Designating experiences of critical thinking as illegitimate and inappropriate conduct for U.S. citizens, suggests that Americans should not question their government’s actions at Ground Zero. In this way, “critique itself [is] censored, as if any reflexive criticism can only and always be construed as weakness and fallibility” (Butler 2004, 42). Although September 11th was a horrible trauma, intentionally foreclosing critical experiences at Ground Zero and suggesting ‘good’ Americans should not critique U.S. politics and policy seems unnecessarily severe and disconcerting. As Butler (2004) explains, engaging in critical thinking was once a “democratic value” (42). However, now at Ground Zero it is positioned as un-American
conduct. Considering that sites of public memory, such as the WTC site, are significant spaces of civic pedagogy that affectively engage visitors in permanent lessons about how we, as American citizens, should feel about specific historical events and individuals, normalizing reverence as ‘good’ conduct and critique as ‘bad’ can have consequences for future generations. This affective lesson will be set in concrete and stone on our national landscape to ensure it is passed along from generation to generation which begs the question—is this the affective lesson we want to bequeath to future generations about September 11th? ‘Good’ citizens revere America’s loss and venerate victims’ suffering and heroism; whereas ‘bad’ ones question if U.S.’s politics and policy could have contributed to the conditions leading to it.

As a result of the Loi n° 2004-228 social controversy, French citizens are now legally required to abstain from wearing conspicuous religious attire in public schools as a means to ensure integration-based norms of laïcité are upheld there. As mentioned in chapter four, these norms assert that while in public spaces, individuals should display their French citizenship above all other religious, cultural, and political identities and affiliations. This law, therefore, posits that as ‘good’ citizens, students should feel and enact their loyalty—as an experience of faithful allegiance—to France (and France alone) while in the national education system. Given this emphasis on public displays of loyalty, the national ban creates a visual regime of privilege; it accords privilege based on the invisibility of an individual’s religious conviction and/or belief. For instance, Christianity, which is still considered the unofficial religion of Europe, remains
privileged under this law since its followers are not required to wear conspicuous religious symbols as enactments of their faith (Moruzzi 1994).

This law assumes that the more invisible one’s religious conviction is, the more loyal that citizen appears to feel and be; whereas, visible symbols of one’s faith signify a citizen’s disloyalty to the French republic. As a systematic measure to delineate the visual parameters of ‘good’ citizen conduct in France, the law puts veiled French-Islamic students in a harrowing position. They must either unveil—enacting the conduct of a ‘good’ French citizen—or remain veiled—appearing to intentionally reject this ‘good’ conduct. This choice implies that hijab is ‘bad’ citizen conduct which needs to be reformed. As Johnson (2010) explains, “People who are suspected of not having the correct feelings, including those accused of making a point of their difference (for example, by wearing a veil, or even preferring to speak a foreign language), are problematised [sic] and identified as legitimate subjects for critique, fear or suspicion” (501). Consequently, veiled French-Islamic students’ painful feelings and experiences in relation to this law are rendered unimportant since their conduct is considered wrong in the first place. In this case, the only thing that matters is whether or not these girls decide to unveil and publicly enact their loyalty as a ‘good’ French citizen.

The implementation of this law suggests that the majority of the French public empathetically engaged with the feelings of fear and risk that infused the pro-law stance. Engagement with these affective states assumes an orientation towards and appreciation of individuals that were fearful of hijab and experienced a sense of vulnerability in response to the threat veiling posed to national security and unity. During the
controversy, the majority of unveiled French-Muslim schoolgirls and their parents were described as population steeped in fear of hijab who desperately wanted relief from the pressure to veil. As Weil (2004) asserted:

. . . a large majority [of French-Muslims] do not want to impose the headscarf on their daughters but are also discomfited by an suggestion of infidelity to their religious tradition. It is members of this . . . group, hitherto vulnerable to pressure from friends, neighbors or family members who want to impose the headscarf on their daughters, who can now reply: “I was ready to follow your advice, but now it is impossible: I cannot disobey the law!” (n.p.)

Empathizing with this population could help attenuate any guilt individuals might feel for supporting a law that would intentionally put some young women in a terrible situation. As mentioned in chapter four, veiled French-Islamic girls did not have a strong public voice, making it difficult to create similar types of empathetic engagements with their affective situations.

However, Cennet’s affective state of defiant compliance as it culminated in the act of publicly unveiling her shorn head was a salient and intense testament to the oppressive conditions the law creates. Empathetic engagement with and apprehension of Cennet’s defiant compliance had the potential to problematize individuals’ appreciation of the fear and risk infused stance of pro-law advocates. As indicative of her attempt to survive given the conditions of the law, Cennet’s state is a form of ‘good’ citizen conduct since she does unveil but her unwillingness to show her hair is an indication of the injustice of the national ban and its legalized infringement on veiled schoolgirls’ civic rights.

The findings of this dissertation suggest that there is a significant connection between affect and citizenship. Analyzing the affective dimensions of social controversy
can reveal how these conflicts help establish the collective parameters of citizen conduct by establishing specific affects, feelings, and emotions that a ‘good’ citizen should feel and act upon within given situations. This project also highlights how affective states and emotion-based claims can empathetically engage individuals. This engagement orients individuals to the affective conditions of specific individuals and groups enabling them to apprehend and appreciate the particulars of (an)other’s experience.

This relationship between affect and citizenship has recently been conceptualized by Mookherjee (2005), Fortier (2008, 2010), and Johnson (2010) as “affective citizenship”. According to Fortier (2010): “Studies of ‘affective citizenship’ for their part have revealed how intimate and familial relationships are the basis of differential conceptions of citizenship . . . or how governments and politicians draw on the register of emotions to define good citizenship – as loyalty and attachment to the nation . . . or as compassionate or empathetic to others” (19). This work can be greatly beneficial for the further development of the relationship between affect, social controversy, and citizenship. Although many of these works celebrate the transformative potential inherent within the relationship between affect and citizenship, the ease with which affect has been mobilized to legitimate oppressive and violent acts has also been recognized.

For instance, while Mookherjee (2005) asserts that “affective citizenship” is a critical, transformative approach to civic engagement that presumes “citizens’ structural autonomy is formed not through just one set of affective bonds, but rather through commitments to multiple, intersecting communities” all of which they are responsible to (37). Johnson (2010) concludes her study of Tony Blair and Barak Obama’s political

49 The citations in this quote were omitted.
rhetoric by explaining, that advocating more empathy based civic relations “offers no simple solutions” and, thus, scholars need “to pay attention to who is seen as the legitimate object of empathy as well as who is seen as the legitimate object of fear” (Johnson 2010, 506). This project offers similar findings. Analysis of the affective dimensions of social controversy can enable scholars to identify not only whom has become the “legitimate object of empathy” but also examine the argumentative rationale used to justify this and the opposing line of reasoning used to counter it.

**Conclusion**

In conclusion, this dissertation has proposed and implemented an affect-based form of social controversy criticism as a means to address the affective dimensions of this type of conflict. Thus, this project exemplifies how argumentation theory can benefit from the inclusion of affect theory. Social controversy is a passionate endeavor; it orients and galvanizes individuals to engage in debate over issues that have implications for our collective public life. This project is a just a small example of the argumentative significance affect has and it is my sincere hope it offers insights the integral role affects, feelings, and emotions can play in social controversy.
References


Butterworth, Michael L. 2008. “‘Katie was Not Only a Girl, She was Terrible’: Katie Hnida, Body Rhetoric, and Football at the University of Colorado.” *Communication Studies* 59(3): 259–273.


http://www.islamonline.net/livedialogue/english/Browse.asp?hGuestID=gOg7Xd.


Fritch, John, Catherine Helen Palczewski, Jennifer Farrell, and Eric Short. 2006.
Argumentation and Advocacy 42: 190-205.


Reason 36(3): 22.


Chicago: University of Chicago Press.


http://www.renewnyc.com/overlay/AboutUs/.


*Taxi to the Dark Side.* 2007. Directed by Alex Gibney. Los Angeles: Velocity/ThinkFilm.


