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#### Presidential war powers come not from our judicial or legislative institutions, but from aesthetic performances – this allows the president to expand the scope of presidential power while seemingly decreasing it

Dudziak ’12 (2/17 Mary L – a professor of law, history and political science at the University of Southern California, is the author of “War Time: An Idea, Its History, Its Consequences.”) “How Presidential War Power is Made, or why rhetoric matters to war powers” http://balkin.blogspot.com/2012/02/how-presidential-war-power-is-made-or.html

Over at Lawfare, Benjamin Wittes found my op-ed in yesterday’s New York Times, on Obama’s double-take on the nature of our current war era, to be “perplexing.” Let me say a few words that are unlikely to lead Wittes and me to agree on everything, but at least might help crystalize what the disagreement is about. I should also say that I tend to agree with one of the underlying ideas at Lawfare, as I understand their project, and that Mark Tushnet has also made: “liberals” and “conservatives” are often talking past each other on questions of national security, and there is a need to reshift the conversation, and get beyond partisan and left/right divides.¶ The most essential point is methodological (and if you’re looking for the direct points about my op-ed/Wittes’ post, skip ahead a couple of paragraphs). As legal scholars we tend to focus especially on law, of course. Law and society scholars, including legal historians like me, study law by going beyond it – by studying law in a broader historical and cultural context. Law exists as part of and in relation to society and culture, so that we can’t fully see law without understanding the way it is produced and understood – socially, politically, culturally.¶ Like other legal problems, law related to war and security is a law-and-society subject. Many very smart war powers and national security law specialists have been drilling down on the complex legal issues related to the post-9/11 context, an effort that Lawfare contributes to. But as with all legal issues, there is also a law-and-society component. Although war powers and national security scholarship often draws upon historical examples, the scholarship does not tend to incorporate current important work by historians and others related to war and security. So, in my view, the law-and-society aspect of legal war and security studies is underdeveloped. Alongside of the current focus on national security law in American law schools, we need, essentially, law-and-society law & security.¶ How does that relate to my op-ed? My piece is about Obama’s political rhetoric related to war, and I argue that he is trying to have it both ways. As a political matter, he has focused on the wars in Iraq and Afghanistan. His campaign promise was to bring these wars to an end. Early in his administration he would say “we’re in two wars.” But in 2010 he shifted, and gave a speech that said the nation is “at war with Al Qaeda.” ¶ This shift in political rhetoric enables the president to argue that he is filling his campaign promise of ending the wars that he was talking about when he got elected, but at the same time the new formulation maintains (politically) the basis for his war-related powers.¶ Now for the law-and-society point: presidential war powers are determined not only by legal authorities and constraints, to the extent they exist, and by capacities inherent in the executive branch. As Scott Silliman put it in a national security law class at Duke last semester, the president “paints the scene.” Important work by historians helps to fill in the way presidents essentially narrate wars for the American public (my formulation, not Silliman’s), helping to generate both political sentiment and also, most simply, the conception that something happening faraway is a “war” that the security of Americans at home hinges upon. (This is not a post-9/11 problem, but was a critical Cold War issue, and also was important in earlier years.) Political scientist Adam Berinsky helps us to see that what Americans “know” about overseas conflict does not derive directly from the conflict itself, but is filtered in the same way as public opinion on other matters: it is affected by elite discourse and partisan politics.¶ This is a long way of saying that presidential rhetoric on war and security is tremendously important and consequential. I focused only on Obama’s flip: “Ending major conflicts in two countries helps him deliver on campaign promises. But his expansive definition of war leaves in place the executive power to detain without charges, and to exercise war powers in any region where Al Qaeda has a presence.” But the ultimate problem goes beyond what looks like a political bait-and-switch. By narrating war differently, Obama is “painting the scene” differently, in a way that will not determine the scope of his war-related powers down the road, including but not limited to detention. Though not determinative, a president’s framing of a war era is a first and essential component of the generation and maintenance of presidential war powers.¶ I take up Wittes directly, and the ways we’re talking past each other, below the fold.¶ Wittes makes this point (emphasis added):¶ With respect to the war against Al Qaeda and the Taliban, the United States still has troops deployed in Afghanistan who are actively fighting Al Qaeda, the Taliban, and associated forces on a daily basis. Whatever the point at which hostilities can reasonably be said to be over for purposes of conveying detention authority, we are nowhere near that point yet. And critically, I don't know anyone in the Obama administration who would argue that detention authority will persist after hostilities really are over-any more than we took our prisoners with us when we left Iraq. Indeed, if the negotiations with the Taliban that are now getting started were to produce a peace deal, it's hard for me to imagine that detention authority would persist vis a vis Taliban detainees.¶ It’s the starting point that matters: “with respect to the war against Al Qaeda and the Taliban.” The “war” against Al Qaeda is a different way of saying “war on terror,” though it is at least a more specific form of a “war on terror.” (Wittes includes the Taliban, but Obama’s framing is not so limited, or at least not consistently limited.) The reason for the parallel is that President Bush’s “war on terror” was a conceptualization that had no limits in space or time. The potentially unlimited nature of that sort of conflict, and the way it might justify detention without end, has troubled the Supreme Court. In Hamdi, Justice O’Connor noted that Hamdi was arguing that he potentially faced “the substantial prospect of perpetual detention.” But she reasoned that the Court did not have to face the prospect of endless detention, because, in essence, the war in Afghanistan looked like an old fashioned war, limited in space and time. There were “active combat operations” against the Taliban in Afghanistan, so it was appropriate to detain Hamdi “for the duration of these hostilities.” The “war against Al Qaeda” – Obama’s formulation as of 2010 – is not limited in space and time the way a war in Afghanistan – Obama’s earlier formulation – could be.¶ There is more to say about all of this, some of it covered in my new book, but Wittes states: "Dudziak's implicit argument seems to me altogether perverse. She seems to be saying that in a conflict in which literally tens of thousands are actively fighting today, detention authority must ebb because the government hopes aspires to wind things down. That can't be right."¶ At this point, we are talking past each other, a consequence that, as I understand it, is one of Lawfare’s goals to avoid. Wittes is arguing that there is legal authority for detention. I’m not affirming or disputing the question of the legal limits of detention power. I’m talking about something else: presidential war rhetoric, a matter of great importance to presidential war power. My call is simply for transparency if not consistency. And so Wittes misses the op-ed’s point about Obama’s political rhetoric, and then draws a mistaken implication from that misreading. ¶ If he might complain that I could have been clearer, of course the response in part is: it was in a newspaper, with a word limit. But if he believes that I helped produce the misreading, let me just say mea culpa. And now let’s get back to trying to understand war and security in a deeper way, across ideological lines, and – one of my arguments generally – in a more nuanced and interdisciplinary way.

#### This aesthetic standard within the presidency, does not manifest itself in objective terms, rather is functions to interpret our standards of beauty, pervading all analysis of intellectual criticism

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What is the point of a presidential debate? In the context of American presidential elections, "debate" is something of a misnomer. When former French President Nicolas Sarkozy faced his Socialist challenger, François Hollande, that was a debate - addressing substantive issues and lasting more than two hours. By contrast, presidential debates in the United States are more like staged performances, where the answers to every possible question have been rehearsed endlessly with teams of coaches and advisers. The candidates in U.S. debates address carefully selected journalists who rarely follow up on a question. And the candidates' performances are scrutinized less on the substance of their arguments than on their presentation, body language, facial tics, unguarded sighs, smiles, sneers and inadvertent eye rolling. Does the candidate come across as a snob or a friendly guy whom one can trust? Do the smiles look real or fake? These "optics" can be of great importance. After all, Richard Nixon's race against John Kennedy in 1960 is said to have been lost on television: Kennedy looked cool and handsome, while Nixon scowled into the camera, with sweat trickling down his 5 o'clock shadow. In his debates with Ronald Reagan in 1980, Jimmy Carter came across as smug and humorless and Reagan as a friendly old uncle. Carter lost. In 2000, Al Gore was unable to make up his mind about which role he wished to play in his debates with George W. Bush, so he looked shifty and inauthentic, changing from arrogant to patronizing and back again. He had the better arguments, but he lost the "debates" (and the election) nonetheless. We are told that the debates this month between President Barack Obama and the Republican challenger, Mitt Romney, might decide the election. It is, according to the pundits, Romney's last chance. If Obama comes across as an elitist professor, he might lose. If Romney gets angry or makes a bad joke, his chances could be blown. Again, this is not a question of who has the best policies, or the soundest ideas; it is all about presentation. More than 67 million Americans watched the first of this year's three debates. According to public opinion polls, only about 17 percent of eligible voters have not yet made up their minds about which candidate to support. That is surprising, given the widening political gap between America's two main political parties. In private, Obama and Romney may be able to agree on many things. But the Republican Party has moved far to the right of Obama's moderate liberalism, and Romney has been pulled along with it. Then there is the great unspoken factor of racial prejudice, something even hard-core right-wing Republicans try not to express openly. A certain percentage of American voters will not vote for a black man, whatever he says or however good he looks in a debate. If policies or prejudices have not persuaded that undecided 17 percent of voters, they must be looking for something else. They want to see whether they like one man better than the other. To them, one can only assume, the debates are nothing more than a personality contest. In past elections, when there sometimes really was not much political difference between Democrats and Republicans, this made a certain sense. Broadly speaking, on economics and foreign policy, the candidates often would be in accord, with Republicans more inclined to favor the interests of big business and Democrats defending the interests of labor. So voters could not always be blamed for finding it hard to make up their minds. Since they could not make a rational choice, they followed their instincts and voted for the candidate they found most sympathetic. This time, there seems to be much less justification for such arbitrary choices. The political differences are too stark. And yet there is a reason not to dismiss the personality contest entirely. After all, the U.S. presidency is a quasi-monarchical institution, as well as a political one. The president and first lady are the king and queen of the American republic, the official faces that the U.S. presents to the outside world. It is not utterly absurd, therefore, that voters want to like the look of their presidents, quite apart from the merit of their policies. Choosing the country's most powerful politician on the basis of his presentability on television might seem arbitrary, even frivolous. But it is no more arbitrary than the accident of birth, which determines the right of kings and queens to reign over their countries. The difference is, of course, that most modern kings and queens are constitutional monarchs with no political power. And the man whom U.S. voters choose to lead their country will affect the lives of everyone, not just Americans. Because non-Americans cannot vote in U.S. elections (a pity for Obama, who would probably win a global vote by a landslide), we have to depend on the judgment of that 17 percent of undecided voters watching television this month. That is not exactly reassuring. But the American republic has one merit that monarchies lack. Good or bad, the quasi-king can be booted out every four years. Then the competition - part ideological, part beauty contest - can start all over again.

#### This aesthetic tendency mirrors the way that political practices operate – It’s no surprise that the dominant group is the one that gets to define beauty – this has historically been used as a tool to marginalize and otherize

Craig 2k6 (Maxine, “Race, beauty, and the tangled knot of a guilty pleasure” Feminist Theory 2006 7: 159)

Discourses of race and beauty are often intertwined. Racist ideologies commonly promote the appearance of the dominant group against the purported ugliness of a subordinate group. When, in his ‘Notes on the State of Virginia’ Thomas Jefferson sought to defend a continued separation of the races, he pointed to what he considered the self-evident beauty of whites (Jefferson, 1975: 187). Likewise, Nazis used assertions of superior Aryan beauty to build anti-Semitism (Mosse, 1985: 139). Claims of beauty have also been central to anti-racist resistance. When Marcus Garvey built a mass African-American movement in the early 20th century, he implored black people to ‘take down the pictures of white women from your walls. Elevate your own women to that place of honor’ (Garvey, 1968: 29). In Garvey’s nationalist rhetoric, racial pride began with an appreciation of the beauty of black women. Despite the close connections between discourses of beauty and racial politics, race has often been left out of feminist analyses of beauty. If we take the 1968 Miss America pageant protest as a historical beginning point for second wave feminist activist critiques of beauty regimes in the United States, we can see that an analysis of the interpenetration of racism and beauty regimes was present at the beginning. The organizers of the 1968 Miss America contest protest decried the racial exclusivity of the pageant, noting that there had never been a black finalist nor a single Puerto Rican, Alaskan, Hawaiian or Mexican-American winner (Morgan, 1970: 586). Though early activists found and critiqued racism and sexism in institutions of beauty, an analysis of race escaped some of the most widely read academic feminist writing on beauty that followed. This section traces the presence, absence and reappearance of race in feminist theories of beauty. My account cannot be strictly chronological, as in some cases early writers and activists had greater sensitivity to issues of race than writers who followed them. In this narrative, I organize the works considered into those that are foundational, those that engaged in a project of specifying differences in women’s experiences of beauty, and those that complicated existing theory by addressing questions of agency. Given the wealth of feminist writing relating to beauty, this survey is necessarily incomplete and will inevitably omit important work. Works are included here because they articulate central tendencies within the literature. Lois Banner’s 1983 American Beauty laid important historical groundwork for subsequent feminist scholarship on beauty. By chronicling the transformation of beauty standards in the United States, Banner demonstrated the constructed and historically specific character of ideals of beauty. As written by Banner, however, beauty’s American history is a white women’s history. Joan Jacobs Brumberg’s study of decades of young women’s diaries documents the way that the expansion of marketing to young women increased women’s self-consciousness regarding their bodies. Given that women who have enjoyed certain privileges are more likely to keep diaries and have them collected by archives, the experience documented in Brumberg’s study was primarily that lived by white middle- and upper-class women. Nonetheless, Brumberg’s 1997 The Body Project importantly challenged the common assumption that young women have always been anxious about the appearance of their bodies. Young women’s diaries written in the 19th century were less focused on outer beauty. As the reach of marketing increased throughout the 20th century, young women were more likely to write about their bodies in their diaries and more frequently expressed dissatisfaction with their shapes and weight. Published in the 1980s, essays by Iris Marion Young and Sandra Lee Bartky were also foundational.1 Young and Bartky articulated feminist analyses of women’s beauty work as a disciplinary practice policed by the force of a coercive and pervasive male gaze. These works were indispensable for later feminist writing and practice relating to beauty, yet the woman who was their subject was a racially unmarked, implicitly heterosexual woman of an unspecified class. In Young’s essay ‘Throwing Like a Girl’, the essence of the female experience is a physical passivity caused by ‘the ever-present possibility that one will be gazed upon as a mere body, as shape and flesh that presents itself as the potential object of another subject’s intentions and manipulations, rather than as a living manifestation of action and intention’ (Young, 1980: 154). Women take up the view of themselves as things ‘looked at and acted upon’, and use cosmetics, diets, and other disciplinary practices in attempts to craft themselves into more beautiful things (Young, 1980: 148). In this argument, a woman sees herself as men see her, and the embodied actions a woman takes are usurped by male intentions. She acts upon herself to realize the will of a generalized male gaze. From the present vantage point, Young’s argument appears not incorrect but incomplete. Young’s essay vividly describes and explains the selfconsciousness regarding appearance that male domination imposes on women. Whether measured by the grossly disproportionate amounts of money spent by women on beauty care or the higher rates of eating disorders and cosmetic surgery use among women, it is clear that women, as a group, work to change their appearance more than men do. The feelings of inadequacy produced by the presence of beauty standards in women’s lives are, arguably, among the most personal manifestations of gender inequality in our lives. That being said, the essential woman she describes is that racially unmarked, implicitly heterosexual woman, of unspecified class. Connected to no community, she stands alone under the male gaze. The gazing male is similarly unspecified. What happens if we rethink the argument, with the understanding that the woman under the gaze has a race, a sexual identity, an age, abilities, and more or less wealth? Does she still stand alone in relation to the gaze? Which techniques of transformation are available to her, which are impossible, and what are the meanings of those techniques within her community? When, and if, she sees herself through the eyes of a male, what is his race and how does his race affect her assumptions about what he sees? Is he also the target of an objectifying gaze? Sandra Lee Bartky similarly describes beauty work as a product of the female self-surveillance that arises from the male gaze. Yet she describes the beautifying woman as active rather than passive. According to Bartky, women actively construct feminine selves, the only selves that patriarchal regimes support, or risk the ‘annihilation’ that awaits those who refuse to embrace socially acceptable subjectivities (Bartky, 1988: 78). Bartky’s self-monitoring women, like Young’s, are generalized women who stand alone. Each woman, because she is not envisioned as a member of any social group based on race, class, age, sexuality, or ability, is equally alone, and subject to a generalized male gaze. Beginning in the 1980s, and continuing to the present, a sizeable group of scholars has engaged in a project of specifying, in various ways, women’s experiences of beauty standards. These works document and analyse the racism inherent in dominant beauty standards (Banet-Weiser, 1999; Banks, 2000; Bordo, 1993; Candelario, 2000; Chapkis, 1986; Craig, 2002; DuCille, 1996; Espiritu, 1997; Gilman, 1985; Hobson, 2003; Kaw, 2003; Lakoff and Scherr, 1984; Peiss, 1998; Weitz, 2004). Focusing on the diverse and particular ways that dominant beauty standards positioned white, black, and Asian women, these scholars argue that beauty standards maintained racial inequality as well as gender inequality. Much of this scholarship addressed the polarized positions of black women and white women in dominant beauty regimes. Dominant beauty standards that idealized fair skin, small noses and lips, and long flowing hair defined black women’s dark skin colour, facial features, and tightly curled, short hair as ugly. In many, but not all representations, black women’s bodies were also stigmatized as hypersexual, a characterization that positioned black women as the moral opposites of pure white women. The ordeal of Saartjie Baartman, the black South African woman who was transported to London and Paris in 1810 and exhibited barely clothed as an entertaining spectacle, is emblematic of the abusive representation of black women as the hypersexual other (Gilman, 1985). Saartjie Baartman was dubbed the ‘Hottentot Venus’, a name that identified her as a stigmatizing symbol of beauty for a defamed group within a colonial context (Hobson, 2003). The exclusion of non-white women, or their marginalization within representations of beauty, supported the place of white women within beauty regimes. That is, racists defined white and chaste beauty in opposition to the imputed ugliness and hypersexuality of other, racially marked, groups of women (Collins, 2004; hooks, 1992; Omolade, 1983). Writers who have considered the position of contemporary non-white women in beauty regimes have variously found categorical exclusion of women of colour, appreciation of the beauty of women of colour to the extent that they approached the appearance of whiteness, or the inclusion of a changing spectrum of women of colour in the marginalized and marked position of the exotic beauty. A shifting economic and geopolitical context underlies these alternative and unstable positions of women of colour in beauty regimes. Asian women were portrayed as monstrous in 19th-century caricatures drawn by whites engaged in nativist politics. In later periods, when exclusionary immigration laws removed Asian workers from competition with American workers, Asian women were represented as exotic beauties (Espiritu, 1997). African-American women, who were categorically excluded from representations of beauty prior to the Civil Rights Movement, have, within the past forty years, along with the emergence of a sizeable black middle class, gained inclusion in fashion industry and cinematic representations of beauty, albeit often in ways that continue to mark them as exotic (DuCille, 1996). Among these authors Susan Bordo provides the broadest theoretical basis for understanding how beauty regimes locate women in specific valued or devalued positions. She argues that representations of beauty produce norms for women, ‘against which the self continually measures, judges, “disciplines,” and “corrects” itself’ (Bordo, 1993: 25). Her argument was more than a restatement of that advanced by Bartky and Young, because of Bordo’s sustained consideration of the ways that race matters in women’s experience of dominant beauty standards. Racism and sexism intertwine in the form of a normalizing discourse that marks women of colour as abnormal and thus flawed.

#### Vote affirmative to affirm ugly

#### Beauty as a concept allows for violence. Our advocacy functions to reclaim and transform aesthetics to affirm the perspectives of the ugly

Mingus 2011 (Mia, Full text of a keynote address for the Femmes of Colour symposium, queer physically disabled woman of color, korean transracial and transnational adoptee writer and organizer “moving towards the ugly” http://leavingevidence.wordpress.com/2011/08/22/moving-toward-the-ugly-a-politic-beyond-desirability/)

As femmes of color—however we identify—we have to push ourselves to go deeper than consumerism, ableism, transphobia and building a politic of desirability. Especially as femmes of color. We cannot leave our folks behind, just to join the femmes of color contingent in the giant white femme parade. As the (generational) effects of global capitalism, genocide, violence, oppression and trauma settle into our bodies, we must build new understandings of bodies and gender that can reflect our histories and our resiliency, not our oppressor or our self-shame and loathing**.** We must shift from a politic of desirability and beauty to a politic of ugly and magnificence. That moves us closer to bodies and movements that disrupt, dismantle, disturb. Bodies and movements ready to throw down and create a different way for all of us, not just some of us. [\*share North Carolina story] The magnificence of a body that shakes, spills out, takes up space, needs help, moseys, slinks, limps, drools, rocks, curls over on itself. The magnificence of a body that doesn’t get to choose when to go to the bathroom, let alone which bathroom to use. A body that doesn’t get to choose what to wear in the morning, what hairstyle to sport, how they’re going to move or stand, or what time they’re going to bed. The magnificence of bodies that have been coded, not just undesirable and ugly, but un-human. The magnificence of bodies that are understanding gender in far more complex ways than I could explain in an hour. Moving beyond a politic of desirability to loving the ugly. Respecting Ugly for how it has shaped us and been exiled. Seeing its power and magic, seeing the reasons it has been feared. Seeing it for what it is: some of our greatest strength. Because we all do it. We all run from the ugly. And the farther we run from it, the more we stigmatize it and the more power we give beauty. Our communities are obsessed with being beautiful and gorgeous and hot. What would it mean if we were ugly? What would it mean if we didn’t run from our own ugliness or each other’s? How do we take the sting out of “ugly?” What would it mean to acknowledge our ugliness for all it has given us, how it has shaped our brilliance and taught us about how we never want to make anyone else feel? What would it take for us to be able to risk being ugly, in whatever that means for us. What would happen if we stopped apologizing for our ugly, stopped being ashamed of it? What if we let go of being beautiful, stopped chasing “pretty,” stopped sucking in and shrinking and spending enormous amounts of money and time on things that don’t make us magnificent? Where is the Ugly in you? What is it trying to teach you? And I am not saying it is easy to be ugly without apology. It is hard as fuck. It threatens our survival. I recognize the brilliance in our instinct to move toward beauty and desirability. And it takes time and for some of us it may be impossible. I know it is complicated. …And I also know that though it may be a way to survive, it will not be a way to thrive, to grow the kind of genders and world we need. And it is not attainable to everyone, even those who want it to be. What do we do with bodies that can’t change no matter how much we dress them up or down; no matter how much we want them to? What about those of us who are freaks, in the most powerful sense of the word? Freakery is that piece of disability and ableism where bodies that are deformed, disfigured, scarred and non-normatively physically disabled live. Its roots come out of monsters and goblins and beasts; from the freak shows of the 1800’s where physically disabled folks, trans and gender non-conforming folks, indigenous folks and people of color were displayed side-by-side. It is where “beauty” and “freak” got constructed day in and day out, where “whiteness” and “other” got burned into our brains. It is part of the legacy of Ugly and it is part of my legacy as a queer disabled woman of color. It is a part of all of our history as queer people of color. It is how I know we must never let ourselves be on the side of the gawking crowd ever again in any way. It is the part of me that doesn’t show my leg. It is the part of me that knows that building my gender—my anything—around desirability or beauty is not just an ableist notion of what’s important, but will always keep me chasing what doesn’t want me. Will always keep me hurling swords at the very core of me. There is only the illusion of solace in beauty. If age and disability teach us anything, it is that investing in beauty will never set us free. Beauty has always been hurled as a weapon. It has always taken the form of an exclusive club; and supposed protection against violence, isolation and pain, but this is a myth. It is not true, even for those accepted in to the club. I don’t think we can reclaim beauty. Magnificence has always been with us. Always been there in the freak shows—staring back at the gawking crowd, in the back rooms of the brothels, in the fields fresh with cotton, on the street corners in the middle of the night, as the bombs drop, in our breaths after surviving the doctor’s office, crossing the border, in the first quiet moments of a bloody face after the attack is done. Magnificence was there. Magnificence was with me in the car rides home after long days being dehumanized, abused and steeled in the medical industrial complex. It was there with me when I took my first breaths in my mother’s arms in Korea, and a week later those first days alone without her realizing I wasn’t going home. Magnificence has always been with us. If we are ever unsure about what femme should be or how to be femme, we must move toward the ugly. Not just the ugly in ourselves, but the people and communities that are ugly, undesirable, unwanted, disposable, hidden, displaced. This is the only way that we will ever create a femme-ness that can hold physically disabled folks, dark skinned people, trans and gender non-conforming folks, poor and working class folks, HIV positive folks, people living in the global south and so many more of us who are the freaks, monsters, criminals, villains of our fairytales, movies, news stories, neighborhoods and world. This is our work as femmes of color: to take the notion of beauty (and most importantly the value placed upon it) and dismantle it (challenge it), not just in gender, but wherever it is being used to harm people, to exclude people, to shame people; as a justification for violence, colonization and genocide. If you leave with anything today, leave with this: you are magnificent. There is magnificence in our ugliness. There is power in it, far greater than beauty can ever wield. Work to not be afraid of the Ugly—in each other or ourselves. Work to learn from it, to value it. Know that every time we turn away from ugliness, we turn away from ourselves. And always remember this: I would rather you be magnificent, than beautiful, any day of the week. I would rather you be ugly—magnificently ugly.

#### Public spaces are key – performative embrace of ugliness shapes the debate space through disrupting and deconstructing binaries existing in arguments and performances in the activity now

Przybyło 2010 (Ela, currently completing a PhD in Women's Studies at York University, “The Politics of Ugliness” http://www.gla.ac.uk/media/media\_180322\_en.pdf)

Second, ugliness may be deployed strategically, through an active and exaggerated performance of ugliness in public spaces. Since the production of beauty requires not only a specific appearance but also a certain code of behaviours, feminists may strategically enact „ugly‟ behaviours as a means of deconstructing binaries such as beauty/ugliness, clean/dirty, public/private, and man/woman. Bartky refers to „disciplinary practices that produce a body which in gesture and appearance is recognizably feminine‟ (1990, p.65, emphasis added). These disciplinary practices function to prescribe the body’s sizes and contours, its appetite, posture, gestures and general comportment in space and the appearance of each of its visible parts. (p.80) An excessive performance, performative confusion, or complete disregard of these normative behaviours and practices thus allows for a disruption of the conventions of beauty. Karina Eileraas, in „Witches, Bitches, and Fluids‟, explores the performed ugliness of punk and rock girl bands such as Hole. They deploy ugliness through ugly shrieks and wails (1997, p.127), ripped stockings and smudged make-up (p.129), ugly stage aggression (p.129), and the presence of ugly, dirty bodily fluids (p.132). In such ways, Eileraas argues, some girl bands perform ugliness, dismember femininity and normative feminine behaviours, and actively deconstruct spaces of beauty/ugliness and masculinity/femininity through „parad[ing], parrot[ing], and parody[ing]‟ (1997, p.135). It is exactly such multidimensional and excessive performances of ugliness, which create spaces of binary ambiguity and flux. Through acting ugly, and „doing‟ ugly, ugliness is privileged as a site of expression and as an effective feminist tool for unsettling prescriptive norms of behaviour. Finally, ugliness can be deployed strategically through the very act of performative self-naming. At the beginning of this essay, I discussed Kincaid‟s strategy of deploying ugliness against neocolonizers. Edwidge Danticat, on the other hand, provides an instance of the reappropriation or „embrace‟ of the category of ugliness through a deployment of it onto herself. Speaking of the multiple oppressions that Haitian women face, she rallies around a Haitian idiom: we must scream this as far as the wind can carry our voices. “Nou lèd, nou la!” We are ugly, but we are here! (2003, p.27, emphasis added) Through applying the label of ugliness onto herself (and „her people‟), Danticat immobilizes anyone who might want to hurt her by way of using the term „ugly‟ against her. She performs ugliness strategically, through „embracing‟ the category, deploying it in her own name, and reassembling it as something to be proud of. Acknowledging the political implications behind „ugliness‟ – such as racism, colonialism, sexism, and poverty – Danticat refuses to be immobilized by ugliness or by people who may use the term against her. Instead, she exploits it to her own uses, performs it, and deconstructs its meaning through reconfiguring it as a site of pride: as a site of presence, struggle, and endurance.

#### This embrace of imperfection is the most decisive move for breaking the status quo aesthetic contract—it exposes fully the arbitrary ironies of status quo aesthetic domination, this act can reshape consciousness and create a dialogue that denies the universality of the dominant Aesthetic.

Taylor, 1998 [Clyde R. Taylor, film scholar and literary/cultural essayist, is Professor at the Gallatin School and in Africana Studies, New York University. His publications include Vietnam and Black America and the script for Midnight Ramble, a documentary about early Black independent cinema, “The Mask of Art—breaking the aesthetic contract” ]

Espinosa's argument furthers the critique of aestheticism and the art-culzture system. To accept the ironic imperfection of resistance may be the most decisive mental act for breaking the aesthetic contract. The differ­ence between "perfect" and "imperfect" cinema fully dramatizes the iro­nies of discourse. Espinosa's trope engages an irony where the value-meaning of an imperfect work is always located outside the zone where the judgments of quality are made. If cultural production outside the capitalized zone is categorically "im­perfect," then resistant works from this area are imperfect on two grounds. First, by their origination in an unapproved cultural context, and second by their direct opposition to the values of "quality," through various re-framing techniques. The burden of two codes of representation, one sup­ported, the other opposed, must be carried by practitioners of imperfect culture. More important, the frame of knowledge emerging from resis­tance is inescapably incomplete, a work-in-progress, unavoidably "ex­perimental," unsanctioned, lacking the grounding in approved tradition. **The dialogue of "imperfection" underscores the ironies of domination** as well as subordination. The description of the "perfect" embodies the process I have been calling "entelechy," through which an object may be known by its highest, most ideal development as opposed to its prema­ture or incomplete manifestation, as "man" is the entelechial fulfillment of "boy" in Aristotle's reasoning, or as, in the calculus of domination, "majority" is superior to "minority," Self to Other, Subject to Object, de­veloped to underdeveloped, literate to vernacular, capitalized phenomena over lower-case experience, literature to writing, art to folk art or crafts. The point where the, ironies raised by "perfect/imperfect" resonate most widely is in the framework of the narrative of mastery against the narra­tive of liberation. Recall the double-image illustration of the simultaneous pretty woman and the unattractive old woman, "My Wife and My Mother-in-Law." The pretty young woman is favored by the master narrative. She only needs to be male to qualify as its norm-hero, but lacking that, her prettiness makes her a fit object of that hero's desire and quest. The old lady is the young belle's alter ego, her co-defining Other. The perfections of the mas­ter narrative rely on the contrasting presence of imperfections, projected, as noted before, onto the maiden, the servant, the slave. In the schema of mastery, the presence of these incomplete types is necessary for the com­pletion of the perfect story. Even more necessary, of course is the essence of corruption and imperfection, the villain who, were the narrative to be recoded, might also be viewed as a tempter of the maiden, servant and slave to rebel, and in some revisions, might even be understood to be the hero to these Others and their interests. (I hope it is clear by now that I am improvising on the foundation of Espinosa's germinal ideas.) To develop "imperfect cinema" or narration as a concept means simply to work this irony into full consciousness. It is to recognize how imper­fection has been essentialized as a characteristic of any undertaking not authorized by the social structure. Once again we must recall that the master narrative is deployed to control the interpretation of meaning in historical experience as well as in cultural works. With its reiterated theme of the inevitable progress and dominance of the Western bourgeoi­sie, its goal is always to locate perfection in the technical slickness of its self-image on the screen as an index of its relative perfection in the world. Espinosa's figure of speech brings into daylight the hidden history whereby aestheticism has "imperfected" almost everything not favorably contributing to its self-image. We should understand that all cultural pro­duction outside of Occidental culture and mainstream Western popular culture is "imperfect**."** All popular culture, all cultural expression pro­duced anywhere, as folklore or whatever, exists in the zone of imperfection. An occasional election occurs of an expressive form perceived as achiev­ing classical status in another culture, say, Noh plays in Japan, Chinese opera, traditional African sculptures, conferring honorary perfectibility on these forms (much as respected persons of color visiting apartheid South Africa were conferred "honorary White" status). But otherwise, imperfection is ordained merely by these expressions being Other, by not being in a European language, or by not having Western stars, or using a different musical scale, the characters in their narratives not rounded to the requirements of Euro-bourgeois individualism, or presenting dances that elude description according to the movement vocabulary of ballet, or celebrating a different history than that shaped around the triumph of the West, **thereby producing only an inept caricature of modernity**, if at all, or honoring different gods. It is also clear that the construction of the **perfect** in aesthetic humanism was partner to the fabrication of White­ness out of whiteness.

#### All politics is aesthetic—subordinating our 1ac to the goals of a prior political commitment is a depoliticizing move to void the interruptive potential of that aesthetic

**Schlag, '2** [Pierre, Dheidt’s Real Father/BFF and Byron White Professor of Law, University of Colorado School of Law, “Commentary: The Aesthetics of American Law” 115 Harv. L. Rev. 1047]

The various aesthetics, as suggested, are more or less conducive to various political or ethical tendencies. Perhaps a more helpful way of putting it is that political or ethical tendencies are themselves expressed in terms of the various aesthetics. It would be difficult, for instance, to articulate what we call "progressive legal thought" without the energy aesthetic and its images of energy, motion, and change. Similarly, it would be difficult to articulate multiculturalism or identity-politics without perspectivism. And similarly, it would be difficult to articulate conservatism without at some point relying on the notion of status quo and some notion of the grid. Not only do political tendencies depend upon aesthetic commitments, but arguably, it is also an intrinsic aspect of a political tendency (progressive change, multiculturalism, conservatism, etc.) to assert and affirm its own aesthetic. To put it yet another way, none of the political tendencies mentioned above are indifferent to aesthetics. **To be a conservative or a progressive is not just to take certain "substantive" positions, but to be committed to a particular aesthetic of social and political life.** At the same time, a political tendency is often obliged to play on someone else's aesthetic turf. Sometimes, even the insistent assertion of one's own aesthetic will encounter resistance, perhaps fatal resistance. Recall the failed attempts of the Supreme Court at the turn of the twentieth century to limit Congress's commerce power by drawing a grid-like distinction between commerce, on the one hand, and manufacturing, mining, and agriculture, on the other. [n222](http://www.lexisnexis.com.proxy.lib.umich.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1285963865432&returnToKey=20_T10249922497&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.350160.1565320562#n222) Or recall the "all deliberate speed" and "prompt start" formulae of Brown II, [n223](http://www.lexisnexis.com.proxy.lib.umich.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1285963865432&returnToKey=20_T10249922497&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.350160.1565320562#n223) which despite the invocation of an energy aesthetic, failed to summon the energy [\*1111] necessary to overcome the inertia of well-entrenched, architecturally inscribed dual school systems. [n224](http://www.lexisnexis.com.proxy.lib.umich.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1285963865432&returnToKey=20_T10249922497&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.350160.1565320562#n224) Another reason that a political tendency cannot simply be yoked to a particular aesthetic is that there are political objectives that each political tendency will strive to reach (the energy aesthetic), certain positions it cannot surrender (the grid aesthetic), contextual considerations that must be accommodated (the perspectivist aesthetic), and things that must be fudged because they cannot be stabilized (the dissociative aesthetic). [n225](http://www.lexisnexis.com.proxy.lib.umich.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1285963865432&returnToKey=20_T10249922497&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.350160.1565320562#n225) All of this is to say that despite its own irreducible aesthetic, each political tendency is also driven by its "substantive commitments." And in service of those commitments, any political tendency will at times opportunistically compromise or even jettison its own aesthetic. Arguably, **within any political tendency there are trade-offs, conscious or not, between form and substance, aesthetics and politics**. Viewed from the dissociative aesthetic, this very point is suspect. Indeed, it is not clear at all that politics and aesthetics are sufficiently well differentiated either conceptually or as social formations to allow us to speak cogently of a "trade-off." The relation of form and substance only arises as a political problem once form has been somehow differentiated from substance. [n226](http://www.lexisnexis.com.proxy.lib.umich.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1285963865432&returnToKey=20_T10249922497&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.350160.1565320562#n226) The felt need as well as the attempt to link form to substance and law to politics depends upon a prior separation of the two. Simply to presume an unproblematic separation is to eclipse an important point about politics and power: if law is an aesthetic construct, then **the moment at which an aesthetic is** asserted or **deployed is a** **moment of power**. [n227](http://www.lexisnexis.com.proxy.lib.umich.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1285963865432&returnToKey=20_T10249922497&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.350160.1565320562#n227) This is the point at which someone affirms a certain distinction - the grid - or asserts a normative goal - energy. The dissociative aesthetic enables us to step back and look askance: Why picture [\*1112] the situation in terms of a distinction, or a goal, at all? Why are these positions helpful or even possible? B. On Being Taken in There are, of course, **rhetorical uses of the aesthetics**. To the extent that these aesthetics are recognizable forms in law or legal thought, it becomes possible to characterize positions, arguments, and views as instances of this or that aesthetic. In other words, **a "substantive position**" **can be characterized/distorted**, for instance, **as** energy-like and then be criticized in terms of the vices characteristic of the energy **aesthetic**. Such rhetorical efforts can work precisely because we are accustomed to seeing law, legal arguments, theories, and the like in terms of these aesthetics. **Consciously or not, we will read "substantive positions" in terms of these aesthetics**. To the extent that **legal professionals** are unaware of the aesthetics of law, they **can be induced or seduced into accepting political or moral conclusions that they would not otherwise accept**. A wonderful example is provided by a typical reaction to the opinions in Griswold v. Connecticut.[n228](http://www.lexisnexis.com.proxy.lib.umich.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1285963865432&returnToKey=20_T10249922497&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.350160.1565320562#n228) Typically, law students want to find the "uncommonly silly law" [n229](http://www.lexisnexis.com.proxy.lib.umich.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1285963865432&returnToKey=20_T10249922497&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.350160.1565320562#n229) banning the sale of contraceptives unconstitutional. They also wish to recognize a constitutional right of privacy. Nonetheless, they experience Justice Stewart's dissent, which denies the existence of a constitutional right of privacy, as a solid and compelling argument. Justice Stewart writes: As to the First, Third, Fourth, and Fifth Amendments, I can find nothing in any of them to invalidate this Connecticut law ... . ... . What provision ... then, does make this state law invalid? The Court says it is the right of privacy "created by several fundamental constitutional guarantees." With all deference, I can find no such general right of privacy in the Bill of Rights, in any other part of the Constitution, or in any case ever before decided by this Court. [n230](http://www.lexisnexis.com.proxy.lib.umich.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1285963865432&returnToKey=20_T10249922497&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.350160.1565320562#n230) Why is this argument compelling? In particular, why does it seem compelling to legal professionals, including possibly Justice Stewart himself, who wanted to find this "uncommonly silly law" unconstitutional? By way of answer, notice the aesthetic representation of the Constitution in Justice Stewart's dissent. Justice Stewart repeatedly divides "The Constitution" into discrete parts: discrete provisions, distinct constitutional amendments, separate cases. He invokes and evokes the [\*1113] grid. If Justice Stewart's argument seems compelling, it is because he has pictured the Constitution as an inert thing subdivided into "parts" and "provisions," none of which contain the words "right of privacy." Correspondingly, Justice Stewart exemplifies the image of the ideal grid judge. The boundaries of the law have already been set. The grid is in place, and the question is: can a judge find a right of privacy anywhere within the boundaries of any part of the Constitution? No. Look in any part of the Constitution. It's just not there. So if Justice Stewart's ultimate conclusion seems convincing, it is largely because his grid-like depiction of the Constitution is compelling. Justice Stewart's Constitution and his argument are clear, fixed, static, and solid. His opinion has the sobriety of law. By contrast, Justice Douglas's opinion for the Court reads more like an amateur exercise in metaphysical poetry than law. Justice Douglas's Constitution is in motion. Indeed, it is so much in motion that its trajectories can seem somewhat confusing. According to Justice Douglas, the specific guarantees of the Bill of Rights yield certain "emanations"; these in turn form "penumbras." [n231](http://www.lexisnexis.com.proxy.lib.umich.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1285963865432&returnToKey=20_T10249922497&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.350160.1565320562#n231) In this case, those penumbras "create" (a word used repeatedly by Justice Douglas) a "zone of privacy." [n232](http://www.lexisnexis.com.proxy.lib.umich.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1285963865432&returnToKey=20_T10249922497&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.350160.1565320562#n232) His opinion evokes motion, expansion, sweep, light, and shadow. One will recognize the energy aesthetic at work. Justice Douglas's Constitution is energized: it moves; it does actual work. Strikingly though, his argument seems unpersuasive. The reason is simple: it looks like all the reasoning is being done by a patchwork of images and metaphors. The reader almost cannot fail to recognize that Justice Douglas's images are doing all the work (and that these images seem contrived). This contrasts sharply with Justice Stewart's opinion, in which the aesthetic remains hidden. It is hard to be taken in by an aesthetic when someone throws it in your face, which is precisely what Justice Douglas does. Notice, however, that once the aesthetics are revealed, Justice Stewart's image of the Constitution as a collection of parts organized in an inert grid is no more obviously compelling than Justice Douglas's view of the Constitution as extending the protection of rights. In fact, once we cast Justice Douglas's hyperboles aside, what he does for constitutional rights in Griswold is not very different from what Chief Justice Marshall did somewhat more elegantly for the powers of Congress in M'Culloch v. Maryland. [n233](http://www.lexisnexis.com.proxy.lib.umich.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1285963865432&returnToKey=20_T10249922497&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.350160.1565320562#n233) [\*1114] The point is that one can be taken in by the aesthetics of law. A position that may seem inexorable, or compelling, may upon reflection turn out to be an effect of operating or thinking within a particular aesthetic - **one that is itself neither necessary nor particularly appealing**. In Griswold, for instance, once one recognizes Justice Stewart's deployment of a grid-like aesthetic, his opinion loses much of its rhetorical power. [n234](http://www.lexisnexis.com.proxy.lib.umich.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1285963865432&returnToKey=20_T10249922497&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.350160.1565320562#n234)Legal professionals can be taken in by aesthetic images for the simple reason that the aesthetics are taken to be the articulation of law itself. And one ends up, as often as not, working within an aesthetic that is not at all hospitable to one's own political or ethical views. The reverse, of course, is also true: one is sometimes taken in by a political or ethical view that is not at all conducive to one's own aesthetics.

# 2AC

### AT T

#### 2.) Group the dialogue arguments—their attempt to create a space for dialogical communion effaces the multiplicity of identities within debate—our radical dissent is a form of reinscribing the terms of communication which is a precondition to true deliberative democracy

**Livingston 12**—Assistant prof of Government @ Cornell [**purple=slow**]

(Alexander, “Avoiding Deliberative Democracy? Micropolitics, Manipulation, and the Public Sphere”, Philosophy & Rhetoric, Vol. 45, No. 3 (2012), pp. 269-294, dml)

It is important here to stress what a critical theory of deliberative democracy is not.16 It is not the gentlemanly sport of cool, calm, and dispassionate exchange of impartial reasons. It does not depend on the knockdown force of the better argument in a single-round, one-on-one, face-to-face bout of verbal jousting. It is not the reduction of *political debate to a matter of logical demonstration. And it is not a clinical exer- cise wherein citizens are* extracted from their concrete political world and placed in an artificially domination-free space of the ideal speech situa- tion or deliberative focus group**.** All of these proposals, not to mention others, have been put forward in one form or another under the banner of deliberative democracy.17 If theories of deliberative democracy were limited to these options, Connolly would be right to charge them with an intel- lectualism that ignores the vagaries of lived political praxis. However, a critical theory of deliberative democracy provides both an alternative to this deliberative intellectualism as well as to Connolly’s democratic deficit. The key to this alternative approach to democracy overlooked by both Connolly and these intellectualist theories of deliberation is the complex institution of the public sphere. The public sphere is the decentered network of voluntary associations and media channels that crisscross civil society. It has no center or hub it radiates out of. Rather it is a rhizome in Deleuze and Guattari’s sense of the term: a multiplicity of lively points and intersections that hang together that lacks organization and is not subject to central control. Philippe Mengue makes just this point about the nature of the public sphere when he criticizes Deleuze and Guattari’s antipathy toward the idea of politics as the expression and contestation of public reasons. The public sphere, as he rightly notes, is precisely the kind of deterritorialized plane where movement and becoming can occur.18 Deliberative democracy is a model of democracy that explains how ideas circulate in such a public sphere; that is, how they bump into other ideas, transform them, and become transformed themselves in turn. Key to a critical theory of deliberative democracy is the claim that the exchange of reasons within this rhizomatic public sphere is what Jürgen Habermas calls “subjectless” (1996, 299). A public sphere is always more than the prudential exchange of reasons between two parties, but it is also always less than a self-reflection of a macrosubject capable of action. Rather, it is a complex mediating institution that allows ideas and reasons to become public—that is, it circulates and distributes reasons and ideas beyond the bounds of local conversations, turning them into resources to be drawn on, tested, and sometimes rejected in more local exercises of reason giving. Crucially, the reasons that do all this circulating in the public sphere must be understood in an expansive sense. At the level of democratic the- ory, no one form of discourse has a monopoly on what counts as a reason. Deliberative democracy recognizes diverse forms of communication as reason giving, including storytelling, rhetoric, and greeting. Each has a place in a deliberative politics insofar as it is capable of drawing a connec- tion between a particular claim or experience and a more general and acces- sible norm (Young 2000, 52–80; Dryzek 2000, 57–80). A public reason is always a reason for doing or avoiding doing something. First-person stories like those W. E. B. Du Bois tells in The Souls of Black Folk are vivid depic- tions of the experience of racial oppression, but they function as reasons to a nonblack audience insofar as they aim to open the eyes of white America to the complacency of its commitments to liberty and equality. A public sphere is a site where these sorts of reasons are articulated and take on broader and richer meanings, as they are received by an indefinite audience of strangers.19 The informal and diffuse network of information that spans from labor meetings to church groups to book clubs to blogs to newspapers to PTA meetings and to dissident groups carries our reasons across multiple testing sites where they are subject to uptake, rejection, or transformation, only to be recirculated again. This public exchange of reasons has the important epistemic function of improving the quality of the reasons we use to justify our interests and decisions, but the more crucial function is its critical one. The articulation and contestation of reasons in the public sphere is a motor for self-reflection. It is this function, the self-critical and self-reflection function of exposure to diverse and impersonal reasons in a public sphere, that deliberative democracy values. While the media-saturated public sphere trades in low-involvement advertising and affective manipulation, it also and more importantly can be a means of provoking us to reflect on our received identities and interests.20 These epistemic and critical functions of the public sphere come together to provide a democratic resource for inciting self- and collective transformation in novel and potentially eman- cipatory ways. Seen as a molecular interplay of constantly flowing, shifting, and transforming reasons and self-understandings that provokes new and creative (but reflective) becomings that help us cope with the challenges of political community, the circulation of ordinary talk in the public sphere is Deleuzian. The public sphere is an example of micropolitics par excellence. Once we introduce this institution of the public sphere into the discus- sion, we avail ourselves of a democratic alternative to Connolly’s politics of “cultural-corporeal infusion.” The task of generating resonance for a leftist politics can be divorced from the idea of manipulating visceral responses in favor of a politics that experiments with how reasons resonate in the public sphere, that is, with how they might function to provoke self-reflection. Reasons resonate when they make some claim on the moral and concep- tual imaginary of their audience. That is to say, their resonance is not a feature of their logical structure but rather of the receptivity of the audience to them. A reason resonates when its audience considers it what William James called a “live” hypothesis, “one which appeals as a real possibility to him to whom it is proposed” (1967, 717). Making reasons resonate, however, is the task of activists and social movements who introduce new concerns to the public sphere and rede- scribe acceptable existing practices as oppressive and harmful. To this end, an egalitarian and inclusive public sphere requires the insurgent work of its voluntary associations in the form of “deliberative enclaves” (Mansbridge 1999) or “counterpublics” (Fraser 1992) where dissidents, interests groups, social movements, and the oppressed experiment with novel discourses and redescriptions of the status quo to introduce into the public sphere’s circu- lation. When these experiments in consciousness-raising are successful, as with the feminist movement’s introduction of “date rape,” the queer move- ment’s turn away from civil unions in favor or “gay marriage” and Stephen Colbert’s introduction of “truthiness” into the American political lexicon, the terms of resonance in the public sphere change. Coining terms like “gay marriage” is not the same thing as institutionalizing it, but it does have the effect of redefining the terms of public debate around a now resonant expe- rience of exclusion that had hitherto been simply invisible or erroneously seen as harmless. To put this in the language of Deleuze, deliberative redescription can function as a war machine. The experimenting with resonating reasons in a public on the part of activists is an exercise in “plugging in” a resonance machine into the public sphere. The transformative power of the resonance machine, understood as an inventive redescription of our received practices, has the power to transform the way citizens see their shared world, their own interests, and the suffering of others. The work of counterpublics is to “smooth” the striated space of public political culture so as to displace old prejudices and allow new identities and claims to flourish.

### AT K

#### Perm solves – adding aesthetics to the alt is the only way to solve. Aff is a necessary precursor to the neg

Siebers 10 is the V. L. Parrington Collegiate Professor of Literary and Cultural Criticism at the University of Michigan. [Tobin, Disability Aesthetics, https://www.press.umich.edu/pdf/9780472071005-ch1.pdf]

Disability aesthetics prizes physical and mental difference as a sig­nificant value in itself. It does not embrace an aesthetic taste that defines harmony, bodily integrity, and health as standard. of beauty. Nor does it support the aversion to disability required by traditional conceptions of human or social perfection. Rather, it drives forward the appreciation of disability found throughout modern art by raising an objection to aes­ thetic standards a nd tastes that exclude ·people with disabilities. Modern art comes over time to be identified with disability,and to the point where the appearance of the disabled or wounded body signals the presence of the aesthetic itself. No object beyond the figure of disability has a greater capacity to be accepted at the present moment as an aesthetic representa tion. Disability is not, therefore, one subject of art among others. lt is not merely a theme. It is not only a personal or autobiographical response embedded in an artwork. It is not solely a political act. It is all of these things, but it is more. It is more because disability is properly speaking¶ an aesthetic value, which is to say, it participates in a system of know). edge that provides materials for and increases critical consciousness about the way that some bodies make other bodies feel. The idea of disability aesthetics affirms that disability operates both as a critical framework for questioning aesthetic presuppositions in the history of art and as a value in its own right important to future conceptions of what art is. It is only right, then, that we refer, when we acknowledge the role played by disabil­ity in modern art, to the idea of disability aesthetics.

#### Regardless of the beneficial movement politics attached to their speech act the attempt to prioritize their own bodies through negation is deeply solipsistic . If you don't have a clear idea of what saying no the aff means you should use the permutation as a concrete challenge to the canonization of aesthetic hierarchies. Identifying with the 1AC as a symbolic action to promote humane social orders is a reason to vote aff that should frame your ballot

**Taylor, '98** [Clyde R. Taylor, film scholar and literary/cultural essayist, is Professor at the Gallatin School and in Africana Studies, New York University. His publications include Vietnam and Black America and the script for Midnight Ramble, a documentary about early Black independent cinema.“The Mask of Art—breaking the aesthetic contract”]

No form of discursive irony is more important to this analytical frame­work than radical resistance. Without radical resistance, there would be no return of the repressed, no challenge to the canon, or the curriculum, no serious interruption to the monologue of European narcissism—no crisis of knowledge. For all the value of the Aesopian voice, its subtleties, complexities, and relative openness to multiple points of view, that voice might ring with an unsettling hollowness, suggestive of abnegation, lack­ing the presence of another voice and perspective in the neighborhood, less tentative, more promising of a full and complete humanity existing apart from the authorized possibilities and determined to fight for its pre­rogatives. Without doubt, the insinuations of resistance form part of the ex­change among the rivals and competitors for Power, and between Power and its victims, even when those insinuations go unvoiced. Power, para­doxically, longs to hear its rebuttal from its victims, and spends idle mo­ments of reverie elaborately imagining them. **But it is the terrible genius of radical resistance, when it finally breaks into speech, that it is full of unwanted surprises, carrying a menace not really anticipated in the day­dreams of confrontation and debate entertained by the powerful.** Far from what is often imagined, **radical resistance is much more com­plicated than just saying "no" to repression**. Radical resistance comprises the highest consciousness of the politics of representation standing out­side the privileged circle of expression. **The goal of radical resistance must be to find effective forms of symbolic action promoting a more hu­mane social order**. **This may be very different from hurling inflammatory language** at the Palace walls. **The rhetoric or resentment sometimes in­cludes the simplistic reversal of the law of the authorities**, **or worse, the mere exchange of identities between oppressor and oppressed, without any reduction in the universe of abuse**. "To turn their evil backwards isto live," was one anagramatic formulation of this impulse.' But of course such a "radical" strategy ends by replicating the influence of the center, co-signing its alienations. Radical resistance carries its own internal contradictions—confusing gestures reaching toward liberation but hampered by the fears and psy­chic burdens that distort the movement toward a more positive social or­der. Gross hyperbole often arises out of a fear of reproducing in oneself the blindness of Cyclopism or the moral ambiguities of Weak Aesopian-ism. That same fear may also lead to muzzling the name of the colonizer, as though that name, like a ghost, will haunt and control one's own thinking. **Equally limiting is the politics of** *ressentirnent,* of spite, the dim politics of emotional venting, blind **rage**, or fantasies of extravagant, hos­tile conspiracies, **or competitions in excess verbiage rampant among the alienated.** **Beyond these simplistic reflex gestures and their momentary narcissis­tic satisfactions**, radical resistance includes the understanding that what must be resisted, as well as offensive portrayals, is a regime of represen­tation that has been centuries in the making. The logic of the present cri­sis demands a particular self-consciousness about its immanence, an awareness of its particular secret, which the dominant order wishes to keep hidden—that the future of that order is not guaranteed. That logic also insists on a double vision regarding representations, viewing them in terms of their specific historical moment, but at the same time as they function within a large-scale historical framework. Within this logic, **the alerted reader will** **never allow herself to accept the idea that a discussion about racial representation** in the Uncle Remus tales, for instance, or Charlie Chan, the Richard Pryor movie *The Toy,* or *The Emperor Jones, Imi­tation of Life, The Birth of a Nation, Amos 'n Andy, The Adventures of Huckle­berry Finn,* a racialized item on the eleven o'clock news, racist Disney films like *Jungle Book* or *Aladdin,* or the liberal lesbian movie, *Fried Green Tomatoes****,* is an isolated moment and not a fragment of a discursive se­quence intimately related to the foundation of modern slavery and high colonialism** **as they flourished in the nineteenth century** and the ration­ales for these systems laid down in the European Enlightenment of the eighteenth century. The ironies of discourse set up a situation where knowledge is being continually recoded—where one narrative is continually challenged by a counternarrative. But this inescapable fact of language is given a new ur­gency in our present historical period. Received wisdom has come under assault since the 195os on a scale unlike anything since the Euro-enlight‑enment. The present crisis of knowledge has sharpened these ironies into the needling debates of countless culture wars. Broadly speaking, the battle rages between dominant, old knowledge and resistant, new perspectives. (The usual provisos need be entered here: dominant knowl­edge is not monolithic; it is always contested from within as well as from without; and despite labels such as PC, new perspectives are also not monolithic.) At the heart of our contemporary search for reliable ways of knowing lies the fact that the systems of knowledge sponsored by the l'alace have been used in monumental lies about those outside its con­fines, and those who have been lied to and lied about have abruptly made themselves heard through withering critiques. Since World War II a bat­tery of contradictions loom before monological Euro-centered knowl­edge, accelerating toward a showdown. Indeed, the Japanese nationalism of World War II was as much a violent resistance to Western domination as was the non-violent anti-colonial movement of Ghandianism that be­gan long before that Great War. The history of global cultural resistance has yet to be written. But that resistance has grown in form and substance to give Monopolated Light and Power an unwanted, shadowy double; **wherever we encounter domi­nant, centered Western ideology, we are now aware that there is**, some­where in the immediate environment, **another story waiting to be told**. One sure sign of this doubling of discourse is the proliferation of brilliant cultural alternatives, flaunting their pagan difference from authorized "civilized" mores: the spirituals, the blues, the calinda, rumba, folktales, ragtime, *cinema nuovo,* jazz, rhythm and blues, bossa nova, Soul, reggae, highlife, zouk, hip hop. The intent of the many alternative narratives that now contest the au­thorized version is to revise or recode its interpretations of reality. Our father, who art in heaven The white man owe me eleven and give me seven; Thy kingdom come, they will be done, If I hadn't took that I wouldn't got none.' This ditty from enslaved Africans in the United States parodies the bib­lical "Lord's Prayer" not merely to interrogate Christianity and the West­ern claim to authority over Christian knowledge, but also as rebuttal to Christian apologies for slavery. It insinuates a hidden knowledge, based in material, economic experience as opposed to the idealistic rationales of "civilized" discourse. If the delicate, modest poems of Phillis Wheatley, the African-born slave girl who became a gifted protegee of a New En‑gland family and author of chiseled neo-classical verse, give us an early example of Weak Aesopianism, this slave song exemplifies an early in­stance of radical resistance to authorized truth.

#### Embracing ugliness comes ontologically prior to the 1NC

Zizek 1996 (Slavoj, “From desire to drive: Why Lacan is not Lacanian**”** http://zizek.livejournal.com/2266.html)

The Lacanian name for this "regulation of madness" is the symbolization of the real by means of which the formless, "ugly," real is (trans)formed into reality. Contrary to the standard idealist argument which conceives ugliness as the defective mode of beauty, as its distortion, one should assert the ontological primacy of ugliness: it is beauty which is a kind of defense against the Ugly in its repulsive existence or, rather, existence tout court, since, as we shall see, what is ugly is ultimately the brutal fact of existence (of the real) as such [4]. The ugly object is an object which is in the wrong place, which "shouldn't be there." This does not mean simply that the ugly object is no longer ugly the moment that we relocate it to its proper place; the point is rather that an ugly object is "in itself" out of place, on account of the distorted balance between its "representation" (the symbolic features we perceive) and "existence" - ugly, out of place, is the excess of existence over representation. Ugliness is thus a topological category; it designates an object which is in a way "larger than itself,"

whose existence is larger than its representation. The ontological presupposition of ugliness is therefore a gap between an object and the space it occupies, or - to make the same point in a different way - between the outside (surface) of an object (captured by its representation) and its inside (formless stuff). In the case of beauty, we have a perfect isomorphism in both respects, while in the case of ugliness, the inside of an object somehow is (appears) larger than the outside of its surface-representation (like the uncanny buildings in Kafka's novels which, once we enter them, appear much more voluminous than what they seemed when viewed from the outside). Another way to put it is to say that what makes an object "out of place" is that it is too close to me, like the Statue of Liberty in Hitchcock's Foreign Correspondent: seen from the extreme proximity, it loses its dignity and acquires disgusting, obscene features. In courtly love, the figure of die Frau-Welt obeys the same logic: she appears beautiful from the proper distance, but the moment the poet or the knight serving her approaches her too closely (or when she asks him to come close to her so that she can repay him for his faithful service), she turns her other, reverse side to him, and what was previously the semblance of a fascinating beauty, is suddenly revealed as putrefied flesh, crawling with snakes and worms, the disgusting substance of life, as in the films of David Lynch, where an object turns into the disgusting substance of Life as soon as the camera gets too close to it. The gap that separates beauty from ugliness is thus the very gap that separates reality from the Real: the kernel of reality is horror, horror of the Real, and that which constitutes reality is the minimum of idealization which the subject needs in order to be able to sustain the Real. Another way to make the same point is to define ugliness as the excess of stuff which penetrates through the pores in the surface, from science-fiction aliens whose liquid materiality overwhelms their surfaces (see the evil alien in Terminator 2 or, of course, the alien from Alien itself), to the films of David Lynch (especially Dune), in which the raw flesh beneath the surface constantly threatens to emerge on the surface. In our standard phenomenological attitude towards the body of another person, we conceive the surface (of a face, for example) as directly expressing the "soul" - we suspend the knowledge of what actually exists beneath the skin surface (glands, flesh...). The shock of ugliness occurs when the surface is actually cut, opened up, so that the direct insight into the actual depth of the skinless flesh dispels the spiritual, immaterial, pseudo-depth. In the case of beauty, the outside of a thing - its surface - encloses and overcoats its interior, whereas in the case of ugliness, this proportionality is perturbed by the excess of the interior stuff which threatens to overwhelm and engulf the subject. This opens up the space for the opposite excess, that of something which is not there and should be, like the missing nose which makes the "phantom of the opera" so ugly. Here, we have the case of a lack which also functions as an excess, the excess of a ghostly, spectral materiality in search of a "proper," "real" body. Ghosts and vampires are shadowy forms in desperate search for the life-substance (blood) in us, actually existing humans. The excess of stuff is thus strictly correlative to the excess of spectral form: Deleuze has already pointed out how the "place without an object" is sustained by an "object lacking its proper place" - it is not possible for the two lacks to cancel each other. What we have here are the two aspects of the real, existence without properties and an object with properties without existence. Suffice it to recall the well-known scene from Terry Gilliam's Brasil, in which the waiter in a high-class restaurant recommends the best offers from the daily menu to his customers ("Today, our tournedos is really special!" etc.), yet, what the customers are given on making their choice is a dazzling color photo of the meal on a stand above the plate, and, on the plate itself, a loathsome excremental paste-like lump: this split between the image of the food and the real of its formless, excremental remainder perfectly exemplifies the two modes of ugliness, the ghost-like substanceless appearance ("representation without existence") and the raw stuff of the real ("existence without appearance"). One should not underestimate the weight of this gap, which separates the "ugly" Real from the fully-formed objects in "reality:" Lacan's fundamental thesis is that a minimum of "idealization," of the interposition of a fantasmatic frame by means of which the subject assumes a distance from the Real, is constitutive of our "sense of reality" - "reality" occurs insofar as it is not (it does