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#### 1AC pedagogy focuses on colonial damage to the extent of foreclosing any disruptive value—identity becomes predicated on the condition of oppression, and resistance becomes a matter of saying bad things are bad

**Tuck 9** – State University of New York

(Eve, “Suspending Damage: A Letter to Communities”, Harvard Educational Review Vol. 79 No. 3 Fall 2009, dml)

Some scholars have built their careers around producing damage narratives of tribalized and detribalized peoples. Though it is no longer in fashion to frame research as “the problem with (insert tribe or urban community here)” as it was in past generations, the legacy of this approach is alive and well. (See also Harvey [1999] on “civilized oppression.”) Native communities, poor communities, communities of color, and disenfranchised communities tolerate this kind of data gathering because there is an implicit and sometimes explicit assurance that stories of damage pay off in material, sovereign, and political wins. Many communities engage, allow, and participate in damage-centered research and in the construction of damage narratives as a strategy for correcting oppression. However, I worry that the theory of change itself may be unreliable and ineffective. It is a powerful idea to think of all of us as litigators, putting the world on trial, but does it actually work? Do the material and political wins come through? And, most importantly, are the wins worth the longterm costs of thinking of ourselves as damaged?¶ To offer a counterstory, my friend and Indigenous scholar Sandy Grande (personal communication, April 2008) shared with me that some of the narratives I would categorize as damage centered, she would categorize as stories of colonization; the after-effects and the colonizing are inextricably linked. Earlier, Grande (2004) wrote:¶ The “Indian Problem” is not a problem of children and families but rather, ﬁrst and foremost, a problem that has been consciously and historically produced by and through the systems of colonization: a multidimensional force underwritten by Western Christianity, deﬁned by White supremacy, and fueled by global capitalism. (p. 19)¶ Contemporary damage-centered narratives (of abuse, addiction, poverty, illness) in the United States can be directly tied to 400-plus years of occupation of Native lands, genocide, and colonization. Like Sandy, I can’t help but hear these stories within the context of this history, but I suspect that for many people, Native and non-Native, this context has been made invisible and natural. As in African American communities that have been coarsely expected to have “gotten over slavery by now,” Native American and First Alaskan communities are expected to have gotten over the past, which is reduced to the unfortunate birth pangs of a new nation, thus dismissing the very real and ongoing colonization of these communities to the corners of our imaginations (Tuck & Fine, 2007). ¶ Although, as I have noted, damage-centered research involves social and historical contexts at the outset, the signiﬁcance of these contexts is regularly submerged. Without the context of racism and colonization, all we’re left with is the damage, and this makes our stories vulnerable to pathologizing analyses (Kelley, 1997). Our evidence of ongoing colonization by research—absent a context in which we acknowledge that colonization—is relegated to our own bodies, our own families, our own social networks, our own leadership. After the research team leaves, after the town meeting, after the news cameras have gone away, all we are left with is the damage. ¶ I want to recognize that, particularly in Native communities, there was a need for research that exposed the uninhabitable, inhumane conditions in which people lived and continue to live. My ability to articulate this critique is due to the lessons and accomplishments that have been made on the backs of prior generations of communities and researchers. I have boundless respect for the elders who paved the way for respectful, mutually beneﬁcial research in Indigenous communities. I appreciate that, in many ways, there was a time and place for damage-centered research. However, in talking with some of these elders, they agree that a time for a shift has come, that damage-centered narratives are no longer sufﬁcient. We are in a new historical moment—so much so that even Margaret Mead probably would not do research like Margaret Mead these days. 1¶ Researching for Desire¶ In my own autobiographical performance projects, I identify this chiasmatic shift in the possibility that **all those performances** I did about getting bashed only provided knowledge of subjugation, serving almost as an advertisement for power: “Don’t let this happen to you. Stay in the closet.” . . . I decided to write more about the gratiﬁcations of same-sex relationships, to depict intimacy and desire, the kinds of subjugated knowledges we don’t get to see on the afterschool specials and movies of the week that parade queer bruises and broken bones but shy away from the queer kiss.¶ Craig Gingrich-Philbrook, “Auto-ethnography’s Family Values” (2005)¶ One alternative to damage-centered research is to craft our research to capture desire **instead of damage**. I submit that a desire-based framework is an antidote to damage-centered research. An antidote stops and counteracts the effects of a poison, and the poison I am referring to here is not the supposed damage of Native communities, urban communities, or other disenfranchised communities but the frameworks that position these communities as damaged. ¶ As I will explore, desire-based research frameworks are concerned with understanding complexity, contradiction, and the self-determination of lived lives. Considering the excerpt from Craig Gingrich-Philbrook (2005), desirebased frameworks defy the lure to serve as “advertisements for power” by documenting not only the painful elements of social realities but also the wisdom and hope. Such an axiology is intent on depathologizing the experiences of dispossessed and disenfranchised communities so that people are seen as more than broken and conquered. This is to say that even when communities are broken and conquered, they are so much more than that—so much more that this incomplete story is an act of aggression. ¶ Several solid examples of such depathologizing work come to mind. 2 In these examples, typical scripts of blame are ﬂipped, and latent assumptions about responsibility are provoked. For instance, in her study of the relationships between privatization of the public sphere and constructed public perceptions of women who are responsible for the death of their children, Sarah Carney (2006) argues: ¶ Race, class and gender work in combination within a current (U.S.) social and political moment that favors privatization and the withdrawal of public support to frame and construct various images of “natural” women, of “good” and “bad” mothers, and of female responsibility; and these now-familiar images work to support/bolster state policies regarding shrinking social assistance, and allow the state to place the burden for caring back on the backs of women, particularly women who are poor and of color. (p. 11)

#### This perversely valorizes exclusion and turns Eurocentrism into a monolith—voting negative is key to break through reproduction of that damage and authentic political resistance

Bhambra 10—U Warwick—AND—Victoria Margree—School of Humanities, U Brighton (Identity Politics and the Need for a ‘Tomorrow’, http://www.academia.edu/471824/Identity\_Politics\_and\_the\_Need\_for\_a\_Tomorrow\_)

2 The Reification of Identity We wish to turn now to a related problem within identity politicsthat can be best described as the problem of the reiﬁcation of politicised identities. Brown (1995) positions herself within thedebate about identity politics by seeking to elaborate on “the wounded character of politicised identity’s desire” (ibid: 55); thatis, the problem of “wounded attachments” whereby a claim to identity becomes over-invested in its own historical suffering and perpetuates its injury through its refusal to give up its identity claim. Brown’s argument is that where politicised identity is founded upon an experience of exclusion, for example, exclusion itself becomes perversely valorised in the continuance of that identity. In such cases, group activity operates to maintain and reproduce the identity created by injury (exclusion) rather than– and indeed, often in opposition to – resolving the injurious social relations that generated claims around that identity in the ﬁrst place. If things have to have a history in order to have af uture, then the problem becomes that of how history is con-structed in order to make the future. To the extent that, for Brown, identity is associated primarily with (historical) injury, the future for that identity is then already determined by the injury “as both bound to the history that produced it and as a reproach to the present which embodies that history” (ibid 1995: 73). Brown’s sug-gestion that as it is not possible to undo the past, the focus back- wards entraps the identity in reactionary practices, is, we believe,too stark and we will pursue this later in the article. Politicised identity, Brown maintains, “emerges and obtains its unifying coherence through the politicisation of exclusion from an ostensible universal, as a protest against exclusion” (ibid: 65). Its continuing existence requires both a belief in the legitimacy of the universal ideal (for example, ideals of opportunity, and re- ward in proportion to effort) and enduring exclusion from those ideals. Brown draws upon Nietzsche in arguing that such identi-ties, produced in reaction to conditions of disempowerment andinequality, then become invested in their own impotence through practices of, for example, reproach, complaint, and revenge. These are “reactions” in the Nietzschean sense since they are substitutes for actions or can be seen as negative forms of action. Rather than acting to remove the cause(s) of suffering, that suf-fering is instead ameliorated (to some extent) through “the estab-lishment of suffering as the measure of social virtue” (ibid 1995:70), and is compensated for by the vengeful pleasures of recrimi-nation. Such practices, she argues, stand in sharp distinction to –in fact, provide obstacles to – practices that would seek to dispel the conditions of exclusion. Brown casts the dilemma discussed above in terms of a choicebetween past and future, and adapting Nietzsche, exhorts theadoption of a (collective) will that would become the “redeemer of history” (ibid: 72) through its focus on the possibilities of creat-ing different futures. As Brown reads Nietzsche, the one thingthat the will cannot exert its power over is the past, the “it was”.Confronted with its impotence with respect to the events of thepast, the will is threatened with becoming simply an “angry spec-tator” mired in bitter recognition of its own helplessness. The onehope for the will is that it may, instead, achieve a kind of mastery over that past such that, although “what has happened” cannotbe altered, the past can be denied the power of continuing to de-termine the present and future. It is only this focus on the future, Brown continues, and the capacity to make a future in the face of human frailties and injustices that spares us from a rancorous decline into despair. Identity politics structured by ressentiment – that is, by suffering caused by past events – can only break outof the cycle of “slave morality” by remaking the present againstthe terms of the past, a remaking that requires a “forgetting” of that past. An act of liberation, of self-afﬁrmation, this “forgettingof the past” requires an “overcoming” of the past that offers iden-tity in relationship to suffering, in favour of a future in whichidentity is to be deﬁned differently. In arguing thus, Brown’s work becomes aligned with a posi-tion that sees the way forward for emancipatory politics as re-siding in a movement away from a “politics of memory” (Kilby 2002: 203) that is committed to articulating past injustices andsuffering. While we agree that investment in identities prem-ised upon suffering can function as an obstacle to alleviating the causes of that suffering, we believe that Brown’s argument as outlined is problematic. First, following Kilby (2002), we share a concern about any turn to the future that is ﬁgured as a complete abandonment of the past. This is because for those who have suffered oppression and exclusion, the injunction to give up articulating a pain that is still felt may seem cruel and impossible to meet. We would argue instead that the “turn to the future” that theorists such as Brown and Grosz callfor, to revitalise feminism and other emancipatory politics, need not be conceived of as a brute rejection of the past. Indeed, Brown herself recognises the problems involved here, stating that [since] erased histories and historical invisibility are themselves suchintegral elements of the pain inscribed in most subjugated identities[then] the counsel of forgetting, at least in its unreconstructedNietzschean form, seems inappropriate if not cruel (1995: 74). She implies, in fact, that the demand exerted by those in painmay be no more than the demand to exorcise that pain throughrecognition: “all that such pain may long for – more than revenge– is the chance to be heard into a certain release, recognised intoself-overcoming, incited into possibilities for triumphing over, and hence, losing itself” (1995: 74-75). Brown wishes to establish the political importance of remembering “painful” historical events but with a crucial caveat: that the purpose of remembering pain is to enable its release . The challenge then, according to her,is to create a political culture in which this project does not mutate into one of remembering pain for its own sake. Indeed, if Brown feels that this may be “a pass where we ought to part with Nietzsche” (1995: 74), then Freud may be a more suit-able companion. Since his early work with Breuer, Freud’s writ-ings have suggested the (only apparent) paradox that remember-ing is often a condition of forgetting. The hysterical patient, who is doomed to repeat in symptoms and compulsive actions a past she cannot adequately recall, is helped to remember that trau-matic past in order then to move beyond it: she must remember inorder to forget and to forget in order to be able to live in the present. 7 This model seems to us to be particularly helpful for thedilemma articulated by both Brown (1995) and Kilby (2002),insisting as it does that “forgetting” (at least, loosening the holdof the past, in order to enable the future) cannot be achieved without ﬁrst remembering the traumatic past. Indeed, this wouldseem to be similar to the message of Beloved , whose central motif of haunting (is the adult woman, “Beloved”, Sethe’s murderedchild returned in spectral form?) dramatises the tendency of theunanalysed traumatic past to keep on returning, constraining, asit does so, the present to be like the past, and thereby, disallow-ing the possibility of a future different from that past. As Sarah Ahmed argues in her response to Brown, “in order to break the seal of the past, in order to move away from attach-ments that are hurtful, we must ﬁrst bring them into the realm of political action” (2004: 33). We would add that the task of analys-ing the traumatic past, and thus opening up the possibility of political action, is unlikely to be achievable by individuals on their own, but that this, instead, requires a “community” of participants dedicated to the serious epistemic work of rememberingand interpreting the objective social conditions that made up thatpast and continue in the present. The “pain” of historical injury is not simply an individual psychological issue, but stems from objective social conditions which perpetuate, for the most part, forms of injustice and inequality into the present. In sum, Brown presents too stark a choice between past andfuture. In the example of Beloved with which we began thisarticle, Paul D’s acceptance of Sethe’s experiences of slavery asdistinct from his own, enable them both to arrive at new under-standings of their experience. Such understanding is a way of partially “undoing” the (effects of) the past and coming to terms with the locatedness of one’s being in the world (Mohanty 1995). As this example shows, opening up a future, and attending to theongoing effects of a traumatic past, are only incorrectly under-stood as alternatives. A second set of problems with Brown’s critique of identity poli-tics emerge from what we regard as her tendency to individualise social problems as problems that are the possession and theresponsibility of the “wounded” group. Brown suggests that the problems associated with identity politics can be overcome through a “shift in the character of political expression and politi-cal claims common to much politicised identity” (1995: 75). She deﬁnes this shift as one in which identity would be expressed in terms of desire rather than of ontology by supplanting the lan-guage of “I am” with the language of “I want this for us” (1995:75). Such a reconﬁguration, she argues, would create an opportu-nity to “rehabilitate the memory of desire within identiﬁcatory processes…prior to [their] wounding” (1995: 75). It would fur-ther refocus attention on the future possibilities present in theidentity as opposed to the identity being foreclosed through its attention to past-based grievances.

#### The aff is IDENTITY but not POLITICS---failure to envision a future in which identity claims will no longer be needed results in a reactionary politics entrenching the squo

Bhambra 10—U Warwick—AND—Victoria Margree—School of Humanities, U Brighton (Identity Politics and the Need for a ‘Tomorrow’, http://www.academia.edu/471824/Identity\_Politics\_and\_the\_Need\_for\_a\_Tomorrow\_)

The quotation with which this article begins comes from the end of the novel where the character Paul D is speak-ing to fellow former slave Sethe of the need to move be- yond the terms of a past disﬁgured by slavery. We begin with this for two reasons. First, it expresses the central problematic ad-dressed within this article: the question of the place of history in the present, and how this helps or hinders the opening up of future possibilities. Second, the novel addresses how the opening up of a new future can also be achieved by shifts in understand-ing which result from allowing alternative interpretations of the past. Speciﬁcally in Beloved , Paul D moves from a condemnation of Sethe for her alleged inhumanity in having killed her own child (“you got two legs, not four, Sethe” ((1987) 1997: 165)), to a new understanding of the “gendered division of labour on which slavery was built” (Mohanty 2000: 61) and thus to acceptance of the validity of her claims to have killed as a human being , and as a mother (to save her own child from becoming a slave like her-self, to refuse to be a reproducer of slaves). As such, Paul D arrives at a fuller understanding of their shared historical experience as slaves, and this new knowledge constitutes the basis for develop-ing the “tomorrow” of which he speaks.¶ In what follows we use the metaphor of “tomorrow” in order to address contemporary debates about “identity politics”. Recent years have witnessed a general backlash against identity politics both in the academy and the public sphere (Bickford 1997, Young1997, Farred 2000, Bramen 2002). Among the various pro-tagonists of this “backlash”, Bramen (2002) gives particular atten-tion to work by Wendy Brown (1995) on “wounded attachments”. This is her term for a condition in which politicised identities, based upon experiences of injustice and discrimination, begin to“fetishise” (Ahmed 2004) their own wounding. For Brown, this results in a reactionary politics aimed at recrimination, instead of action to redress the injustice. Our intention in the present article is to situate ourselves within this debate about the value of iden-tity politics as well as to engage with the speciﬁc issues raised by Brown’s work. We will argue that the objections to “identity “raised by Brown and others must be taken seriously, but that this need not lead to a wholesale abandonment of the politics of identity. Rather, we wish to demonstrate that the problem with identity politics is the way in which the “identity” very often comes to re-place the “politics”. To avoid such a substitution, we argue that “identity” may be re-theorised as that which is continually pro-duced and reproduced by political projects in the present, and on the basis of a shared vision of the future. The argument of this article is thus that politicised identities might instead be thought of in terms of an explicit afﬁrmation of the provisionality of a political identity that is oriented to a “tomorrow” in which the identity will no longer be required. In this way, the power of “identity” as a site of resistance is maintained, while ameliorating the conservative effects of the entrenched identities that Brown criticises. As such, this article also addresses the wider contemporary debate in emancipatory politics, which concerns the proper orientation of radical politics in terms of the tense of political dis-course. The key issue here is that of the extent to which political discourse should be focused around the past – on origins, memory, history, trauma and so forth – or the extent to which it should be future-oriented. Critics such as Brown (1995) and Grosz (2000)have expressed a fear that too great a weight upon the past has proved constraining for radical movements, and that an emphasis upon the future – the (more) just future that political action intends to bring about – is required as a corrective to this (Ahmed2004). However, such a demand brings with it the vexed question of the place of memory, and speciﬁcally, the memorialising of pain and exclusion. As Brown’s own equivocation on the issue suggests, “the counsel of forgetting [...] seems inappropriate if not cruel”(p 74) for many oppressed groups who have yet to have their pain recognised, or to understand themselves the deferred effects of atraumatic past (Kilby 2002). The arguments presented in this paper are threefold. First, we argue for a rethinking of “politicised identities” in terms of a commitment to a desired future, as a corrective to the conservative effects that frequently accompany “identity” (here identiﬁed as “exclusionary politics” and “reiﬁcation of identities”). Second, we argue, however, that such an emphasis upon the future need not and should not entail an abandonment of the commitment to address traumatic pasts. Third, we argue that a productive identity politics is one which understands the identity of the political group-ing as provisional, since it is based on the need to respond to an existing injustice, and therefore, oriented to a future in which that injustice, and hence, the need for the identity claim, is no longer pre-sent. Central to the development of our thesis will be an engagement with work on experience and identity by Satya Mohanty, and com-munities and knowledge by Lynn Hankinson Nelson.

### 1nc framework

#### The aff should simulate government action—it’s the only predictable standard

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

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

#### Switch side policy simulation is key to effective advocacy practice and critical thinking

Keller, et. al, 01 – Asst. professor School of Social Service Administration U. of Chicago (Thomas E., James K., and Tracly K., Asst. professor School of Social Service Administration U. of Chicago, professor of Social Work, and doctoral student School of Social Work, “Student debates in policy courses: promoting policy practice skills and knowledge through active learning,” Journal of Social Work Education, Spr/Summer 2001, EBSCOhost)

SOCIAL WORKERS HAVE a professional responsibility to shape social policy and legislation (National Association of Social Workers, 1996). In recent decades, the concept of policy practice has encouraged social workers to consider the ways in which their work can be advanced through active participation in the policy arena (Jansson, 1984, 1994; Wyers, 1991). The emergence of the policy practice framework has focused greater attention on the competencies required for social workers to influence social policy and placed greater emphasis on preparing social work students for policy intervention (Dear & Patti, 1981; Jansson, 1984, 1994; Mahaffey & Hanks, 1982; McInnis-Dittrich, 1994). The curriculum standards of the Council on Social Work Education (CSWE) require the teaching of knowledge and skills in the political process (CSWE, 1994). With this formal expectation of policy education in schools of social work, the best instructional methods must be employed to ensure students acquire the requisite policy practice skills and perspectives. The authors believe that structured student debates have great potential for promoting competence in policy practice and in-depth knowledge of substantive topics relevant to social policy. Like other interactive assignments designed to more closely resemble "real-world" activities, issue-oriented debates actively engage students in course content. Debates also allow students to develop and exercise skills that may translate to political activities, such as testifying before legislative committees. Finally, and perhaps most importantly, debates may help to stimulate critical thinking by shaking students free from established opinions and helping them to appreciate the complexities involved in policy dilemmas. Relationships between Policy Practice Skills, Critical Thinking, and Learning Policy practice encompasses social workers' "efforts to influence the development, enactment, implementation, or assessment of social policies" (Jansson, 1994, p. 8). Effective policy practice involves analytic activities, such as defining issues, gathering data, conducting research, identifying and prioritizing policy options, and creating policy proposals (Jansson, 1994). It also involves persuasive activities intended to influence opinions and outcomes, such as discussing and debating issues, organizing coalitions and task forces, and providing testimony. According to Jansson (1984,pp. 57-58), social workers rely upon five fundamental skills when pursuing policy practice activities: value-clarification skills for identifying and assessing the underlying values inherent in policy positions; conceptual skills for identifying and evaluating the relative merits of different policy options; interactional skills for interpreting the values and positions of others and conveying one's own point of view in a convincing manner; political skills for developing coalitions and developing effective strategies; and position-taking skills for recommending, advocating, and defending a particular policy. These policy practice skills reflect the hallmarks of critical thinking (see Brookfield, 1987; Gambrill, 1997). The central activities of critical thinking are identifying and challenging underlying assumptions, exploring alternative ways of thinking and acting, and arriving at commitments after a period of questioning, analysis, and reflection (Brookfield, 1987). Significant parallels exist with the policy-making process--identifying the values underlying policy choices, recognizing and evaluating multiple alternatives, and taking a position and advocating for its adoption. Developing policy practice skills seems to share much in common with developing capacities for critical thinking. R.W. Paul (as cited in Gambrill, 1997) states that critical thinkers acknowledge the imperative to argue from opposing points of view and to seek to identify weakness and limitations in one's own position. Critical thinkers are aware that there are many legitimate points of view, each of which (when thought through) may yield some level of insight. (p. 126) John Dewey, the philosopher and educational reformer, suggested that the initial advance in the development of reflective thought occurs in the transition from holding fixed, static ideas to an attitude of doubt and questioning engendered by exposure to alternative views in social discourse (Baker, 1955, pp. 36-40). Doubt, confusion, and conflict resulting from discussion of diverse perspectives "force comparison, selection, and reformulation of ideas and meanings" (Baker, 1955, p. 45). Subsequent educational theorists have contended that learning requires openness to divergent ideas in combination with the ability to synthesize disparate views into a purposeful resolution (Kolb, 1984; Perry, 1970). On the one hand, clinging to the certainty of one's beliefs risks dogmatism, rigidity, and the inability to learn from new experiences. On the other hand, if one's opinion is altered by every new experience, the result is insecurity, paralysis, and the inability to take effective action. The educator's role is to help students develop the capacity to incorporate new and sometimes conflicting ideas and experiences into a coherent cognitive framework. Kolb suggests that, "if the education process begins by bringing out the learner's beliefs and theories, examining and testing them, and then integrating the new, more refined ideas in the person's belief systems, the learning process will be facilitated" (p. 28). The authors believe that involving students in substantive debates challenges them to learn and grow in the fashion described by Dewey and Kolb. Participation in a debate stimulates clarification and critical evaluation of the evidence, logic, and values underlying one's own policy position. In addition, to debate effectively students must understand and accurately evaluate the opposing perspective. The ensuing tension between two distinct but legitimate views is designed to yield a reevaluation and reconstruction of knowledge and beliefs pertaining to the issue.

#### Those deliberative skills outweigh and turn the aff

Christian O. **Lundberg 10** Professor of Communications @ University of North Carolina, Chapel Hill, “Tradition of Debate in North Carolina” in Navigating Opportunity: Policy Debate in the 21st Century By Allan D. Louden, p. 311

The second major problem with the critique that identifies a naivety in articulating debate and democracy is that it presumes that the primary pedagogical outcome of debate is speech capacities. But the democratic capacities built by debate are not limited to speech—as indicated earlier, debate builds capacity for critical thinking, analysis of public claims, informed decision making, and better public judgment. If the picture of modem political life that underwrites this critique of debate is a pessimistic view of increasingly labyrinthine and bureaucratic administrative politics, rapid scientific and technological change outpacing the capacities of the citizenry to comprehend them, and ever-expanding insular special-interest- and money-driven politics, it is a puzzling solution, at best, to argue that these conditions warrant giving up on debate. If democracy is open to rearticulation, it is open to rearticulation precisely because as the challenges of modern political life proliferate, the citizenry's capacities can change, which is one of the primary reasons that theorists of democracy such as Ocwey in The Public awl Its Problems place such a high premium on education (Dewey 1988,63, 154). Debate provides an indispensible form of education in the modem articulation of democracy because it builds precisely the skills that allow the citizenry to research and be informed about policy decisions that impact them, to son rhroueh and evaluate the evidence for and relative merits of arguments for and against a policy in an increasingly infonnation-rich environment, and to prioritize their time and political energies toward policies that matter the most to them.

The merits of debate as a tool for building democratic capacity-building take on a special significance in the context of information literacy. John Larkin (2005, HO) argues that one of the primary failings of modern colleges and universities is that they have not changed curriculum to match with the challenges of a new information environment. This is a problem for the course of academic study in our current context, but perhaps more important, argues Larkin, for the future of a citizenry that will need to make evaluative choices against an increasingly complex and multimediatcd information environment (ibid-). Larkin's study tested the benefits of debate participation on information-literacy skills and concluded that in-class debate participants reported significantly higher self-efficacy ratings of their ability to navigate academic search databases and to effectively search and use other Web resources:

To analyze the self-report ratings of the instructional and control group students, we first conducted a multivariate analysis of variance on all of the ratings, looking jointly at the effect of instmction/no instruction and debate topic . . . that it did not matter which topic students had been assigned . . . students in the Instnictional [debate) group were significantly more confident in their ability to access information and less likely to feel that they needed help to do so----These findings clearly indicate greater self-efficacy for online searching among students who participated in (debate).... These results constitute strong support for the effectiveness of the project on students' self-efficacy for online searching in the academic databases. There was an unintended effect, however: After doing ... the project, instructional group students also felt more confident than the other students in their ability to get good information from Yahoo and Google. It may be that the library research experience increased self-efficacy for any searching, not just in academic databases. (Larkin 2005, 144)

Larkin's study substantiates Thomas Worthcn and Gaylcn Pack's (1992, 3) claim that debate in the college classroom plays a critical role in fostering the kind of problem-solving skills demanded by the increasingly rich media and information environment of modernity. Though their essay was written in 1992 on the cusp of the eventual explosion of the Internet as a medium, Worthcn and Pack's framing of the issue was prescient: the primary question facing today's student has changed from how to best research a topic to the crucial question of learning how to best evaluate which arguments to cite and rely upon from an easily accessible and veritable cornucopia of materials.

There are, without a doubt, a number of important criticisms of employing debate as a model for democratic deliberation. But cumulatively, the evidence presented here warrants strong support for expanding debate practice in the classroom as a technology for enhancing democratic deliberative capacities. The unique combination of critical thinking skills, research and information processing skills, oral communication skills, and capacities for listening and thoughtful, open engagement with hotly contested issues argues for debate as a crucial component of a rich and vital democratic life. In-class debate practice both aids students in achieving the best goals of college and university education, and serves as an unmatched practice for creating thoughtful, engaged, open-minded and self-critical students who are open to the possibilities of meaningful political engagement and new articulations of democratic life.

Expanding this practice is crucial, if only because the more we produce citizens that can actively and effectively engage the political process, the more likely we are to produce revisions of democratic life that are necessary if democracy is not only to survive, but to thrive. Democracy faces a myriad of challenges, including: domestic and international issues of class, gender, and racial justice; wholesale environmental destruction and the potential for rapid climate change; emerging threats to international stability in the form of terrorism, intervention and new possibilities for great power conflict; and increasing challenges of rapid globalization including an increasingly volatile global economic structure. More than any specific policy or proposal, an informed and active citizenry that deliberates with greater skill and sensitivity provides one of the best hopes for responsive and effective democratic governance, and by extension, one of the last best hopes for dealing with the existential challenges to democracy [in an] increasingly complex world.

#### Defending the topic is hard because it requires you to admit you could be wrong—that generates competitive respect and dialogue. Voting aff reinforces group polarization and choir preaching

**Talisse 2005** – philosophy professor at Vanderbilt (Robert, Philosophy & Social Criticism, 31.4, “Deliberativist responses to activist challenges”) \*note: gendered language in this article refers to arguments made by two specific individuals in an article by Iris Young

Nonetheless, the deliberativist conception of reasonableness differs from the activist’s in at least one crucial respect. On the deliberativist view, a necessary condition for reasonableness is the willingness not only to offer justifications for one’s own views and actions, but also to listen to criticisms, objections, and the justificatory reasons that can be given in favor of alternative proposals.

In light of this further stipulation, we may say that, on the deliberative democrat’s view, reasonable citizens are responsive to reasons, their views are ‘reason tracking’. Reasonableness, then, entails an acknowledgement on the part of the citizen that her current views are possibly mistaken, incomplete, and in need of revision. Reasonableness is hence a two-way street: the reasonable citizen is able and willing to offer justifications for her views and actions, but is also prepared to consider alternate views, respond to criticism, answer objections, and, if necessary, revise or abandon her views. In short, reasonable citizens do not only believe and act for reasons, they aspire to believe and act according to the best reasons; consequently, they recognize their own fallibility in weighing reasons and hence engage in public deliberation in part for the sake of improving their views.15 ‘Reasonableness’ as the deliberative democrat understands it is constituted by a willingness to participate in an ongoing public discussion that inevitably involves processes of self-examination by which one at various moments rethinks and revises one’s views in light of encounters with new arguments and new considerations offered by one’s fellow deliberators. Hence Gutmann and Thompson write:

Citizens who owe one another justifications for the laws that they seek to impose must take seriously the reasons their opponents give. Taking seriously the reasons one’s opponents give means that, at least for a certain range of views that one opposes, one must acknowledge the possibility that an opposing view may be shown to be correct in the future. This acknowledgement has implications not only for the way they regard their own views. It imposes an obligation to continue to test their own views, seeking forums in which the views can be challenged, and keeping open the possibility of their revision or even rejection.16 (2000: 172)

That Young’s activist is not reasonable in this sense is clear from the ways in which he characterizes his activism. He claims that ‘Activities of protest, boycott, and disruption are more appropriate means for getting citizens to think seriously about what until then they have found normal and acceptable’ (106); activist tactics are employed for the sake of ‘bringing attention’ to injustice and making ‘a wider public aware of institutional wrongs’ (107). These characterizations suggest the presumption that questions of justice are essentially settled; the activist takes himself to know what justice is and what its implementation requires. He also believes he knows that those who oppose him are either the power-hungry beneficiaries of the unjust status quo or the inattentive and unaware masses who do not ‘think seriously’ about the injustice of the institutions that govern their lives and so unwittingly accept them. Hence his political activity is aimed exclusively at enlisting other citizens in support of the cause to which he is tenaciously committed.

The activist implicitly holds that there could be no reasoned objection to his views concerning justice, and no good reason to endorse those institutions he deems unjust. The activist presumes to know that no deliberative encounter could lead him to reconsider his position or adopt a different method of social action; he ‘declines’ to ‘engage persons he disagrees with’ (107) in discourse because he has judged on a priori grounds that all opponents are either pathetically benighted or balefully corrupt. When one holds one’s view as the only responsible or just option, there is no need for reasoning with those who disagree, and hence no need to be reasonable.

According to the deliberativist, this is the respect in which the activist is unreasonable. The deliberativist recognizes that questions of justice are difficult and complex. This is the case not only because justice is a notoriously tricky philosophical concept, but also because, even supposing we had a philosophically sound theory of justice, questions of implementation are especially thorny. Accordingly, political philosophers, social scientists, economists, and legal theorists continue to work on these questions. In light of much of this literature, it is difficult to maintain the level of epistemic confidence in one’s own views that the activist seems to muster; thus the deliberativist sees the activist’s confidence as evidence of a lack of honest engagement with the issues. A possible outcome of the kind of encounter the activist ‘declines’ (107) is the realization that the activist’s image of himself as a ‘David to the Goliath of power wielded by the state and corporate actors’ (106) is naïve. That is, the deliberativist comes to see, through processes of public deliberation, that there are often good arguments to be found on all sides of an important social issue; reasonableness hence demands that one must especially engage the reasons of those with whom one most vehemently disagrees and be ready to revise one’s own views if necessary. Insofar as the activist holds a view of justice that he is unwilling to put to the test of public criticism, he is unreasonable. Furthermore, insofar as the activist’s conception commits him to the view that there could be no rational opposition to his views, he is literally unable to be reasonable. Hence the deliberative democrat concludes that activism, as presented by Young’s activist, is an unreasonable model of political engagement.

The dialogical conception of reasonableness adopted by the deliberativist also provides a response to the activist’s reply to the charge that he is engaged in interest group or adversarial politics. Recall that the activist denied this charge on the grounds that activism is aimed not at private or individual interests, but at the universal good of justice. But this reply also misses the force of the posed objection. On the deliberativist view, the problem with interest-based politics does not derive simply from the source (self or group), scope (particular or universal), or quality (admirable or deplorable) of the interest, but with the concept of interests as such. Not unlike ‘preferences’, ‘interests’ typically function in democratic theory as fixed dispositions that are non-cognitive and hence unresponsive to reasons. Insofar as the activist sees his view of justice as ‘given’ and not open to rational scrutiny, he is engaged in the kind of adversarial politics the deliberativist rejects.

The argument thus far might appear to turn exclusively upon different conceptions of what reasonableness entails. The deliberativist view I have sketched holds that reasonableness involves some degree of what we may call epistemic modesty. On this view, the reasonable citizen seeks to have her beliefs reflect the best available reasons, and so she enters into public discourse as a way of testing her views against the objections and questions of those who disagree; hence she implicitly holds that her present view is open to reasonable critique and that others who hold opposing views may be able to offer justifications for their views that are at least as strong as her reasons for her own. Thus any mode of politics that presumes that discourse is extraneous to questions of justice and justification is unreasonable. The activist sees no reason to accept this. Reasonableness for the activist consists in the ability to act on reasons that upon due reflection seem adequate to underwrite action; discussion with those who disagree need not be involved. According to the activist, there are certain cases in which he does in fact know the truth about what justice requires and in which there is no room for reasoned objection. Under such conditions, the deliberativist’s demand for discussion can only obstruct justice; it is therefore irrational.

It may seem that we have reached an impasse. However, there is a further line of criticism that the activist must face. To the activist’s view that at least in certain situations he may reasonably decline to engage with persons he disagrees with (107), the deliberative democrat can raise the phenomenon that Cass Sunstein has called ‘group polarization’ (Sunstein, 2003; 2001a: ch. 3; 2001b: ch. 1). To explain: consider that political activists cannot eschew deliberation altogether; they often engage in rallies, demonstrations, teach-ins, workshops, and other activities in which they are called to make public the case for their views. Activists also must engage in deliberation among themselves when deciding strategy. Political movements must be organized, hence those involved must decide upon targets, methods, and tactics; they must also decide upon the content of their pamphlets and the precise messages they most wish to convey to the press. Often the audience in both of these deliberative contexts will be a self-selected and sympathetic group of like-minded activists.

Group polarization is a well-documented phenomenon that has ‘been found all over the world and in many diverse tasks’; it means that ‘members of a deliberating group predictably move towards a more extreme point in the direction indicated by the members’ predeliberation tendencies’ (Sunstein, 2003: 81–2). Importantly, in groups that ‘engage in repeated discussions’ over time, the polarization is even more pronounced (2003: 86). Hence discussion in a small but devoted activist enclave that meets regularly to strategize and protest ‘should produce a situation in which individuals hold positions more extreme than those of any individual member before the series of deliberations began’ (ibid.).17

The fact of group polarization is relevant to our discussion because the activist has proposed that he may reasonably decline to engage in discussion with those with whom he disagrees in cases in which the requirements of justice are so clear that he can be confident that he has the truth. Group polarization suggests that deliberatively confronting those with whom we disagree is essential even when we have the truth. For even if we have the truth, if we do not engage opposing views, but instead deliberate only with those with whom we agree, our view will shift progressively to a more extreme point, and thus we lose the truth. In order to avoid polarization, deliberation must take place within heterogeneous ‘argument pools’ (Sunstein, 2003: 93). This of course does not mean that there should be no groups devoted to the achievement of some common political goal; it rather suggests that engagement with those with whom one disagrees is essential to the proper pursuit of justice. Insofar as the activist denies this, he is unreasonable.

#### this round is just one of many sites of deliberation, but it’s uniquely valuable to discuss state policy at a distance where we don’t have to render final verdicts

**Talisse 2005** – philosophy professor at Vanderbilt (Robert, Philosophy & Social Criticism, 31.4, “Deliberativist responses to activist challenges”) \*note: gendered language in this article refers to arguments made by two specific individuals in an article by Iris Young

These two serious activist challenges may be summarized as follows. First, the activist has claimed that political discussion must always take place within the context of existing institutions that due to structural inequality grant to certain individuals the power to set discussion agendas and constrain the kinds of options open for consideration prior to any actual encounter with their deliberative opponents; the deliberative process is in this sense rigged from the start to favor the status quo and disadvantage the agents of change. Second, the activist has argued that political discussion must always take place by means of antecedent ‘discourses’ or vocabularies which establish the conceptual boundaries of the deliberation and hence may themselves be hegemonic or systematically distorting; the deliberative process is hence subject to the distorting influence of ideology at the most fundamental level, and deliberative democrats do not have the resources by which such distortions can be addressed. As they aim to establish that the deliberativist’s program is inconsistent with her own democratic objectives, this pair of charges is, as Young claims, serious (118). However, I contend that the deliberativist has adequate replies to them both.

Part of the response to the first challenge is offered by Young herself. The deliberative democrat does not advocate public political discussion only at the level of state policy, and so does not advocate a program that must accept as given existing institutional settings and contexts for public discussion. Rather, the deliberativist promotes an ideal of democratic politics according to which deliberation occurs at all levels of social association, including households, neighborhoods, local organizations, city boards, and the various institutions of civil society. The longrun aim of the deliberative democrat is to cultivate a more deliberative polity, and the deliberativist claims that this task must begin at more local levels and apart from the state and its policies. We may say that deliberativism promotes a ‘decentered’ (Habermas, 1996: 298) view of public deliberation and a ‘pluralistic’ (Benhabib, 2002: 138) model of the public sphere; in other words, the deliberative democrat envisions a ‘multiple, anonymous, heterogeneous network of many publics and public conversations’ (Benhabib, 1996b: 87). The deliberativist is therefore committed to the creation of ‘an inclusive deliberative setting in which basic social and economic structures can be examined’; these settings ‘for the most part must be outside ongoing settings of official policy discussion’ (115).

Although Young characterizes this decentered view of political discourse as requiring that deliberative democrats ‘withdraw’ (115) from ‘existing structural circumstances’ (118), it is unclear that this follows. There certainly is no reason why the deliberativist must choose between engaging arguments within existing deliberative sites and creating new ones that are removed from established institutions. There is no need to accept Young’s dichotomy; the deliberativist holds that work must be done both within existing structures and within new contexts. As Bohman argues,

Deliberative politics has no single domain; it includes such diverse activities as formulating and achieving collective goals, making policy decisions and means and ends, resolving conflicts of interest and principle, and solving problems as they emerge in ongoing social life. Public deliberation therefore has to take many forms. (1996: 53)

The second challenge requires a detailed response, so let us begin with a closer look at the proposed argument. The activist has moved quickly from the claim that discourses can be systematically distorting to the claim that all political discourse operative in our current contexts is systematically distorting. The conclusion is that properly democratic objectives cannot be pursued by deliberative means. The first thing to note is that, as it stands, the conclusion does not follow from the premises; the argument is enthymematic. What is required is the additional premise that the distorting features of discussion cannot be corrected by further discussion. That discussion cannot rehabilitate itself is a crucial principle in the activist’s case, but is nowhere argued.

Moreover, the activist has given no arguments to support the claim that present modes of discussion are distorting, and has offered no analysis of how one might detect such distortions and discern their nature.20 Rather than providing a detailed analysis of the phenomenon of systematic distortion, Young provides (in her own voice) two examples of discourses that she claims are hegemonic. First she considers discussions of poverty that presume the adequacy of labor market analyses; second she cites discussions of pollution that presume that modern economies must be based on the burning of fossil-fuels. In neither case does she make explicit what constitutes the distortion. At most, her examples show that some debates are framed in ways that render certain types of proposals ‘out of bounds’. But surely this is the case in any discussion, and it is not clear that it is in itself always a bad thing or even ‘distorting’. Not all discursive exclusions are distortions because the term ‘distortion’ implies that something is being excluded that should be included.

Clearly, then, there are some dialectical exclusions that are entirely appropriate. For example, it is a good thing that current discussions of poverty are often cast in terms that render white supremacist ‘solutions’ out of bounds; it is also good that pollution discourses tend to exclude fringe-religious appeals to the cleansing power of mass prayer. This is not to say that opponents of market analyses of poverty are on par with white supremacists o

r that Greens are comparable to fringe-religious fanatics; it is rather to press for a deeper analysis of the discursive hegemony that the activist claims undermines deliberative democracy. It is not clear that the requested analysis, were it provided, would support the claim that systematic distortions cannot be addressed and remedied within the processes of continuing discourse. There are good reasons to think that continued discussion among persons who are aware of the potentially hegemonic features of discourse can correct the distorting factors that exist and block the generation of new distortions.

As Young notes (116), James Bohman (1996: ch. 3) has proposed a model of deliberation that incorporates concerns about distorted communication and other forms of deliberative inequality within a general theory of deliberative democracy; the recent work of Seyla Benhabib (2002) and Robert Goodin (2003: chs 9–11) aims for similar goals. Hence I conclude that, as it stands, the activist’s second argument is incomplete, and as such the force of the difficulty it raises for deliberative democracy is not yet clear. If the objection is to stick, the activist must first provide a more detailed examination of the hegemonic and distorting properties of discourse; he must then show both that prominent modes of discussion operative in our democracy are distorting in important ways and that further discourse cannot remedy these distortions.

### 1nc t

#### The aff isn't topical:

#### A. Increase is net increase

**Rogers, 5** (Judge, STATE OF NEW YORK, ET AL., PETITIONERS v. U.S. ENVIRONMENTAL PROTECTION AGENCY, RESPONDENT, NSR MANUFACTURERS ROUNDTABLE, ET AL., INTERVENORS, 2005 U.S. App. LEXIS 12378, \*\*; 60 ERC (BNA) 1791, 6/24, lexis)

 [\*\*48]  Statutory Interpretation. HN16While the CAA defines a "modification" as any physical or operational change that "increases" emissions, it is silent on how to calculate such "increases" in emissions. 42 U.S.C. § 7411(a)(4). According to government petitioners, the lack of a statutory definition does not render the term "increases" ambiguous, but merely compels the court to give the term its "ordinary meaning." See Engine Mfrs.Ass'nv.S.Coast AirQualityMgmt.Dist., 541 U.S. 246, 124 S. Ct. 1756, 1761, 158 L. Ed. 2d 529(2004); Bluewater Network, 370 F.3d at 13; Am. Fed'n of Gov't Employees v. Glickman, 342 U.S. App. D.C. 7, 215 F.3d 7, 10 [\*23]  (D.C. Cir. 2000). Relying on two "real world" analogies, government petitioners contend that the ordinary meaning of "increases" requires the baseline to be calculated from a period immediately preceding the change. They maintain, for example, that in determining whether a high-pressure weather system "increases" the local temperature, the relevant baseline is the temperature immediately preceding the arrival of the weather system, not the temperature five or ten years ago. Similarly,  [\*\*49]  in determining whether a new engine "increases" the value of a car, the relevant baseline is the value of the car immediately preceding the replacement of the engine, not the value of the car five or ten years ago when the engine was in perfect condition.

#### B. Detention takes the forms of criminal, preventative, and interrogative detention—vagueness causes misunderstanding and advocacy failure

**Eppinger 13**—Assistant Professor, Saint Louis University School of Law and Department of Sociology and Anthropology

(Monica, “REALITY CHECK: DETENTION IN THE WAR ON TERROR”, 62 Cath. U.L. Rev. 325, Winter 2013, lexis, dml)

Our conceptual vocabulary has not kept pace with experience. Although legal experts, the press, and the public rely on one generic term, "detention," [\*328] the U.S. executive branch has actually practiced **at least three different modes of detention** in the "war on terror": criminal detention, national security detention for the purpose of prevention (preventive detention), and national security detention for the purpose of interrogation (interrogative detention). **Reliance on an overgeneralized term glosses over important distinctions with serious practical effects**. When the general term "detention" in current usage is taken to mean only "criminal detention," it reflects a misunderstanding of what national security experts are actually working on. Framing the issue so narrowly leads to limited effectiveness in persuasion or diagnosis, insofar as it fails to take into account some of the organizational and ethical features of the domain of national security or results in misrecognitionof some kinds of executive branch conduct. Reconceiving detention based on observation of its actual practice should **yield clarity and specificity that will serve** future advocacy efforts.

#### C. Restrictions must refer to a specific statutory source on which to base prohibitions—asserting illegitimacy isn't the same

**Bradley, 10** - \* Richard A. Horvitz Professor of Law and Professor of Public Policy Studies, Duke Law School (Curtis, “CLEAR STATEMENT RULES AND EXECUTIVE WAR POWERS” <http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=2730&context=faculty_scholarship>)

The scope of the President’s independent war powers is **notoriously unclear**, and courts are understandably reluctant to issue constitutional rulings that might deprive the federal government as a whole of the flexibility needed to respond to crises. As a result, courts often look for signs that Congress has either supported or opposed the President’s actions and rest their decisions on statutory grounds. This is essentially the approach outlined by Justice Jackson in his concurrence in Youngstown.1 For the most part, the Supreme Court has also followed this approach in deciding executive power issues relating to the war on terror. In Hamdi v. Rumsfeld, for example, Justice O’Connor based her plurality decision, which allowed for military detention of a U.S. citizen captured in Afghanistan, on Congress’s September 18, 2001, Authorization for Use of Military Force (AUMF).2 Similarly, in Hamdan v. Rumsfeld, the Court grounded its disallowance of the Bush Administration’s military commission system on what it found to be congressionally imposed restrictions.3 The Court’s decision in Boumediene v. Bush4 might seem an aberration in this regard, but it is not. Although the Court in Boumediene did rely on the Constitution in holding that the detainees at Guantanamo have a right to seek habeas corpus re‐ view in U.S. courts, it did not impose any specific restrictions on the executive’s detention, treatment, or trial of the detainees.5 In other words, Boumediene was more about preserving a role for the courts than about prohibiting the executive from exercising statutorily conferred authority.

#### D. Authority is distinct from power—action must target the permission delegated by a principal

**Taylor, 96** – professor of law at Georgia State (Ellen, “New and Unjustified Restrictions on Delaware Directors' Authority” 21 Del. J. Corp. L. 870 (1996), Hein Online)

The term authority is commonly thought of in the context of the law of agency, and the Restatement (Second) of Agency defines both power and authority.'89 Power refers to an agent's ability or capacity to produce a change in a legal relation (whether or not the principal approves of the change), and authority refers to the power given (permission granted) to the agent by the principal to affect the legal relations of the principal; the distinction is between what the agent can do and what the agent may do.

#### Vote neg:

#### 1. It’s the basis for neg prep which is key to engage affs without unreasonable demands on 2Ns—educational debates with viable workloads are key to any vision for the activity—also directly key to participation.

#### 2. War powers debates are good—without topicality, there’s a competitive incentive to avoid them and the neg ground associated—

**Kurr 2013** – Ph.D. student in the Communication Arts & Sciences program at Pennsylvania State University and a coach for the Penn State Debate Society (9/5, UVA Miller Center & CEDA Public Debate Series, “Bridging Competitive Debate and Public Deliberation on Presidential War Powers”, http://public.cedadebate.org/node/14)

Taken together, the connection between tournament competition and a public collaboration reorients the pedagogical function of debate. Gordon Mitchell and his colleagues comment on this possibility, “The debate tournament site’s potential to work as a translational pipeline for scholarly research presents unique opportunities for colleges and universities seeking to bolster their institutional infrastructure for undergraduate research” (Mitchell et al, 2010, p. 15). Indeed, the debate series affords competitors the opportunity to become part of the discussion and inform policymakers about potential positions, as opposed to the traditional reactionary format of hosting public debates at the season’s end. Empirically, these events had the effect of “giv[ing] voice to previously buried arguments” that “subject matter experts felt reticent to elucidate because of their institutional affiliations” (Mitchell, 2010, p. 107). Given the timeliness of the topic, these debates provide a new voice into the ongoing deliberation over war powers and help make the fruits of competitive research have a public purpose.

The second major function concerns the specific nature of deliberation over war powers. Given the connectedness between presidential war powers and the preservation of national security, deliberation is often difficult. Mark Neocleous describes that when political issues become securitized; it “helps consolidate the power of the existing forms of social domination and justifies the short-circuiting of even the most democratic forms.” (2008, p. 71). Collegiate debaters, through research and competitive debate, serve as a bulwark against this “short-circuiting” and help preserve democratic deliberation. This is especially true when considering national security issues. Eric English contends, “The success … in challenging the dominant dialogue on homeland security politics points to efficacy of academic debate as a training ground.” Part of this training requires a “robust understanding of the switch-side technique” which “helps prevent misappropriation of the technique to bolster suspect homeland security policies” (English et. al, 2007, p. 224). Hence, competitive debate training provides foundation for interrogating these policies in public.

Alarmism on the issues of war powers is easily demonstrated by Obama’s repeated attempts to transfer detainees from Guantanamo Bay. Republicans were able to launch a campaign featuring the slogan, “not in my backyard” (Schor, 2009). By locating the nexus of insecurity as close as geographically possible, the GOP were able to instill a fear of national insecurity that made deliberation in the public sphere not possible. When collegiate debaters translate their knowledge of the policy wonkery on such issues into public deliberation, it serves to cut against the alarmist rhetoric purported by opponents.

In addition to combating misperceptions concerning detainee transfers, the investigative capacity of collegiate debate provides a constant check on governmental policies. A new trend concerning national security policies has been for the government to provide “status updates” to the public. On March 28, 2011, Obama gave a speech concerning Operation Odyssey Dawn in Libya and the purpose of the bombings. Jeremy Engels and William Saas describe this “post facto discourse” as a “new norm” where “Americans are called to acquiesce to decisions already made” (2013, p. 230). Contra to the alarmist strategy that made policy deliberation impossible, this rhetorical strategy posits that deliberation is not necessary. Collegiate debaters researching war powers are able to interrogate whether deliberation is actually needed. Given the technical knowledge base needed to comprehend the mechanism of how war powers operate, debate programs serve as a constant investigation into whether deliberation is necessary not only for prior action but also future action. By raising public awareness, there is a greater potential that “the public’s inquiry into potential illegal action abroad” could “create real incentives to enforce the WPR” (Druck, 2010, p. 236). While this line of interrogation could be fulfilled by another organization, collegiate debaters who translate their competitive knowledge into public awareness create a “space for talk” where the public has “previously been content to remain silent” (Engels & Saas, 2013, p. 231).

Given the importance of presidential war powers and the strategies used by both sides of the aisle to stifle deliberation, the import of competitive debate research into the public realm should provide an additional check of being subdued by alarmism or acquiescent rhetorics. After creating that space for deliberation, debaters are apt to influence the policies themselves. Mitchell furthers, “Intercollegiate debaters can play key roles in retrieving and amplifying positions that might otherwise remain sedimented in the policy process” (2010, p. 107). With the timeliness of the war powers controversy and the need for competitive debate to reorient publicly, the CEDA/Miller Center series represents a symbiotic relationship that ought to continue into the future. Not only will collegiate debaters become better public advocates by shifting from competition to collaboration, the public becomes more informed on a technical issue where deliberation was being stifled. As a result, debaters reinvigorate debate.

#### 3. Process education—this isn't a framework argument, it’s a call for specificity on debating the presidency—it’s a prior question to informed criticism

Mucher, 12 [“Malaise in the Classroom: Teaching Secondary Students about the Presidency” [Stephen Mucher](http://www.bard.edu/academics/faculty/faculty.php?action=details&id=1969) is assistant professor of history education in the Master of Arts in Teaching Program at Bard College, <http://www.hannaharendtcenter.org/?p=7741>]

Contemporary observers of secondary education have appropriately decried the startling lack of understanding most students possess of the American presidency. This critique should not be surprising. In textbooks and classrooms across the country, curriculum writers and teachers offer an abundance of disconnected facts about the nation’s distinct presidencies—the personalities, idiosyncrasies, and unique time-bound crises that give character and a simple narrative arc to each individual president. Some of these descriptions contain vital historical knowledge. Students should learn, for example, how a conflicted Lyndon Johnson pushed Congress for sweeping domestic programs against the backdrop of Vietnam or how a charismatic and effective communicator like Ronald Reagan found Cold War collaboration with Margaret Thatcher and Mikhail Gorbachev. But what might it mean to ask high school students to look across these and other presidencies to encourage more sophisticated forms of historical thinking? More specifically, what might teachers begin to do to promote thoughtful writing and reflection that goes beyond the respective presidencies and questions the nature of the executive office itself? And how might one teach the presidency, in Arendtian fashion, encouraging open dialogue around common texts, acknowledging the necessary uncertainty in any evolving classroom interpretation of the past, and encouraging flexibility of thought for an unpredictable future? By provocatively asking whether the president “matters,” the [2012 Hannah Arendt Conference](http://www.bard.edu/hannaharendtcenter/conference9-12/) provided an ideal setting for New York secondary teachers to explore this central pedagogical challenge in teaching the presidency. Participants in this special writing workshop, scheduled concurrently with the conference, attended conference panels and also retreated to consider innovative and focused approaches to teaching the presidency. Conference panels promoted a broader examination of the presidency than typically found in secondary curricula. A diverse and notable group of scholars urged us to consider the events and historical trends, across multiple presidencies, constraining or empowering any particular chief executive. These ideas, explored more thoroughly in the intervening writing workshops, provoked productive argument on what characteristics might define the modern American presidency. In ways both explicit and implicit, sessions pointed participants to numerous and complicated ways Congress, the judiciary, mass media, U.S. citizens, and the president relate to one another. This sweeping view of the presidency contains pedagogical potency and has a place in secondary classrooms. Thoughtful history educators should ask big questions, encourage open student inquiry, and promote civic discourse around the nature of power and the purposes of human institutions. But as educators, we also know that the aim and value of our discipline resides in place-and time-bound particulars that beg for our interpretation and ultimately build an evolving understanding of the past. Good history teaching combines big ambitious questions with careful attention to events, people, and specific contingencies. Such specifics are the building blocks of storytelling and shape the analogies students need to think through an uncertain future. Jimmy Carter’s oval office speech on July 15, 1979, describing a national “crisis of confidence” presented a unique case study for thinking about the interaction between American presidents and the populations the office is constitutionally obliged to serve. Workshop participants prepared for the conference by watching the [video footage](http://www.youtube.com/watch?v=KCOd-qWZB_g) from this address and reading parts of Kevin Mattson’s [history of the speech](http://www.nytimes.com/2009/07/15/books/excerpt-what-the-heck-mr-president.html). In what quickly became known as the “Malaise Speech,” Carter attempted a more direct and personal appeal to the American people, calling for personal sacrifice and soul searching, while warning of dire consequences if the nation did not own up to its energy dependencies. After Vietnam and Watergate, Carter believed, America needed a revival that went beyond policy recommendations. His television address, after a mysterious 10-day sequestration at Camp David, took viewers through Carter’s own spiritual journey and promoted the conclsions he drew from it. Today, the Malaise Speech has come to symbolize a failed Carter presidency. He has been lampooned, for example, on The Simpsons as our most sympathetically honest and humorously ineffectual former president. In one [episode](http://www.youtube.com/watch?v=D91IlKLtIH8), residents of Springfield cheer the unveiling of his presidential statue, emblazoned with “Malaise Forever” on the pedestal. Schools give the historical Carter even less respect. Standardized tests such as the NY Regents exam ask little if anything about his presidency. The Malaise speech is rarely mentioned in classrooms—at either the secondary or post-secondary levels. Similarly, few historians identify Carter as particularly influential, especially when compared to the leaders elected before and after him. Observers who mention his 1979 speeches are most likely footnoting a transitional narrative for an America still recovering from a turbulent Sixties and heading into a decisive conservative reaction. Indeed, workshop participants used writing to question and debate Carter’s place in history and the limited impact of the speech. But we also identified, through [primary sources](http://www.livingroomcandidate.org/commercials/1976) on the 1976 election and documents around the speech, ways for students to think expansively about the evolving relationship between a president and the people. A quick analysis of the [electoral map](http://en.wikipedia.org/wiki/File:1976prescountymap2.PNG) that brought Carter into office reminded us that Carter was attempting to convince a nation that looks and behaves quite differently than today. The vast swaths of blue throughout the South and red coastal counties in New York and California are striking. Carter’s victory map can resemble an electoral photo negative to what has now become a familiar and predictable image of specific [regional alignments](http://www.washingtonpost.com/wp-srv/politics/interactives/campaign08/election/uscounties.html) in the Bush/Obama era. The president who was elected in 1976, thanks in large part to an electorate still largely undefined by the later rise of the Christian Right, remains an historical enigma. As an Evangelical Democrat from Georgia, with roots in both farming and nuclear physics, comfortable admitting his sins in both Sunday School and Playboy, and neither energized by or defensive about abortion or school prayer, Carter is as difficult to image today as the audience he addressed in 1979. It is similarly difficult for us to imagine the Malaise Speech ever finding a positive reception. However, this is precisely what [Mattson](http://www.nytimes.com/2009/08/02/books/review/Bai-t.html) argues. Post-speech weekend polls gave Carter’s modest popularity rating a surprisingly respectable 11-point bump. Similarly, in a year when most of the president’s earlier speeches were ignored, the White House found itself flooded with phone calls and letters, almost universally positive. The national press was mixed and several prominent columnists praised the speech. This reaction to such an unconventional address, Mattson goes on to argue, suggests that the presidency can matter. Workshop participants who attended later sessions heard Walter Russell Mead reference the ways presidents can be seen as either transformative or transactional. In many ways, the “malaise moment” could be viewed as a late term attempt by a transactional president to forge a transformational presidency. In the days leading up to the speech, Carter went into self-imposed exile, summoning spiritual advisors to his side, and encouraging administration-wide soul searching. Such an approach to leadership, admirable to some and an act of desperation to others, defies conventions and presents an odd image of presidential behavior (an idea elaborated on by conference presenter Wyatt Mason). “Malaise” was never mentioned in Carter’s speech. But his transformational aspirations are hard to miss. In a nation that was proud of hard work, strong families, close-knit communities, and our faith in God, too many of us now tend to worship self-indulgence and consumption. Human identity is no longer defined by what one does, but by what one owns. But we've discovered that owning things and consuming things does not satisfy our longing for meaning. We've learned that piling up material goods cannot fill the emptiness of lives which have no confidence or purpose. It is this process—the intellectual act of interpreting Carter and his [in]famous speech as aberrant presidential behavior—that allows teachers and their students to explore together the larger question of defining the modern presidency. And it is precisely this purposeful use of a small number of primary sources that forces students to rethink, through writing and reflection, the parameters that shape how presidents relate to their electorate. In our workshop we saw how case studies, in-depth explorations of the particulars of history, precede productive debate on whether the presidency matters. The forgotten Carter presidency can play a disproportionately impactful pedagogical role for teachers interested in exploring the modern presidency. As any high school teacher knows, students rarely bring an open interpretive lens to Clinton, Bush, or Obama. Ronald Reagan, as the first political memory for many of their parents, remains a polarizing a figure. However, few students or their parents hold strong politically consequential opinions about Carter. Most Americans, at best, continue to view him as a likable, honest, ethical man who is much more effective as an ex-president than he was as president. Workshop participants learned that the initial support Carter received after the Malaise Speech faded quickly. Mattson and some members of the administration now argue that the President lacked a plan to follow up on the goodwill he received from a nation desiring leadership. Reading [Ezra Klein](http://m.newyorker.com/reporting/2012/03/19/120319fa_fact_klein), we also considered the possibility that, despite all the attention educators give to presidential speeches (as primary sources that quickly encapsulate presidential visions), there is little empirical evidence that any public address really makes much of a difference. In either case, Carter’s loss 16 months later suggests that his failures of leadership both transformational and transactional. Did Carter’s speech matter? The teachers in the workshop concluded their participation by attempting to answer this question, working collaboratively to draft a brief historical account contextualizing the 1979 malaise moment. In doing so, we engaged in precisely the type of activity missing in too many secondary school classrooms today: interrogating sources, corroborating evidence, debating conflicting interpretations, paying close attention to language, and doing our best to examine our underlying assumptions about the human condition. These efforts produced some clarity, but also added complexity to our understanding of the past and led to many additional questions, both pedagogical and historical. In short, our writing and thinking during the Arendt Conference produced greater uncertainty. And that reality alone suggests that study of the presidency does indeed matter.

#### Ignorance of strategic and tactical ends merely entrenches the status quo and denies other more progressive strategies – tactical disruptions are preferable to moral ones

Smith 2012 (Andrea, “The Moral Limits of the Law: Settler Colonialism and the Anti-Violence Movement” settler colonial studies 2, 2 (2012) Special Issue: Karangatia: Calling Out Gender and Sexuality in Settler Societies)

Aside from Derrick Bell, because racial and gender justice legal advocates are so invested in the morality of the law, there has not been sustained strategising on what other possible frameworks may be used. Bell provides some possibilities, but does not specifically engage alternative strategies in a sustained fashion. Thus, it may be helpful to look for new possibilities in an unexpected place, the work of anti-trust legal scholar Christopher Leslie. Again, the work of Leslie may seem quite remote from scholars and activists organizing against the logics of settler colonialism. But it may be the fact that Leslie is not directly engaging in social justice work that allows him to disinvest in the morality of the law in a manner which is often difficult for those who are directly engaged in social justice work to do. This disinvestment, I contend is critical for those who wish to dismantle settler colonialism to rethink their legal strategies. In ‘Trust, Distrust, and Anti-Trust’, Christopher Leslie explains that while the economic impact of cartels is incalculable, cartels are also unstable.18 Because cartel members cannot develop formal relationships with each other, they must develop partnerships based on informal trust mechanisms in order to overcome the famous ‘prisoners’ dilemma’. The prisoner’s dilemma, as described by Leslie, is one in which two prisoners are arrested and questioned separately with no opportunity for communication between them. There is enough evidence to convict both of minor crimes for a one year sentence but not enough for a more substantive sentence. The police offer both prisoners the following deal: if you confess and implicate your partner, and your partner does not confess, you will be set free and your partner will receive a ten-year sentence. If you confess, and he does as well, then you will both receive a five-year sentence. In this scenario, it becomes the rational choice for both to confess because if the first person does not confess and the second person does, the first person will receive a ten-year sentence. Ironically, however, while both will confess, it would have been in both of their interests not to confess. Similarly, Leslie argues, cartels face the prisoners’ dilemma. If all cartel members agree to fix a price, and abide by this price fixing, then all will benefit. However, individual cartel members are faced with the dilemma of whether or not they should join the cartel and then cheat by lowering prices. They fear that if they do not cheat, someone else will and drive them out of business. At the same time, by cheating, they disrupt the cartel that would have enabled them to all profit with higher prices. In addition, they face a second dilemma when faced with anti-trust legislation. Should they confess in exchange for immunity or take the chance that no one else will confess and implicate them? Cartel members can develop mechanisms to circumvent pressures. Such mechanisms include the development of personal relationships, frequent communication, goodwill gestures, etc. In the absence of trust, cartels may employ trust substitutes such as informal contracts and monitoring mechanisms. When these trust and trust substitute mechanisms break down, the cartel members will start to cheat, thus causing the cartel to disintegrate. Thus, Leslie proposes, anti-trust legislation should focus on laws that will strategically disrupt trust mechanisms. Unlike racial or gender justice advocates who focus on making moral statements through the law, Leslie proposes using the law for strategic ends, **even if the law makes a morally suspect statement.** For instance, in his article, ‘Anti-Trust Amnesty, Game Theory, and Cartel Stability’, Leslie critiques the federal Anti-Trust’s 1993 Corporate Lenience Policy that provided greater incentives for cartel partners to report on cartel activity. This policy provided ‘automatic’ amnesty for the first cartel member to confess, and decreasing leniency for subsequent confessors in the order to which they confessed. Leslie notes that this amnesty led to an increase of amnesty applications.19 However, Leslie notes that the effectiveness of this reform is hindered by the fact that the ringleader of the cartel is not eligible for amnesty. This policy seems morally sound. Why would we want the ringleader, the person who most profited from the cartel, to be eligible for amnesty? The problem, however, with attempting to make a moral statement through the law is that it is counter-productive if the goal is to actually break up cartels. If the ringleader is never eligible for amnesty, the ringleader becomes inherently trustworthy because he has no incentive to ever report on his partners. Through his inherent trustworthiness, the cartel can build its trust mechanisms. Thus, argues Leslie, the most effective way to destroy cartels is to render all members untrustworthy by granting all the possibility of immunity. While Leslie’s analysis is directed towards policy, it also suggests an alternative framework for pursuing social justice through the law, to employ it for its strategic effects rather than through the moral statements it purports to make. It is ironic that an anti-trust scholar such as Leslie displays less ‘trust’ in the law than do many anti-racist/anti-colonial activists and scholars who work through legal reform.20 It also indicates that it is possible to engage legal reform more strategically if one no longer trusts it. As Beth Richie notes, the anti-violence movement’s primary strategy for addressing gender violence was to articulate it as a crime.21 because it is presumed that the best way to address a social ill is to call it a ‘crime’, this strategy is then deemed the correct moral strategy. When this strategy backfires and does not end violence, and in many cases increases violence against women, it becomes difficult to argue against this strategy because it has been articulated in moral terms. If, however, we were to focus on legal reforms chosen for their strategic effects, it would be easier to change the strategy should our calculus of its strategic effects suggest so. **We would** also **be less complacent about the** legal **reforms we advocate** as has happened with most of the laws that have been passed on gender violence. Advocates presume that because they helped pass a ‘moral’ law, then their job is done. If, however, the criteria for legal reforms are their strategic effects, we would then be continually monitoring the operation of these laws to see if they were having the desired effects. For instance, since the primary reason women do not leave battering relationships is because they do not have another home to go, what if our legal strategies shifted from criminalising domestic violence to advocating affordable housing? While the shift from criminalisation may seem immoral, women are often removed from public housing under one strike laws in which they lose access to public housing if a ‘crime’ (including domestic violence) happens in their residence, whether or not they are the perpetrator. If our goal was actually to keep women safe, we might need to creatively rethink what legal reforms would actually increase safety.

## 2nc

### k

#### Their attempt to transform your “colonized mind” creates a pseudo-intellectual drama

Zizek 8—Institute for Social Sciences, Ljubljana (Slavoj, The Prospects of Radical Politics Today, Int’l Journal of Baudrillard Studies, 5;1)

ellipses in orig

Let us take two predominant topics of to day's American radical academia: postcolonial and queer (gay) studies. The problem of postcolonialism is undoubtedly crucial; however, "postcolonial studies" tend to translate it into the multiculturalist problematic of the colonized minorities' "right to narrate" their victimizing experience, of the power mechanisms which repress "otherness," so that, at the end of the day, we learn that the root of postcolonial exploitation is our intolerance toward the Other, and, furthermore, that this intolerance itself is rooted in our intolerance toward the "Stranger in Ourselves," in our inability to confront what we repressed in and of ourselves. The politico-economic struggle is thus imperceptibly transformed into a pseudo-psychoanalytic drama of the subject unable to confront its inner traumas ... The true corruption of American academia is not primarily financial, it is not only that they are able to buy many European critical intellectuals (myself included – up to a point), but conceptual: notions of "European" critical theory are imperceptibly translated into the benign universe of Cultural Studies chic. ¶ My personal experience is that practically all of the "radical" academics silently count on the long-term stability of the American capitalist model, with the secure tenured position as their ultimate professional goal (a surprising number of them even play on the stock market). If there is a thing they are gen­uinely horrified of, it is a radical shattering of the (relatively) safe life environ­ment of the "symbolic classes" in the developed Western societies. Their excessive Politically Correct zeal when dealing with sexism, racism, Third World sweatshops, etc., is thus ultimately a defense against their own innermost identi­fication, a kind of compulsive ritual whose hidden logic is: "Let's talk as much as possible about the necessity of a radical change to make sure that nothing will really change!" Symptomatic here is the journal October: when you ask one of the editors to what the title refers, they will half-confidentially signal that it is, of course, that October – in this way, one can indulge in the jargonistic analyses of modern art, with the hidden assurance that one is somehow retaining the link with the radical revolutionary past ... With regard to this radical chic, the first gesture toward Third Way ideologists and practitioners should be that of praise: they at least play their game straight and are honest in their acceptance of global capitalist coordinates, in contrast to the pseudo-radical academic Leftists who adopt toward the Third Way the attitude of utter disdain, while their own radi­cality ultimately amounts to an empty gesture which obligates no one to any­thing determinate.¶ II. From Human to Animal Rights ¶ We live in the "postmodern" era in which truth­ claims as such are dismissed as an expression of hidden power mechanisms – as the reborn pseudo-Nietzscheans like to emphasize, truth is a lie which is most efficient in asserting our will to power. The very question "Is it true?" apropos of some statement is supplanted by another question: "Under what power con­ditions can this statement be uttered?" What we get instead of the universal truth is a multitude of perspectives, or, as it is fashionable to put it today, of "narratives" – not only of literature, but also of politics, religion, science, they are all different narratives, stories we tell ourselves about ourselves, and the ultimate goal of ethics is to guarantee the neutral space in which this multitude of narratives can peacefully coexist, in which everyone, from ethnic to sexual minorities, will have the right and possibility to tell his/her story. The two philosophers of today's global capitalism are the two great Left-liberal "progres­sives," Richard Rorty and Peter Singer – honest in their respective stances. Rorty defines the basic coordinates: the fundamental dimension of a human being is the ability to suffer, to experience pain and humiliation – consequently, since humans are symbolic animals, the fundamental right is the right to nar­rate one's experience of suffering and humiliation.2 Singer then provides the Darwinian background.3

#### Their impact claims

Pelevin ‘2 (Victor, Leo Kropywiansky, post-Soviet science fiction author, Buddhist scholar, “Victor Pelevin” Interview, BOMB Magazine, Issue 79 Spring 2002, , LITERATURE <http://www.bombsite.com/issues/79/articles/2481>) [m leap]

VP Since it happened a long time before I started to write, **there’s no way to determine how it affected my writing**. However, the effect of this book was really fantastic. **There’s an expression “out of this world**.” This book was totally out of the Soviet world. **The evil magic of any totalitarian regime is based on its presumed capability to embrace and explain all the phenomena, their entire totality, because explanation is control. Hence the term totalitarian**. So **if there’s a book that takes you out of this totality of things explained and understood, it liberates you because it breaks the continuity of explanation and thus dispels the charms. It allows you to look in a different direction for a moment, but this moment is enough to understand that everything you saw before was a hallucination** (though what you see in this different direction might well be another hallucination). The Master and Margarita was exactly this kind of book and it is very hard to explain its subtle effect to anybody who didn’t live in the USSR. Solzhenitsyn’s books were very anti-Soviet, but they didn’t liberate you, they only made you more enslaved as they explained to which degree you were a slave. The Master and Margarita didn’t even bother to be anti-Soviet yet reading this book would make you free instantly. **It didn’t liberate you from some particular old ideas, but rather from the hypnotism of the entire order of things**.

### alt

**Our alternative is not a politics of denial – we do not deny the reality of material oppression for indigenous bodies but frame the debate in terms of how to face it**

**Tuck 9** – State University of New York

(Eve, “Suspending Damage: A Letter to Communities”, Harvard Educational Review Vol. 79 No. 3 Fall 2009, dml)

It is certainly not a call for another “d” word: denial. It is not a call to paint everything as peachy, as ﬁne, as over. In Joan Didion’s The Year of Magical Thinking (2005), a memoir on the mournful aspects of desire, she writes, “The singer of the song about looking for the silver lining believes that clouds have come her way. The singer of the song about walking on through the storm assumes that the storm could otherwise take her down” (p. 171). Desire is the song about walking through the storm, a song that recognizes rather than denies that pain doubtlessly lies ahead. ¶ As a theoretical concept, desire interrupts the binary of reproduction versus resistance. In social science, it is often believed that people are bound to reproduce or replicate social inequity or, on the ﬂip side, that they can resist unequal social conditions. Critics on both sides accuse the other of oversimplifying, of underestimating the immense and totalizing power of systematic oppression on the one hand and the radical power of the human spirit and human agency on the other. It seems that the positions are irreconcilable.¶ Edward Soja (1996), deploying Henri Lefebvre’s 1991 concept of the thirdspace, has described a process of thirding as a way to break the closed circuit of an irreconcilable binary: “Critical thirding as othering is the ﬁrst and most important step in transforming the categorical and closed logic of either/ or to the dialectically open one of both/and also . . .” (p. 60). Further, he characterizes the thirdspace as introducing “a critical ‘other than’ choice that speaks and critiques through its otherness” (p. 61). Desire is a thirding of the dichotomized categories of reproduction and resistance. It is neither/both/and reproduction and resistance. This is important because it more closely matches the experiences of people who, at different points in a single day, reproduce, resist, are complicit in, rage against, celebrate, throw up hands/ ﬁsts/towels, and withdraw and participate in uneven social structures—that is, everybody. Desire ﬂeshes out that which has been hidden or what happens behind our backs. Desire, because it is an assemblage of experiences, ideas, and ideologies, both subversive and dominant, necessarily complicates our understanding of human agency, complicity, and resistance.

#### Doesn’t support perm

**Tuck 9** – State University of New York

(Eve, “Suspending Damage: A Letter to Communities”, Harvard Educational Review Vol. 79 No. 3 Fall 2009, dml)

To forward our survivance, to deepen our sovereignty, I believe **it is time for** a moratorium **on damage-centered research** in our communities. This moratorium **will put a freeze on damage-centered research efforts** while stakeholders in our communities take some time to reﬂect on the positive and negative outcomes of past damage-centered research on our peoples; to create and implement guidelines for researchers working in our communities; and to (re)consider the roles of research in our communities. I believe that a moratorium on damage-centered research in our communities **could give us the time to accomplish** three goals:¶ Re-vision our theories of change. The ﬁrst goal for a proposed moratorium is to re-vision and ﬁrm up our theory(ies) of change and to determine what role, if any, research has in making our dreams come true for our communities. It is important to ask, when considering a new community research project, “**What can research really do to improve this situation?**” The answers might reveal that research can do little in a particular situation or quite a lot in another. Or they may reveal that it is not the research that will make the difference but, rather, who participates in the research, who poses the questions, how data are gathered, and who conducts the analysis. This is a call to not take theories of change for granted, but to be sure that our actions make steps toward our purposes.¶ Establish tribal and community human research ethics guidelines. Another goal of the proposed moratorium is to learn from and build on the work happening in tribes and communities all over the globe to establish tribal or community human research ethics guidelines and to develop and strengthen the committees or other structures to maintain these guidelines. Communities might also consider guidelines that protect cultural, intellectual, and sacred knowledges from being stolen, appropriated, or handled in ways that are disrespectful. Further, communities might consider guidelines that are extended to land, ﬂora, and fauna that hold meanings unobserved by the “whitestream” academy (Battiste, 2008; see also appendix A). The work to establish and enforce ethical guidelines and conditions in research on tribes and urban communities has been under way for more than a decade, but the guidelines do not usually address the framing of the research. Communities might consider establishing guidelines that insist on frameworks of desire and work with researchers to reframe damage-centered projects as desire-based inquiries. ¶ Create **mutually beneﬁcial roles for academic researchers** in community research. A third goal of the proposed moratorium could be to reassess the role of the academy in community research—to consider, in Orlando Fals-Borda and Ansuir Rahman’s (1991) words, “breaking the monopoly” the academy has on research and community self-knowledge. In many ways, this is a call for a remembrance of the true purpose of knowledge in/for our communities. Through this (re)consideration, tribes and communities might decide that there is no role, or a diminished role, **for academic researchers** in certain kinds of inquiry projects and a larger (even a leadership) role for academic researchers in other kinds of studies. Regardless of the size of the role, relationships among the academy and tribes and communities should be mutually beneﬁcial, with an emphasis on the real, positive outcomes for communities in both the short and long term. ¶ For some, a moratorium may signal an end or a sense of ﬁnality. To me, a moratorium b for what Indigenous scholar Taiaiake Alfred (2005) calls regeneration, “the direct application of acting against our ingrained and oppressive fears” (p. 151). **It is** simultaneously **an acknowledgment of historic pain and taking action against that pain** in order to reframe that history. This duality is represented by the Raven—to some the Raven is a fearsome signal of mortality, but to many Indigenous peoples Raven is the embodiment of curiosity and the full picture of truth. As Alfred (2005) elaborates:¶ We will self-consciously recreate our cultural practices and reform our political identities by drawing on tradition in a thoughtful process of reconstruction and a committed reorganization of our lives in a personal and collective sense. This will result in a new conception of what it is to live as Onkwehonwe [original people]. (p. 34) ¶ Alfred’s work ties regeneration to integrity, to recapturing, recommitting to a life, to lives, walked in integrity. I think of the thousands who turned their backs on the remarks of the Australian opposition leader—theirs was a step along a path of integrity. This moratorium—**a turning of our own backs on narratives that insist that** we are ruined**, that** we are broken**, that** we are damaged—is a step, too. Dear readers, I hold that in these ways we can carve out the future legacy of our relationships to research.

### at: yancy

#### Personalization mimics the policing effect of ideological hegemony—they are attempting to make group identity a prerequisite to political engagement

**Scott, 92** – professor of sociology at Princeton (Joan, “Multiculturalism and the Politics of Identity,” The Identity in Question (Summer, 1992), pp. 12-19, JSTOR)

There is nothing wrong, on the face of it, with teaching individuals about how to behave decently in relation to others and about how to empathize with each other's pain. The problem is that difficult analyses of how history and social standing, privilege, and subordination are involved in personal behavior entirely drop out. Chandra Mohanty puts it this way:

There has been an erosion of the politics of collectivity through the reformulation of race and difference in individualistic terms. The 1960s and '70s slogan "the personal is political" has been recraftedin the 1980s as "the political is personal." In other words, all politics is collapsed into the personal, and questions of individual behaviors, attitudes, and life-styles stand in for political analysis of the social. Individual political struggles are seen as the only relevant and legitimate form of political struggle.5

Paradoxically, individuals then generalize their perceptions and claim to speak for a whole group, but the groups are also conceived as unitary and autonomous. This individualizing, personalizing conception has also been behind some of the recent identity politics of minorities; indeed it gave rise to the intolerant, doctrinaire behavior that was dubbed, initially by its internal critics, "political correctness."

It is particularly in the notion of "experience" that one sees this operating. In much current usage of "experience," references to structure and history are implied but not made explicit; instead, personal testimony of oppression re-places analysis, and this testimony comes to stand for the experience of the whole group. The fact of **belonging to an identity group is taken as authority** enough for one's speech; the direct experience of a group or culture-that is, membership in it-becomes the only test of true knowledge.

The exclusionary implications of this are twofold: all those not of the group are denied even intellectual access to it, and those within the group whose experiences or interpretations do not conform to the established terms of identity must either suppress their views or drop out. An appeal to "experience" of this kind forecloses discussion and criticism and turns politics into a policing operation: the borders of identity are patrolled for signs of nonconformity; the test of membership in a group becomes less one's willingness to endorse certain principles and engage in specific political actions, less one's positioning in specific relationships of power, than one's ability to use the prescribed languages that are taken as signs that one is inherently "of" the group. That all of this isn't recognized as a highly political process that produces identities is troubling indeed, especially because it so closely mimics the politics of the powerful, naturalizing and deeming as discernably objective facts the prerequisites for inclusion in any group.

#### We’re not the view from nowhere—the dichotomy they’re drawing makes them equally suspect—because it claims a privileged insight on reality

**DISCH ‘93** (Lisa J.; Professor of Political Theory – University of Minnesota, “More Truth Than Fact: Storytelling as Critical Understanding in the Writings of Hannah Arendt,” Political Theory 21:4, November)

What Hannah Arendt called “my old fashioned storytelling”7 is at once the most elusive and the most provocative aspect of her political philosophy. The apologies she sometimes made for it are well known, but few scholars have attempted to discern from these “scattered remarks” as statement of epistemology or method.8 Though Arendt alluded to its importance throughout her writings in comments like the one that prefaces this essay, this offhandedness left an important question about storytelling unanswered: how can thought that is “bound” to experience as its only “guidepost” possibly be critical? I discern an answer to this question in Arendt’s conception of storytelling, which implicitly redefines conventional understandings of objectivity and impartiality. Arendt failed to explain what she herself termed a “rather unusual approach”9 to political theory because she considered methodological discussions to be self-indulgent and irrelevant to real political problems.10 This reticence did her a disservice because by failing to explain how storytelling creates a vantage point that is both critical and experiential she left herself open to charges of subjectivism.11 As Richard Bernstein has argued, however, what makes Hannah Arendt distinctive is that she is neither a subjectivist nor a foundationalist but, rather, attempts to move “beyond objectivism and relativism.”12 I argue that Arendt’s apologies for her storytelling were disingenuous; she regarded it not as an anachronistic or nostalgic way of thinking but as an innovative approach to critical understanding. Arendt’s storytelling proposes an alternative to the model of impartiality defined as detached reasoning. In Arendt’s terms, impartiality involves telling oneself the story of an event or situation form the plurality of perspectives that constitute it as a public phenomenon. This critical vantage point, not from outside but from within a plurality of contesting standpoints, is what I term “situated impartiality.” Situated impartial knowledge is neither objective disinterested nor explicitly identified with a single particularistic interest. Consequently, its validity does not turn on what Donna Haraway calls the “god trick,” the claim to an omnipotent, disembodied vision that is capable of “seeing everything from nowhere.”13 But neither does it turn on a claim to insight premised on the experience of subjugation, which purportedly gives oppressed peoples a privileged understanding of structures of domination and exonerates them of using power to oppress. The two versions of standpoint claims – the privileged claim to disembodied vision and the embodied claim to “antiprivilege” from oppression – are equally suspect because they are simply antithetical. Both define knowledge positionally, in terms of proximity to power; they differ only in that they assign the privilege of “objective” understanding to opposite poles of the knowledge/power axis. Haraway argues that standpoint claims are insufficient as critical theory because they ignore the complex of social relations that mediate the connection between knowledge and power. She counters that any claim to knowledge, whether advanced by the oppressed or their oppressors, is partial. No one can justifiably lay claim to abstract truth, Haraway argues, but only to “embodied objectivity,” which she argues “means quite simply situated knowledges.”14 There is a connection between Arendt’s defense of storytelling and Haraway’s project, in that both define theory as a critical enterprise whose purpose is not to defend abstract principles or objective facts but to tell provocative stories that invite contestation form rival perspectives.15

### at: communication impossible

#### They rely on every consensus they criticize—even making the case for antagonism or protest implies that rational argument is possible. Voting neg uses the resolution as a fallible proposition; voting aff gives it power by making your ballot the final verdict.

**Knops 2007** – DPhil, Lecturer, Department of Political Science and International Studies, University of Birmingham, UK (March, Andrew, Journal of Political Philosophy, 15.1, “Debate: Agonism as Deliberation – On Mouffe’s Theory of Democracy”, Wiley Online)

THE arguments advanced in Chantal Mouffe's The Democratic Paradox represent a sustained attack on deliberative accounts of democracy.1 In this article I suggest that, contrary to Mouffe's claims, her model is compatible with and indeed presupposes a deliberative framework. I argue first that Mouffe's agonistic alternative to deliberation is reliant for its coherence on the notion of rational consensus, which at the same time constitutes the main target of her critique of deliberative democracy. While reliant on that notion, she is barred from using it because of her objections to it. The second stage of my evaluation of Mouffe's case therefore consists in a rehabilitation of deliberative notions of consensus against Mouffe's objections. I show how each of these obstacles can be overcome by a deliberative theory. In the process I relate the postmodern concerns, which underpin Mouffe's agonistic approach, to deliberative theory. I then show how Mouffe's model may be seen as coherent within a deliberative framework.

I. MOUFFE'S RELIANCE ON CONSENSUS

The first point to make about Mouffe's argument in The Democratic Paradox is that it promotes a single, universal characterisation of the political. The terrain of the political is portrayed as constituted through power, making antagonism ‘ineradicable’ (DP, p. 104). This is a universal claim about the political. Moreover, Mouffe seeks to establish the acceptability of these claims by giving reasons. This implies that she assumes that it is possible to establish such a universal model of politics through rational argument. This is precisely what she criticises deliberative theorists for.

Of course, the content of the model for which Mouffe seeks rational acceptance is portrayed as very different to a deliberative approach (DP, p. 102). In particular, it accepts the inevitability of antagonism, seeks to convert this into adversarial contest, and rejects the possibility of ever reaching consensus. Agreements are always contingent assertions of hegemonic power that necessarily exclude and are therefore unstable.2 However, Mouffe does not believe that politics should be left as merely the interplay of differences within this domain of power.

Firstly, Mouffe argues that there should be common adherence to – consensus on – at least minimal ‘ethico-political’ principles of democracy. She is rather vague about what these principles might be, although specifying ‘liberty’ and ‘equality’ as among them (DP, p. 102). Of course this could hardly be otherwise: her theory is a theory of democracy, so there must be some shared version of democracy for individuals to adhere to, and for the theory to defend. Mouffe immediately qualifies this constraint by arguing that there will be many different accounts of how these minimal principles might be applied and pursued, and that there should be no limitations on competition between opposing versions (DP, p. 103). Nevertheless, Mouffe still owes an explanation of how there can be such a consensus in the first place, of what such a consensus might consist, why it should be privileged over other versions of the political – for example, oligarchy, or dictatorship – and how this might be justified without recourse to some form of rational argument akin to that deployed by deliberative theorists.

Although less clear, it is also apparent that Mouffe requires all participants in her preferred adversarial mode of interaction to abide by a further set of principles: a mutual respect for beliefs, and the right to defend them (DP, pp. 102–103). Given that she contrasts such exchange with more aggressive antagonistic conflict (DP, p. 102), this suggests at least some overlap with the principles of equal respect and autonomy underlying a deliberative approach. Nevertheless, on this characterisation the fit with deliberation is not complete. It is possible to argue that other forms of interaction short of violence, such as bargaining, negotiation and trading between different interests, show respect for others’ beliefs and their right to defend them, and fall short of ‘annihilation’ or violence.

However, Mouffe adds a further qualification to the ‘free-play’ of differences that other theories permit. She argues that it should be possible to identify, condemn and act against relations of subordination or domination (DP, pp. 19–21). It would seem therefore that we should interpret her description of adversarial relations, and in particular the principle of respect for the right of others to defend their beliefs, in light of this further stipulation. So where relations of subordination restrict a person's ability to defend their beliefs, those relations should be opposed. If we read these two principles – of respect for belief and opposition to subordination – together, then Mouffe's model does appear to be privileging the kind of open fair exchange of reasons between equals that deliberative theorists promote. Not only do these dimensions of Mouffe's formula constitute further examples of consensus that can be reached in principle and by rational means (since Mouffe uses arguments to motivate our acceptance of them), but the content of that formula looks remarkably like the method for reaching collective decisions through a procedure for rational discussion that deliberative theorists support.

An insistence on the need to distinguish and combat relations of subordination is necessary for any theory to have critical bite. What does and what does not amount to oppression, and what should or should not be condemned, must then be gauged by reference to some sort of standard. However, Mouffe would seem to assume that we already all have access to such shared standards, or at very least that it is possible to establish them. Again, this marks her acceptance of another form of consensus – as she herself acknowledges (DP, p. 134). Furthermore, if that consensus is not to be biased against a particular group in society, it is difficult to see how the mechanism for reaching it can be other than a rational discussion. To argue otherwise would be to perpetuate the imposition of a hegemonic, partial and exclusive viewpoint – the exercise of power – that Mouffe is arguing against. So here Mouffe's theory requires the possibility, at least, of a rational consensus not merely on procedural matters that frame democratic exchange,

but also on the substance or outputs of that process – practical political decisions. While she presents this as a small exception to her thesis in The Democratic Paradox, it would seem to be pretty much all-embracing. Having described politics as defined by the exercise of power, her theory turns out to admit of the possibility of rational consensus on matters of power – in other words, on any aspect of the subject matter of politics.

From all this we can conclude that Mouffe's alternative is firstly grounded in a universal account of the political and the democratic which she wishes us to accept on the basis of the rational arguments she advances in The Democratic Paradox. Since it is a defence of democracy, this model assumes further consensus on the values of liberty and equality, which are to be interpreted as incorporating respect for others’ beliefs and their right to defend them. Mouffe also argues that it is to incorporate an opposition to relations of oppression or subordination. Mouffe sees the purpose of political action as the identification of such oppression and subordination, and the organisation of collective action against it. This implies a deliberative mechanism of fair and equal exchange of reasons between all affected as the standard of legitimacy for political decisions, if decisions are not to reproduce the relations of subordination that Mouffe wishes to combat.

So it would seem that Mouffe's own agonistic alternative to deliberative democracy, designed to counter the impossibility of rational consensus, is itself reliant on that very notion. Without it, it is neither a theory of democracy (as opposed to a mere description of the domain of politics) nor a critical theory allowing for collective action against oppression and subordination. Yet Mouffe is now faced with a dilemma. The very reason for advocating her alternative was the impossibility of the notion of rational consensus, and she has offered detailed arguments to show how rational consensus was impossible. However, it now turns out that her alternative relies on the notion of rational consensus that she has rejected. Either she must abandon her alternative altogether, or she must rehabilitate the notion of rational consensus, and with it the idea of deliberative democracy that she has criticised. I will explore the second option.

II. REHABILITATION OF DELIBERATIVE DEMOCRACY

Mouffe's objection to deliberative democracy is that it is founded on a notion of rational consensus that is not only empirically, but conceptually impossible to realise. Because of this, it is untenable that any one theory of democracy should be preferred over others on purely rational grounds, and within a democracy it is impossible to reach neutral agreement on what would be in the best interests of the collectivity. In this section I will defend deliberative democracy against these charges, showing that Mouffe's criticisms do not establish that rational consensus is conceptually impossible. It may be very difficult to achieve, but this does not undermine its utility as a goal at which we should aim. In mounting this defence I will initially concentrate on one of the two perspectives from which Mouffe launches her attack – that grounded in a Wittgensteinian theory of language. This defence will also demonstrate the similarities between that theory and a deliberative theory of rational consensus.3 These arguments can then be extended to deal with Mouffe's second line of criticism from linguistic deconstruction.

A. Wittgenstein

Mouffe explicitly identifies two sources on whose interpretation of Wittgenstein she draws in criticising deliberative democracy. They are Hannah Pitkin, in her work Wittgenstein and Justice, and James Tully.4 To do justice to Mouffe's argument, I will stick to the version of Wittgenstein advanced by these two commentators.

In arguing against the possibility of rational consensus, Mouffe uses three key Wittgenstinian concepts: the idea that general terms in language are learned through ‘practice’ and not through the application of a conceptual scheme to particular cases; that such practice is grounded in specific ‘forms of life’; and that forms of life are not susceptible of simple classification or description in the form of rules (DP, pp. 70–1). Using the sources above, I will take a closer look at these concepts, to show that it is indeed possible to reconcile such notions with the possibility of a rational consensus reached through deliberation.

As Pitkin explains, Wittgenstein's version of language suggests that we learn terms through practice. The traditional account of language learning views it as the process of associating a term, for example a name, with a particular object or picture of that object in our heads. We can then apply that name when we encounter the object again. We associate a definition with that name, and it becomes a label for the object.5 While language can be learned and used in this way, Wittgenstein argues that this is a very limited account, which only explains a small section of what we use language to do. What about learning the words ‘trust’, ‘spinster’ or ‘envy’?6 He therefore develops a more comprehensive account of language learning which sees it as a particular practice. We learn to use a particular phrase in a particular context. Having heard its use in a context before, we hear it repeated in similar circumstances. We therefore learn to associate it with aspects of those circumstances, and to reproduce and use it in those circumstances for ourselves. So, for example, the (polite!) child learns that “Please may I have the marmalade?” results in the person who uttered it being passed the marmalade. They make the same sounds, and they are themselves passed the marmalade. They later learn that “Please may I have the jam?” leads to their being passed the jam. Finally, they understand that “Please may I have x?” will lead to their being given whatever they choose to substitute for x. This example is helpful because it shows how the meaning of a word can be refined through its use. It may be that a child initially only associates “Please may I have . . .” with marmalade. It is only when the same words are used to elicit the passing of another object – in our example, jam – that they associate it with that other object, and then eventually, after several iterations, with any object. This process may also involve them using the phrase, and projecting it into new contexts of their own. It may also, of course, involve them making mistakes, which are then corrected.

Because words are developed through repeated use in this way, they rarely have settled meanings. By applying them to new contexts, we can use them to focus on different aspects of meaning. Pitkin suggests the example of ‘feed the monkey’ and ‘feed the meter’.7 Prior to such application, however, we may only have had a vague idea of the word's meaning, gathered through past usage. In most, if not all, cases this process is ongoing. So words are learned through a kind of ‘training’ or ‘practice’, and learning or understanding a word is an activity that involves using the word in the correct situation. It is not a case of applying a clear-cut rule to a definite situation.8

Because words develop through practices and their use in particular situations, and in many cases we continue to develop their meaning through such use, very rarely will a term have a single, fixed meaning. Rather, Wittgenstein argues, the different situations in which such a general term is used are like separate language games. Just like moves in a game, words that have meaning when used in one situation may be meaningless when used in another. For example, we cannot talk of ‘checking the King’ in football. While there are connections between games, they are linked like members of a family: some share the same colour eyes, others the same shape of nose, others the same colour hair, but no two members have all the same features.9 Wittgenstein also uses the analogy of an historic city to show how language builds up. While some areas may be uniform, many have been added to higgledy-piggledy, with no clear pattern over how streets are laid out, or which run into which.10 Wittgenstein therefore argues that it is impossible to assimilate the operation of all language to a single model, such as the ‘picture theory’ or label model of meaning. Different language games have different rules, and we can only discover these by investigating particular practices of use in specific cases.11

However, Wittgenstein concedes that there must be some kind of regularity to our use of words. Without some form of consistency, we could not know that our use of a word in a new context was supposed to indicate or evoke a similar context in which the word had been used in the past. That words do so, Wittgenstein argues, is due to their basis in activity– they are used by us in certain situations – and that such use is grounded ultimately in activities that are shared by groups of us, or all of us. Cavell sums this up well when he says:

We learn and teach words in certain contexts, and then we are expected, and expect others, to be able to project them into further contexts. Nothing insures that this projection will take place, just as nothing insures that we will make, and understand, the same projections. That on the whole we do is a matter of our sharing routes of interest and feeling, modes of response, senses of humour and of significance and of fulfilment, of what is outrageous, of what is similar to what else, what a rebuke, what forgiveness, of when an utterance is an assertion, when an appeal, when an explanation – all the whirl of organism Wittgenstein calls ‘forms of life’.12

These forms of life are not so much constituted by, but constitute, language. They serve as its ‘ground’. Therefore, although the process of explaining a term, and of reasoning in language, may continue up to a point, it will always come to an end and have to confront simple agreement in activity, ways of going on, or forms of life.

Mouffe sees this account as ruling out the possibility of rational consensus. Following Tully, she argues that the fact that arguments are grounded in agreement in forms of life, which constitute a form of practice marking the end point of explanation or reasons, means that all attempts at rational argument must contain an irrational, practical element.13 Neither is it possible to suggest, as she accuses Peter Winch of doing, that we can see forms of life as some underlying regularity, which argument or reasoning can then make explicit. Again with Tully, she contends that the ‘family resemblance’ or ‘historic city’ analogy for the development of language shows it to be far too varied and idiosyncratic for such an account.14

Yet I would like to argue that Wittgenstein's theory as characterised above does not rule out rational argument, and the possibility of consensus, at least in principle. Wittgenstein himself characterises the offering of reasons as a kind of ‘explanation’. This much is granted by Tully.15 Explanations are requested by someone unfamiliar with a practice, who would like to understand that practice. Wittgenstein sees this as a completely legitimate use of language and reason.16 This is not surprising, as this process of explanation is precisely the form of language learning that he sets out. A person uses a term based on their understanding of its use from their past experiences. This projection either meets with the predicted response, or a different one. If the latter, the person modifies their understanding of the term. It is only when we go further, and assume that there can be an explanation for every kind of confusion, every kind of doubt, that we get into trouble.17 But this is precisely not what a deliberative theory of reasoning holds. A deliberative theory of reasoning models communicative reason – reason used to develop mutual understanding between two or more human beings. To this extent, the truths that it establishes are relative, though intersubjective. They hold, or are useful for, the collectivity that has discursively constructed them. They do not claim to be objective in an absolute sense, although the concept can be extended, in theory, to cover all people and hence to arrive as closely as possible to the notion of an absolute.

The process that Habermas calls ‘practical discourse’18 and the process that Wittgenstein calls ‘explanation’ are basically one and the same. Both are synonyms for deliberation. Habermas sees the essentially rational nature of language as the capacity for a statement to be rejected, in the simplest case with a ‘no’.19 It is with this response that the request for reasons, latent in all rational statements, is activated.20 If we widen the sense of rejection meant by Habermas beyond the paradigm case of the utterance of a ‘no’ to the broader case of a failure to elicit an expected response, we can see the similarities between Habermas’ notion of deliberation and Wittgenstein's concept of explanation. Like Wittgenstein, Habermas sees ‘normal’ language use as taking place against a backdrop of conventionally shared meanings or understandings.21 It is only when this assumption breaks down, when the response differs from what was expected, that deliberation is required. Shared understandings and usage are established anew, through a dialogical sharing of reasons, or explanations, which repairs the assumption that we do use these words in similar ways.22

But this dialogical sharing of reasons is nothing more than Wittgenstein's concept of explanation and language learning. As Tully points out, Wittgenstein's view of language is inherently dialogical. His examples involve interlocutors who have different views of the use of language.23 This leads to the use of a word eliciting a response that was not expected – a rejection. The rejection requires the reappraisal and refinement of our understanding of the word, based on the new information given to us about it by the unexpected reaction. Based on this adjusted understanding we use words again to try to achieve our goal. Through this process of trial and error we build up a shared vocabulary, restoring the assumption that we use these words in the same way, and in the process we understand the other's form of life that gave rise to their unexpected use. The very process of developing that understanding is the process of deliberation. Indeed, in this sense deliberation – explanation or the clarification of usage across different forms of life – can in itself be seen as the process of development of language use.

Before moving on, we should note an important feature of this process: any instance of shared understanding developed in this way will be partial. It will have emerged from particular uses tied to particular spheres of activity. It is important, therefore, that we do not stretch an understanding developed in this way too far. We must be open to its fallibility – to the possibility that new situations will open up different applications of a term, and so require further development of meaning, as we encounter others who use terms differently due to different aspects of their ‘forms of life’.24 While there may be regularities in ‘forms of life’, it is difficult to specify them a priori. They only emerge, as Wittgenstein argues, piecemeal, through the process of attempting to understand others in language. However, the process of explanation, or understanding through deliberation, allows us to be open to these possibilities**.** The contrast with others’ usage that this involves also makes us more clearly aware of aspects of our own usage that were previously hidden. So we can see this as an understanding developed through reason, though partial, fallible and grounded in practice.

Deliberative democracy, then, is compatible with a Wittgensteinian theory of language, which sees language as grounded in forms of life. Mouffe makes two errors that lead her to suggest it is not. The first is the assumption that because language is ultimately grounded in practice, rather than reason, it cannot be used to reach a rational consensus. However, if we read deliberative theories as mobilising a form of rationality aimed at intersubjective explanation and mutual understanding, we can see that the two accounts are perfectly compatible. The second error is to take Wittgenstein's warning that different uses of language, in different games, are so varied and diverse as to be ungovernable by rules, to rule out any possibility of reasoned communication. Here we need to understand that Wittgenstein's concept of ‘forms of life’ refers to regularities in practice that underpin language. While these do not take the form of prescriptive rules, they can still be discovered through language and the process of explanation. Indeed, this is an important purpose of language. Seen in this way, Wittgenstein's thought shows how reason, or explanation, works to bring out emergent, partial, but shared understandings grounded in people's own, but different, experiences. The partial nature of such understandings also emphasises the need to regard them as fallible and open to challenge and revision when new situations are encountered. However, this does not in principle preclude the use of reason to reach consensus. Moreover, the partiality of such understandings can only be understood against a conception of complete or comprehensive agreement. This is exactly what deliberative theory proposes. These insights will now be used to defend deliberation against the second, deconstructionist, set of arguments that Mouffe musters.

B. Deconstruction

Mouffe also uses Derrida's notions of differance and the ‘constitutive other’25 to argue that any form of consensus must always be partial and biased against a group that it excludes, while necessarily unstable as it contains the traces of this power. This precludes the very idea of a consensus that is neutral because it is reached on rational grounds.26

However, using our enhanced understanding of deliberation we can see how such an argument is flawed. While consensus through rational argument cannot be guaranteed, it cannot be ruled out either. The only way to find out whether it is possible or not is through argument. In addition, that process of reasoning, or explanation, is itself a process in which we are made more aware of difference, through the projection of language to describe others’ forms of life. Without this attempt, we may never become aware of these different forms of meaning, or their associated forms of life. So, far from hiding difference by imposing one group's biased or partial interpretation on all, deliberation opens up and exposes such uses of power, making clear these divisions, and allowing for collective agreement and collective action to change oppressive practices.

Another way of characterising this process is to see it as the activity of questioning. Questioning allows those from one form of life to understand those from another, by showing how their interlocutors’ understanding is different from their own. The importance of this activity for deliberation lies in the fallibilistic nature of consensus in deliberative theory, which allows for any consensus that is reached rationally to remain open to question. Such openness guards against the kind of hegemonic claims that concern Mouffe.27 This allows for sufficient stability through agreement, since challenges must be reasoned challenges, without atrophy. Moreover, the development of understanding through questioning/reasoning will relate the partial understandings or practices from whose dialectic it emerges. This reduces the potential for ongoing exclusion through, for example, a ‘tit-for-tat’ exchange in which ex-oppressors become the oppressed.

The fallibilistic and partial nature of deliberation or explanation also secures it against Mouffe's use of the Derridean concept of undecidability.28 This trades on the limitations of human foresight to argue that every element of decision must actually contain an element of unpredictability or risk. Mouffe infers from this that consensus must always be irrational (DP, pp. 135–6). However, once again we can pray in aid the fallibilistic, defeasible nature of reason. New events that were not foreseen will not be covered by the language that we have attempted to extend to govern our future actions. This leads to a need to revise such language to arrive at a more comprehensive description that will be more adequate. As we have seen, reasoned argument is well equipped to do this. So while all decisions may well contain an irreducible element of ‘undecidability’ in Derrida's sense, this does not make decisions irrational, nor does it rule out the possibility of rational consensus through deliberation.

Finally amongst Mouffe's deconstructionist arguments against deliberation we have her use of Lacan. She deploy's Lacan's notion of the ‘master signifier’29– a set of unquestioned assumptions that form the frame for any discourse – to illustrate that all discourses must be conditioned by authority. This gives her yet another reason why the idea of neutral rational consensus, free from power, is conceptually flawed (DP, pp. 137–8).

The defeasibility of deliberation, and its privileging of questions, again serves to turn Mouffe's point. While many, perhaps all, exchanges are indeed conditioned by a set of underlying assumptions that are not questioned, or of which we are dimly aware, such assumptions are in principle open to being questioned. Otherwise they would not be assumptions. The fact that Lacan can identify such assumptions, means that it is possible to do so, and thereby to expose them to questioning. While this might not happen in a particular exchange, this may well open up over time, or across discourses. Such questioning then serves as precisely the sort of critical standard that Lacan and Mouffe seek to provide. Their endeavours are therefore not invalid, but gain their validity from within, and not outside, a deliberative framework of rational argument aimed at mutual understanding. Without such an ideal their critical projects founder, just as much as deliberation's.

III. CONCLUSION

Mouffe believes in a consensus that distinguishes and opposes oppressive uses of power, seeing the purpose of politics as collective action towards its eradication. This consensus is based on shared norms of reciprocity and equality in the exchange of reasons or explanations. And she argues for this consensus using reasons. In all these senses, her agonistic theory of democracy can be seen to be deliberative. However, we could equally argue that deliberation, and rational consensus, can be seen as agonistic. Deliberation is equivalent to the Wittgensteinian process of explanation and language learning. The understandings reached through either process are partial and defeasible, formed from an encounter with difference. In this sense, there is always the risk of an agreement or consensus resulting in the erroneous projection of one party's understandings onto another, constraining their meanings – it is fraught with the possibility of hegemony. We must guard against such hegemonic tendencies by remaining open to every possibility of their exercise, holding discourses up to careful scrutiny of the language and assumptions that might underlie them. Not only will this help resist power, it will also assist in building deeper and better understanding, or more rational consensus. So we can see that the two processes of deliberative and agonistic democracy – one grounded in critical theory and the other in postmodernism, are in fact mutually dependent aspects of a solution to the same problem.

## 1nr

### fairness good

#### Delgado wrong Fairness exists to ensure both sides have a voice

**Burch, 8** - Assistant Professor, Cumberland School of Law (Elizabeth, “CAFA'S IMPACT ON LITIGATION AS A PUBLIC GOOD” 29 Cardozo L. Rev. 2517, May, lexis)

Given this shortcoming, the second procedural justice component is fairness. Fairness arguments are typically offered as policy reasons to trump pursuit of certain reform proposals and aggregate social goals; n101 however, I use fairness here (and in assessing CAFA) as a supplemental constraint rather than a substitute. Employing a deontological conception of fairness to balance utility aids in, not only distributing procedural costs and correcting procedural errors, but also in ensuring that the procedural system does not disproportionately favor or burden plaintiffs or defendants. n102 Put differently, process should disperse the risk of error and the cost of access as evenly as possible. Neither party [\*2535] should have an advantage. n103 This idea of "fairness" as avoiding lopsided distribution of error can be likened to the concept of "neutrality." n104 To be sure, some imparity in distributing risks may be inevitable.

Finally, although analogous to fairness, participation - manifested as adequate representation in the class context - humanizes process. n105 In its simplest form, participation necessitates that those who are bound by a decision have an opportunity to take part (and be heard) in adjudication. n106 Moreover, it encompasses inherent rights to present evidence, observe the proceedings, cross-examine witnesses, and hear the judge's decision. n107 And participation, even in class litigation, affords litigants dignity by granting them a forum in which to tell their story. n108 "Storytelling" has been criticized when used to demonstrate satisfaction with process as a proxy for "justice." n109 I use the term here, however, for its cathartic value only when situated within this larger [\*2536] procedural fairness framework.

### at: rules violent

#### Arguments don’t injure people, but policies do—voting aff on this is much closer to censorship because it says we can’t even introduce ideas without harming them—that's a tactical move to shut down debates

Amanda Anderson 6, Andrew W. Mellon Professor of Humanities and English at Brown University, Spring 2006, “Reply to My Critic(s),” Criticism, Vol. 48, No. 2, p. 281-290

Probyns piece is a mixture of affective fallacy, argument by authority, and bald ad hominem. There's a pattern here: precisely the tendency to personalize argument and to foreground what Wendy Brown has called "states of injury." Probyn says, for example, that she "felt ostracized by the books content and style." Ostracized? Argument here is seen as directly harming persons, and this is precisely the state of affairs to which I object. Argument is not injurious to persons. Policies are injurious to persons and institutionalized practices can alienate and exclude. But argument itself is not directly harmful; once one says it is, one is very close to a logic of censorship. The most productive thing to do in an open academic culture (and in societies that aspire to freedom and democracy) when you encounter a book or an argument that you disagree with is to produce a response or a book that states your disagreement. But to assert that the book itself directly harms you is tantamount to saying that you do not believe in argument or in the free exchange of ideas, that your claim to injury somehow damns your opponent's ideas.

When Probyn isn't symptomatic, she's just downright sloppy. One could work to build up the substance of points that she throws out the car window as she screeches on to her next destination, but life is short, and those with considered objections to liberalism and proceduralism would not be particularly well served by the exercise. As far as I can tell, Probyn thinks my discussion of universalism is of limited relevance (though far more appealing when put, by others, in more comfortingly equivocating terms), but she's certain my critique of appeals to identity is simply not able to accommodate the importance of identity in social and political life. As I make clear throughout the book, and particularly in my discussion of the headscarf debate in France, identity is likely to be at the center of key arguments about life in plural democracies; my point is not that identity is not relevant, but simply that it should not be used to trump or stifle argument.

In closing, I'd like to speak briefly to the question of proceduralism's relevance to democratic vitality. One important way of extending the proceduralist arguments put forth by Habeimas is to work on how institutions and practices might better promote participation in democratic life. The apathy and nonparticipation plaguing democratic institutions in the United States is a serious problem, and can be separated from the more romantic theoretical investments in a refusal to accept the terms of what counts as argument, or in assertions of inassimilable difference. With respect to the latter, which is often glorified precisely as the moment when politics or democracy is truly occurring, I would say, on the contrary democracy is not happening then-rather, the limits or deficiencies of an actually existing democracy are making themselves felt. Acknowledging struggle, conflict, and exclusion is vital to democracy, but insisting that exclusion is not so much a persistent challenge for modern liberal democracies but rather inherent to the modern liberal-democratic political form as such seems to me precisely to remain stalled in a romantic critique of Enlightenment. It all comes down to a question of whether one wants to work with the ideals of democracy or see them as essentially normative in a negative sense: this has been the legacy of a certain critique of Enlightenment, and it is astonishingly persistent in the left quarters in the academy. One hears it clearly when Robbins makes confident reference to liberalisms tendency to ignore "the founding acts of violence on which a social order is based." One encounters it in the current vogue for the work of Giorgio Agamben and Carl Schmitt. Saying that a state of exception defines modernity or is internal to the law itself may help to sharpen your diagnoses of certain historical conditions, but if absolutized as it is in these accounts, it gives you nothing but a negative diagnostic and a compensatory flight to a realm entirely other-the kind of mystical, Utopian impulse that flees from these conditions rather than confronts and fights them on terms that derive from the settled-if constantly evolving-normative basis of democratic modernity. If one is outraged by the flagrant disregard of democratic procedures in the current U.S. political regime, then one needs to be able to coherently say why democratic procedures matter, what principles underwrite them, and what historical movements and institutions have helped us to secure and support them. Argument as a critical practice and as a key component of democratic institutions and public debate has a vital role to play in such a task.

### isaac

#### The aff fails to engage in comparative institutional analysis and instead centers their discussion on abstract moral purity – this focus undercuts political responsibility and turns the case

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As a result, the most important political questions are simply not asked. It is assumed that U.S. military intervention is an act of "aggression," but no consideration is given to the aggression to which intervention is a response. The status quo ante in Afghanistan is not, as peace activists would have it, peace, but rather terrorist violence abetted by a regime--the Taliban--that rose to power through brutality and repression. This requires us to ask a question that most "peace" activists would prefer not to ask: What should be done to respond to the violence of a Saddam Hussein, or a Milosevic, or a Taliban regime? What means are likely to stop violence and bring criminals to justice? Calls for diplomacy and international law are well intended and important; they implicate a decent and civilized ethic of global order. But they are also vague and empty, because they are not accompanied by any account of how diplomacy or international law can work effectively to address the problem at hand. The campus left offers no such account. To do so would require it to contemplate tragic choices in which moral goodness is of limited utility. Here what matters is not purity of intention but the intelligent exercise of power. Power is not a dirty word or an unfortunate feature of the world. It is the core of politics. Power is the ability to effect outcomes in the world. Politics, in large part, involves contests over the distribution and use of power. To accomplish anything in the political world, one must attend to the means that are necessary to bring it about. And to develop such means is to develop, and to exercise, power. To say this is not to say that power is beyond morality. It is to say that power is not reducible to morality. As writers such as Niccolo Machiavelli, Max Weber, Reinhold Niebuhr, and Hannah Arendt have taught, an unyielding concern with moral goodness undercuts political responsibility. The concern may be morally laudable, reflecting a kind of personal integrity, but it suffers from three fatal flaws: (1) It fails to see that the purity of one's intention does not ensure the achievement of what one intends. Abjuring violence or refusing to make common cause with morally compromised parties may seem like the right thing; but if such tactics entail impotence, then it is hard to view them as serving any moral good beyond the clean conscience of their supporters; (2) it fails to see that in a world of real violence and injustice, moral purity is not simply a form of powerlessness; it is often a form of complicity in injustice. This is why, from the standpoint of politics--as opposed to religion--pacifism is always a potentially immoral stand. In categorically repudiating violence, it refuses in principle to oppose certain violent injustices with any effect; and (3) it fails to see that politics is as much about unintended consequences as it is about intentions; it is the effects of action, rather than the motives of action, that is most significant. Just as the alignment with "good" may engender impotence, it is often the pursuit of "good" that generates evil. This is the lesson of communism in the twentieth century: it is not enough that one's goals be sincere or idealistic; it is equally important, always, to ask about the effects of pursuing these goals and to judge these effects in pragmatic and historically contextualized ways. Moral absolutism inhibits this judgment. It alienates those who are not true believers. It promotes arrogance. And it undermines political effectiveness.

### pragmatism

#### Multiple statistical measures prove a trend towards equality---this isn’t to say that everything is OK, but that falsifiable claims matter for assessing impacts AND that engagement can be effective

Currie 8

<http://www.american.com/archive/2008/november-11-08/the-long-march-of-racial-progress/>

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Measuring racial progress is all about perspective. Since Appomattox, the struggle for racial equality has seen triumphs and setbacks alike. On balance, however, the story of race relations in America is one of extraordinary change and transformation. According to Princeton historian James McPherson, the rate of black illiteracy dropped from roughly 90 percent in 1865 to 70 percent in 1880 and to under 50 percent in 1900. “From the perspective of today, this may seem like minimal progress,” McPherson wrote in his 1991 book, Abraham Lincoln and the Second American Revolution (a collection of essays). “But viewed from the standpoint of 1865 the rate of literacy for blacks increased by 200 percent in fifteen years and by 400 percent in thirty-five years.” McPherson also noted that the share of school-age black children attending school jumped from 2 percent in 1860 to 34 percent in 1880. “During the same period,” he said, “the proportion of white children of school age attending school had grown only from 60 to 62 percent.” In 1908, 100 years before the election of America’s first black president, there was a bloody race riot in Springfield, Illinois, which began when an angry mob surrounded a prison where a black man falsely accused of rape was being held. As columnist George Will has observed, “The siege of the jail, the rioting, the lynching, and mutilating all occurred within walking distance of where, in 2007, Barack Obama announced his presidential candidacy.” Over the past century, the racial attitudes of white Americans have undergone a sea change. The shift toward greater racial tolerance was driven by many factors, including blacks’ participation in World War II, the integration of professional sports and the military, and the civil rights movement. “Even as Americans were voting more conservatively in the 1980s, their views on race were becoming more liberal,” Wall Street Journal senior editor Jonathan Kaufman wrote recently. “More than three quarters of whites in 1972 told pollsters that ‘blacks should not push themselves where they are not wanted.’ Two-thirds of whites that same year said they opposed laws prohibiting racial discrimination in the sale of homes. Forty percent said whites had the right to live in segregated neighborhoods.” However, “By the end of 1980s, all those numbers had fallen markedly and [they] continued to fall through the following decades.” As University of Michigan sociologist Reynolds Farley points out in a new paper, there are now 41 African Americans serving in the House of Representatives, compared to only six when the Kerner Commission issued its famous report on race and poverty in 1968. During the years following the Kerner Report, “The slowly rising incomes of black men and the more rapidly rising incomes of black women produced an important economic change for African Americans,” Farley writes. “In 1996, for the first time, the majority of blacks were in the economic middle class or above, if that means living in a household with an income at least twice the poverty line.” According to Farley, “Only three percent of African Americans could be described as economically comfortable in 1968. That has increased to 17 percent at present. This is an unambiguous sign of racial progress: one black household in six could be labeled financially comfortable.” He notes that the black-white poverty gap “is much smaller now” than it was in the late 1960s. Residential and marriage trends are also encouraging. “The trend toward less residential segregation that emerged in the 1980s and accelerated in the 1990s continues in this century,” says Farley. Meanwhile, interracial marriage rates have increased dramatically. “At the time of the Kerner Report, about one black husband in 100 was enumerated with a white spouse. By 2006, about 14 percent of young black husbands were married to white women.”

#### Failure to engage in comparative institutional analysis means vote neg on presumption – they make change less likely to occur

**Heminway, 05** (Joan, professor of law at the University of Tennessee, 10 Fordham J. Corp. & Fin. L. 225, lexis)

This article offers a model for comparative institutional choice specifically for use in the context of federal corporate governance reforms. It also, however, constitutes part of the larger academic movement advocating comparative institutional analysis. Comparative institutional analysis is **critically important** to the work of scholars and other proponents of law reform. These rule proponents should not suggest changes in legal rules without also suggesting the vehicle for the suggested reforms. The determination of the appropriate rulemaking body should be accomplished by employing some rigorous form of comparative institutional analysis. In this regard, the framework included in this article is intended to endorse in full the views of Professor Neil Komesar when he says: [\*384] Unless we do better with the difficult issues of institutional choice, any reforms, changes and proposals will remain **illusory or cosmetic**. We will continue to cycle through the same proposals with the same arguments. Today's policy will always have feet of clay and be replaced by yesterday's rejected panacea, which somehow reappears (without blemishes) as tomorrow's solution. Attempts to fashion proposals and programs cannot stop until we fully understand institutional choice. That understanding will be long in coming and is more likely to occur if judges, lawyers and law reformers seriously struggle with the subject **as they make** their decisions and proposals. It is that struggle that I hope for. I want those who make or seek to change law to seriously confront and address institutional choice and comparison. I recognize that, to do so, they will often have to rely on intuition and guesses. It is the **responsibility** of legal academics to provide deeper understanding of these central issues and, therefore, to improve the ability of those who struggle with these decisions. 581