### Framework

#### Focus on materialism comes before metaphysical theorization

Curry 14 (Tommy J, Associate Professor of Philosophy @ the University of Texas A&M, “The Cost of a Thing: A Kingian Reformulation of a Living Wage Argument in the 21st Century,” 2014, <http://www.academia.edu/9798210/The_Cost_of_a_Thing_A_Kingian_Reformulation_of_a_Living_Wage_Argument_in_the_21st_Century//utd-va>)

**Whereas the 20th century saw radical shifts in** racial, sexual, and a range of **competing economic theories**, from Communism to capitalism and the dawn of globalization/interdependence/imperialism, today we see the solidification of economic classes defined in the United States not only by poverty or education, but most significantly along fissures of race and national origin. This modernization has made the economic modalities more rigid and less varying in its substance, not more dynamic or fluid. **Many raced individuals** remain locked **into the conditions of previous generations despite the claims of mobility**, while even poor whites remain alienated but clueless to the lessening worth of their racial claims to superiority given the organization of American society. To some it is just enough to be above Blacks, and a white citizen who is not an immigrant; the failing social conditions however are making the segregationist divisions harder and harder to sustain. This hierarchy rests upon class divisions used to determine the availability of property and profit as well as the historical denial of work and the devaluing of bodies by wage which continues in our present day. The current market view of wages, however, remains naïve and dangerous in its denial of the role that ideology and power play in determining which workers can subsist. A living wage however paradigmatically addresses this concrete disparity, because it believes that work should be an instrument of production towards the sustainability of a society politically, economically, and morally, and that the worker in being the corporeal medium of this potential must have not only the minimum for surviving in a modern society, but enough to flourish within the society. The living wage seeks to address the negation of persons within the varying matrices of oppression sustained and propagating the vulnerability of raced, sexed, and poor people(s) by eliminating their distance from the services and institutions which are the defining aspects of America’s democratic society. By attempting to address the socio-economic conditions that perpetuate exclusion and allowing groups historically made invisible by poverty, disease, and voicelessness access to the institutions which amplify their voice and mobilize dissent, the living wage allows oppressed groups of people the ability to address their ills politically without remaining tied to the ontological categories used to enforce racism (i.e: criminals, lazy, savage, uncivilized, thugs, rapists, etc.) and invisibility. In short, the living wage dispels the sociological conditions used to confine the humanity of the oppressed, opening the field of politics so that the confrontation and negation of racialized, indigenous, and immigrant peoples remains clear and demythologized in the public view; an illumination between the people and the conditions the people were confined to within American empire. Perhaps such a simple amelioration is much too complex for the subtleties of debate. Despite the pronouncement of debate as an activity and intellectual exercise pointing to the real world consequences of dialogue, thinking, and (personal) politics when addressing issues of racism, sexism, economic disparity, global conflicts, and death, many of the discussions concerning these ongoing challenges to humanity are fixed to a paradigm which sees the adjudication of material disparities and sociological realities as the conquest of one ideal theory over the other. In “Ideal Theory as Ideology,” Charles Mills outlines the problem contemporary theoretical-performance styles in policy debate and value-weighing in Lincoln-Douglass are confronted with in their attempts to get at the concrete problems in our societies. At the outset, Mills concedes that “ideal theory applies to moral theory as a whole (at least to normative ethics as against metaethics); [s]ince ethics deals by definition with normative/prescriptive/evaluative issues, [it is set] against factual/descriptive issues.” At the most general level, the conceptual chasm between what emerges as actual problems in the world (e.g.: racism, sexism, poverty, disease, etc.) and how we frame such problems theoretically—the assumptions and shared ideologies we depend upon for our problems to be heard and accepted as a worthy “problem” by an audience—is the most obvious call for an anti-ethical paradigm, since such a paradigm insists on the actual as the basis of what can be considered normatively. Mills, however, describes this chasm as a problem of an ideal-as-descriptive model which argues that for any actual-empirical-observable social phenomenon (P), an ideal of (P) is necessarily a representation of that phenomenon. In the idealization of a social phenomenon (P), one “necessarily has to abstract away from certain features” of (P) that is observed before abstraction occurs. This gap between what is actual (in the world), and what is represented by theories and politics of debaters proposed in rounds threatens any real discussions about the concrete nature of oppression and the racist economic structures which necessitate tangible policies and reorienting changes in our value orientations. As Mills states: “What distinguishes ideal theory is the reliance on idealization to the exclusion, or at least marginalization, of the actual,” so what we are seeking to resolve on the basis of “thought” is in fact incomplete, incorrect, or ultimately irrelevant to the actual problems which our “theories” seek to address. Our attempts to situate social disparity cannot simply appeal to the ontologization of social phenomenon—meaning we cannot suggest that the various complexities of social problems (which are constantly emerging and undisclosed beyond the effects we observe) are totalizable by any one set of theories within an ideological frame be it our most cherished notions of Afro-pessimism, feminism, Marxism, or the like. At best, theoretical endorsements make us aware of sets of actions to address ever developing problems in our empirical world, but even this awareness does not command us to only do X, but rather do X and the other ideas which compliment the material conditions addressed by the action X. As a whole, debate (policy and LD) neglects the need to do X in order to remedy our cast-away-ness among our ideological tendencies and politics. How then do we pull ourselves from this seeming ir-recoverability of thought in general and in our endorsement of socially actualizable values like that of the living wage? It is my position that Dr. Martin Luther King Jr.’s thinking about the need for a living wage was a unique, and remains an underappreciated, resource in our attempts to impose value reorientation (be it through critique or normative gestures) upon the actual world. In other words, King aims to reformulate the values which deny the legitimacy of the living wage, and those values predicated on the flawed views of the worker, Blacks, and the colonized (dignity, justice, fairness, rights, etc.) used to currently justify the living wages in under our contemporary moral parameters.

#### Critiquing metaphysical concepts and subjectivity doesn’t alter political realities---institutional engagement key

Z Al-Mwajeh 5, Indiana University of Pennsylvania The School of Graduate Studies and Research Department of English, CRITIQUE OF POSTMODERN ETHICS OF ALTERITY VERSUS EMBODIED (MUSLIM) OTHERS, https://dspace.iup.edu/bitstream/handle/2069/23/Ziad%20Al-Mwajeh.pdf?sequence=1

However, alterity-oriented postmodernism can be described as idealistic in a Platonic sense. Plato’s “Myth of the Cave” enacts a dialectical ascension or progress toward an ideal republic governed by reason. Plato’s world of matter is preceded and to some extent controlled by the world of ideas, or by the Logos. Postmodern alterity seems to submit to the Platonic idea-matter dialectics. Thus, the postmodernists critique metaphysical, linguistic, or symbolic superstructural systems as if fixing the idea translates into fixing praxis. One implicit assumption is that knowledge translates into ethics. In other words, it seems that postmodernists do not only consider man ‘good,’ but also assume that the moment one is enlightened about the good, he/she will automatically choose it by virtue of its being good. I am not particularly opposed to such idealism. On the contrary, the problem with such idealism is that it underestimates political and economic contexts, pressures, motivations, and even the desire for power regardless of the consequences, sometimes. Postmodern thought does not problematize the passage from metaphysics or the moment of knowledge into action. It seems that the moment we know that our metaphysical or epistemological foundations are other-unfriendly automatically translates into abandoning those ways in favor of more just arrangements such as alterity ethics. Thus, postmodernists retain Platonic residues whenever they assume that self-other enduring conflicts are primarily caused by ideational or metaphysical systems. They, too, become idealists whenever they do not problematize the assumption that the world of ideas precedes the world of matter—almost in a causal manner—or whenever they assume their automatic translatability as if fixing the philosophical or epistemological system would automatically fix the institutions and practices that stem from them. 3In other words, postmodern thinking remains ‘abstract’ and ‘idealized’ by assuming that correcting metaphysical wrongs will guarantee a better world in the realm of matter, or that the realm of matter can be corrected at the realm of ideas. Moreover, we usually equate utopian thinking with wishful, yet “impractical,” proposals. Sometimes, however, postmodernism suggests a dystopia, whenever it is associated with the loss of a community based on justice and satisfaction.4 Such loss is usually attributed to different factors such as technological, capitalist-consumerist developments (Jameson; Baudrillard; Guy Debord). Conservative critics also voice their dissatisfaction with any ‘identity-politics’ postmodernism that compromises academic protocols and research methods by replacing them with personal, experiential, racial, gendered, and any other minority distinctive constituency. That is, it is no longer a question of whether what one says submits to academic and logical standards of conviction and verification as much as it is a matter of “who” says it that makes the difference (Jeffery Wallen’s Closed Encounters highlights such issues). Even minority and non-conservative critics such as Rey Chow sound uneasy toward making race, gender, and sexual orientation a priori authoritative positions. In Ethics after Idealism, she shows that the desire to do justice to minority voices can be abused by both parties, mainstream and minority subjects. I think what she is uneasy about is postmodern performativity. Minority and mainstream, although they have valuable and referential descriptive values, can be performed and played out. In academia, being a female or coming from a previously colonized region invests the person with powers and rights, sometimes at the expense of critical and academic norms.5

#### Violence is proximately caused – root cause logic is poor scholarship

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(Matthew and Geoff, Žižek and Politics: An Introduction, p. 231 – 233)

We realise that this argument, which we propose as a new ‘quilting’ framework to explain Žižek’s theoretical oscillations and political prescriptions, raises some large issues of its own. While this is not the place to further that discussion, we think its analytic force leads into a much wider critique of ‘Theory’ in parts of the latertwentieth- century academy, which emerged following the ‘cultural turn’ of the 1960s and 1970s in the wake of the collapse of Marxism. Žižek’s paradigm to try to generate all his theory of culture, subjectivity, ideology, politics and religion is psychoanalysis. But a similar criticism would apply, for instance, to theorists who feel that the method Jacques Derrida developed for criticising philosophical texts can meaningfully supplant the methodologies of political science, philosophy, economics, sociology and so forth, when it comes to thinking about ‘the political’. Or, differently, thinkers who opt for Deleuze (or Deleuze’s and Guattari’s) Nietzschean Spinozism as a new metaphysics to explain ethics, politics, aesthetics, ontology and so forth, seem to us candidates for the same type of criticism, as a reductive passing over the empirical and analytic distinctness of the different object fields in complex societies. In truth, we feel that Theory, and the continuing line of ‘master thinkers’ who regularly appear particularly in the English- speaking world, is the last gasp of what used to be called First Philosophy. The philosopher ascends out of the city, Plato tells us, from whence she can espie the Higher Truth, which she must then bring back down to political earth. From outside the city, we can well imagine that she can see much more widely than her benighted political contemporaries. But from these philosophical heights, we can equally suspect that the ‘master thinker’ is also always in danger of passing over the salient differences and features of political life – differences only too evident to people ‘on the ground’. Political life, after all, is always a more complex affair than a bunch of ideologically duped fools staring at and enacting a wall (or ‘politically correct screen’) of ideologically produced illusions, from Plato’s timeless cave allegory to Žižek’s theory of ideology. We know that Theory largely understands itself as avowedly ‘post- metaphysical’. It aims to erect its new claims on the gravestone of First Philosophy as the West has known it. But it also tells us that people very often do not know what they do. And so it seems to us that too many of its proponents and their followers are mourners who remain in the graveyard, propping up the gravestone of Western philosophy under the sign of some totalising account of absolutely everything – enjoyment, différance, biopower . . . Perhaps the time has come, we would argue, less for one more would- be global, allpurpose existential and political Theory than for a multi- dimensional and interdisciplinary critical theory that would challenge the chaotic specialisation neoliberalism speeds up in academe, which mirrors and accelerates the splintering of the Left over the last four decades. This would mean that we would have to shun the hope that one method, one perspective, or one master thinker could single- handedly decipher all the complexity of socio- political life, the concerns of really existing social movements – which specifi cally does not mean mindlessly celebrating difference, marginalisation and multiplicity as if they could be suffi cient ends for a new politics. It would be to reopen critical theory and non- analytic philosophy to the other intellectual disciplines, most of whom today pointedly reject Theory’s legitimacy, neither reading it nor taking it seriously.

#### The standard is minimizing structural violence.

### I contend speech codes are bad

#### Speech codes on campuses have been disproportionately used against minorities

Strossen 1: Nadine Strossen [the first woman and the youngest person to ever lead the ACLU. A professor at New York Law School, Strossen sits on the Council on Foreign Relations. She has been called one of the most influential business leaders, women, or lawyers in National Law Journal and Vanity Fair] “Incitement to Hatred: Should There Be a Limit” New York Law School. 25 S. Ill. U. L. J. 243 (2000-2001). -- South Africa, Russia, Turkey, Singapore, UK (multiple examples), United States, Germany, Canada (censored a bell hooks book), British Universities, University of Michigan, University of Connecticut, Trinity College

**Consistent with the analysis of the censorship advocates themselves, the government is likely to wield this tool**, along with all others, **to the particular disadvantage of already disempowered groups. Laws censoring hate speech are inevitably enforced disproportionately against speech by and on behalf of groups who lack political power, including government critics, and even members of the very minority groups who are the laws' intended beneficiaries**. As I previously noted, **this was precisely the conclusion reached by the respected international human rights organizations, Human Rights Watch and Article 19, citing examples ranging from South Africa to the former Soviet Union.** Other illustrations abound. For example, the Turkish government has invoked its law against inciting racial hatred to bring thousands of prosecutions against Turkish writers,journalists, academicians, and scientists who have criticized the government's war against Kurdish separatists. In 1995, the Turkish government prosecuted a United States journalist accused of "inciting hatred" by writing an article on that same topic.63 Likewise, Singapore's authoritarian, long-time governing party has sued the main opposition party, the Workers' Party, for inciting racial hatred.64 Just as this article was going to press, on February 19, 2001, Britain launched a prosecution for racist abuse against a longtime anti-nuclear activist because she had dragged a United States flag on the ground during a demonstration against the controversial "Son of Star Wars" missile defense system at the United States military base in North Yorkshire, England. The prosecution charged that this action was motived by "racist hatred" of the American people and caused "harassment, alarm and distress" to United States personnel who drove out of the base during the demonstration. **These examples are consistent with a worldwide pattern throughout history**. That pattern prompted a trenchant comment from former United States Supreme Court Justice Hugo Black, dissenting from a 1952 decision that upheld a hate speech law from right here in Illinois. Fortunately, that ruling since has been implicitly overturned by later Supreme Court decisions,65 thus vindicating Justice Black's prescient dissent. That dissent warned, invoking the concept of a pyrrhic victory: "If there be minority groups who hail this holding as their victory, they might consider the possible relevancy of this ancient remark: Another such victory and I am undone." Recall the episode from Arizona State University that I described earlier, in which the African-American student leader, Rossie Turman, explained why punishing students who engaged in hate speech would have been an ineffective strategy, as well as an unprincipled one. In his words: "It would have been a momentary victory, but we would have lost the war." Consistent with the general historical pattern, **the first individuals prosecuted under the British Race Relations Act of 1965, which criminalized the incitement of racial hatred, were black power leaders.** Their overtly racist messages undoubtedly expressed legitimate anger at real discrimination, yet the statute drew no such fine lines, nor could any similar law possibly do so. **Rather than curbing speech offensive to minorities, this British law instead has been used regularly to curb the speech of blacks, trade unionists, and anti-nuclear activists.** Perhaps the ultimate irony of this law, intended to restrain the National Front, a neo-Nazi group, is that it instead has barred expression by the Anti-Nazi League. The British experience is typical. None of the anti-Semites who were responsible for arousing France against Captain Alfred Dreyfus was ever prosecuted for group libel. But Emile Zola was prosecuted for libeling the French clergy and military in his classic letter "J'Accuse," and he had to flee to England to escape punishment. Similarly, University of Michigan Law School professor Eric Stein has documented that although the German Criminal Code of 1871 punished offenses against personal honor, "The German Supreme Court... consistently refused to apply this article to insults against Jews as a group-although it gave the benefit of its protection to such groups as Germans living in Prussian provinces, large landowners, all Christian clerics, German officers, and Prussian troops who fought in Belgium and Northern France. 6 7 **Canada's recently adopted anti-hate-speech law also has led to the suppression of expression by members of minority groups**. In one of their first enforcement actions under this law, Canadian Customs officials seized 1,500 copies of a book that various Canadian universities had tried to import from the United States. What was this dangerous racist, sexist book? None other than Black Looks: Race and Representation by the African-American feminist scholar, Bell Hooks, who is a professor at Oberlin." And this incident was not an aberration. Other such perverse applications of the law were cited by the dissenting opinion in the Canadian Supreme Court decision upholding this law-by a narrow 5-4 vote-under Canada's Charter of Rights and Freedom. The dissent noted: Although [the law] is of relatively recent origin, it has provoked many questionable actions on the part of the authorities . . . . Intemperate statements about identifiable groups, particularly if they represent an unpopular viewpoint, may attract state involvement or calls for police action. Novels such as Leon Uris' pro-Zionist novel The Ha, face calls for banning. Other works, such as Salman Rushdie's Satanic Verses, are stopped at the border on the ground that they violate the law. Films may be temporarily kept out, as happened to a film entitled Nelson Mandela, ordered as an educational film by Ryerson Polytechnical Institute .... Arrests are even made for distributing pamphlets containing the words "Yankee Go Home. '69 **This general international and historic pattern also holds true in the specific, localized, context** on which you asked me to focus-namely, **on university and college campuses that enforce hate speech codes.** Again, the British experience is instructive. In 1974, in a move aimed at the National Front, the British National Union of Students (NUS) adopted a resolution that representatives of "openly racist and fascist organizations" were to be prevented from speaking on college campuses "by whatever means necessary (including disruption of the meeting)." 0 The rule had been designed in large part to stem an increase in campus anti-Semitism. But following the United Nations' cue, some British students deemed Zionism a form of racism beyond the bounds of permitted discussion, and in 1975 British students invoked the NUS resolution to disrupt speeches by Israelis and Zionists, including the Israeli ambassador to Great Britain. The intended target of the NUS resolution, the National Front, applauded this result. The NUS itself, in contrast, became disenchanted by this and other unintended consequences of its resolution and repealed it in 1977. **The British experience parallels what has happened in the United States, as evidenced by the campus hate speech codes for which enforcement information is available**.7 One such code was in effect at the **University of Michigan** from April 1988 until October 1989. Because the ACLU brought a lawsuit to challenge the code (which resulted in a ruling that the code was unconstitutional),"2 the university was forced to disclose information that otherwise would have been unavailable to the public about how it had been enforced. This **enforcement record**, while not surprising to anyone familiar with the consistent history of censorship measures, **should come as a rude awakening to any who believes that anti-hate-speech laws will protect or benefit racial minorities, women, or any other group that traditionally has suffered discrimination**. Even during the short time that the University of Michigan rule was in effect, **there were more than twenty cases of whites charging blacks with racist speech**. More importantly, there were only two instances in which the rule punished speech on the ground that it was racist-rather than conveying some other type of bias-and both involved the punishment of speech by or onbehalf of black students. Let me underscore that: 100% of **the speech punished as racist was by or on behalf of African-Americans**. Moreover, the only student who was subjected to a full-fledged disciplinary hearing under the Michigan rule was an African-American student accused of homophobic and sexist expression. In seeking clemency from the punishment that was imposed on him after this hearing, the student asserted that he had been singled out because of his race and his political views.73 **Others who were punished** at the University of Michigan **included several Jewish students accused of engaging in anti-Semitic expression** (they wrote graffiti, including a swastika, on a classroom blackboard, saying they intended it as a practical joke) and an Asian-American student accused of making an anti-black comment (his allegedly "hateful" remark was to ask why black people feel discriminated against; he said he raised this question because the black students in his dormitory tended to socialize together, making him feel isolated). Likewise, **the student who in 1989 challenged the University of Connecticut's hate speech policy**, under which she had been penalized for an allegedly homophobic remark, w**as Asian-American. She claimed that other students had engaged in similar expression, but that she had been singled out for punishment because of her ethnic background.** Representing this student, the ACLU persuaded the university to drop the challenged policy.7 " Following the same pattern, **the first complaint filed under Trinity College's then-new policy prohibiting racial harassment, in 1989, was against an African-American speaker who had been sponsored by a black student organization**, Black-Power Serves itself. Again, I stress that these examples are not just aberrational. Rather, **they flow from the very premises of those who advocate hate speech codes**. As they rightly note, **discrimination and prejudice is**, unfortunately, **endemic in United States society-including on campus and in our legal system**. Indeed, **exhaustive studies of state and federal courts throughout our country consistently show entrenched patterns of racial and gender bias**." So, **for those of us who are committed to eradicating discrimination,** the last thing we should want to do is to hand over to discriminatory officials and institutions power to enforce necessarily vague hate speech codes **that inevitably call for subjective, discretionary decisions. This discretionary power predictably will be used in a way that is hardly helpful to disempowered groups.**

#### Speech restrictions don’t work – they make people martyrs, make bad speech more attractive, create resentment towards the oppressed, and give institutional sanction to hate;

Minow 2k [Martha Minow (Professor, Harvard Law School); REGULATING HATRED: WHOSE SPEECH, WHOSE CRIMES, WHOSE POWER?-AN ESSAY FOR KENNETH KARST; <http://heinonline.org/HOL/PDFsearchable?collection=journals&handle=hein.journals/uclalr47&div=36&section=36&print=section&from=dropbox>; 47 UCLA L. Rev. 1253 1999-2000 //BWSWJ]

Nonetheless, those who favor hate crime and hate speech restrictions are also wrong to imagine that these would be the most effective or even very effective measures in curbing group hatred. As discussed earlier, regulating hatred can itself have unintended consequences, such as triggering new and increased resentments against the supposed beneficiaries of the protections. Especially in the context of this country's political culture, people charged under hate speech rules become martyrs and even poster children for those worried about governmental power. Censorship and punishment of ideas can render the ideas forbidden fruit, which are especially attractive to youth engaged in rebellion and others searching for symbols of disobedience. The efforts to use state power to restrict hatred may be so deeply and even inherently ineffective that they result in a form of permission and further terror, demonstrating in their very inefficacy the total. vulnerability of those whom they would protect. To have hate crime legislation on the books with few prosecutions and even fewer convictions can speak volumes to those who regularly face unaddressed harassment and threat. Yet, enforcement is notoriously difficult; proof is difficult to gather except in cases in which the perpetrators have spoken and written their hatred frequently and accessibly. Investigating those very people-before acts of violence-threatens more obvious dangers of violations of freedoms of speech and association. The FBI's own history of suppressing dissenting groups has rightly led to far more selfrestraint today. But the result is that even the most visible and threatening hate groups, such as groups whose web sites and leaflets animate and support the shooters in Columbine, Colorado; Los Angeles, California; Bloomington, Indiana; and elsewhere, retain considerable insulation from investigation. Even more basically, government rules against hate may be inherently doomed. Judith Butler has explored the "paradoxical production of speech by censorship" that "works in implicit and inadvertent ways."62 As she notes, "The regulation that states what it does not want stated thwarts its own desire, conducting a performative contradiction that throws into question the regulation's capacity to mean and do what it says."6

#### Speech codes put minority students on the school to prison pipeline – high school proves –

Ross 16 [Ross, Catherine J. (Professor of Law, George Washington; Catherine J. Ross specializes in constitutional law (with particular emphasis on the First Amendment), family law, and legal and policy issues concerning children. Her book, Lessons in Censorship: How Schools and Courts Subvert Students' First Amendment Rights (Harvard University Press, 2015) was named the Best Book on the First Amendment by Concurring Opinions’ First Amendment News, and won the Critics’ Choice Book Award from the American Education Studies Association. Professor Ross has been a co-author of Contemporary Family Law (Thomson/West) since the First Edition; the Fourth Edition was published in 2015.) , 'Bitch,' Go Directly to Jail: Student Speech and Entry into the School-to-Prison Pipeline (2016). 88 TEMPLE L. REV. (2016); GWU Law School Public Law Research Paper No. 2016-11; GWU Legal Studies Research Paper No. 2016-11. Available at SSRN: https://ssrn.com/abstract=2782555 or http://dx.doi.org/10.2139/ssrn.2782555 **All brackets were in original evidence** //BWSWJ]

Responding to these findings in 2012, Chief Justice Wallace B. Jefferson of the Supreme Court of Texas condemned the “criminalization of children for nonviolent offenses that result in a trip not to the principal’s office but to a courtroom.”32 The “single greatest predictor [of involvement in the juvenile justice system],” he warned, “is a history of disciplinary referrals at school.”33 In New York City, too, statistics show that in 2011–2012, the “overwhelming majority of suspensions . . . were for minor . . . offenses, such as insubordination,” which generally refers to verbal challenges or “talking back.”34 Minor offenses, including infractions of school speech codes, often lead to short suspensions, which require only “rudimentary precautions.”35 In Goss v. Lopez, the Supreme Court held that suspensions for no more than ten days require minimal procedural protections.36 Suspensions of more than ten days require more robust procedural protections, including a hearing.37 The distinction makes short suspensions efficient for school districts. Some states also relieve schools of the obligation to report statistics on suspensions that do not last more than ten days. This distinction likely results in underreporting of the total number of students suspended each year.38

Ross continues

Violating a student speech code, by itself, shouldn’t turn a young person into a dropout or a delinquent. But it does, and repeatedly.73 The manner of speech most likely to get kids into trouble does not involve any form of true threat or any real threat of substantial disruption, just threats to hierarchy and civility. As Sections I and II show, many incidents that lead to school exclusion involve cursing or disrespectful speech, especially—though not always—addressed to an authority figure such as a teacher or administrator. In New York City, for example, the use of “profane language” is one of the top ten reasons that schools suspend students.74 Indeed, fully eighty-one percent of suspensions were based on infractions of the school speech code such as “using profane language or lying.”75 Rude or crude speech is unlikely to garner much sympathy from many adults. Students have called teachers a “dick,” “skank,” and “tramp,” all of which fall within Fraser’s domain because they have sexual overtones.76 While on the Third Circuit, Justice Alito offered this clarification: Fraser permits schools to “prohibit words that ‘offend for the same reason that obscenity offends,’” but does not allow regulation of other manners of expression that may be “plainly offensive.”77 Schools, however, assert authority to control and punish words and attitudes far beyond Fraser’s reach—words that have no sexual connotations, but are merely deemed by adults to be in “bad taste.”78 Adults have a constitutional right to curse, even using words that have a sexual meaning, as the seminal case of Cohen v. California held.79 But it has long been accepted that students have no right to wear Cohen’s infamous jacket, which gained its rhetorical power from its “crude” exclamation: “Fuck the Draft.”80 In some states, however, such as Texas or Mississippi, cursing can lead to an arrest in school and adjudication as a delinquent even though a minor could not be arrested for cursing outside of school. Until 2013, Texas had a “ticketing” system that allowed school-based police officers to issue citations to students for misdemeanors, including truancy, chewing gum, disrupting class, “disorderly language,” and talking back to teachers. The ticketed students had to appear in court, were subject to fines, and often did not know that they were entitled to attorneys. When students turned seventeen, any unpaid fines could lead to incarceration.81 In one apparently typical instance, a high school senior in Texas received a ticket with a $340 fine from a police officer posted in the school after she cursed at another student. When she failed to show up for a court hearing because she could not pay, the judge raised the fine to $637. Although she took a waitressing job to raise the money, she had saved only $100 when the court issued a warrant for her arrest.82

#### **Counter speech is empirically effective – that’s the consensus of the lit.**

Davidson 16: Alexander Davidson “The Freedom of Speech in Public Forums on College Campuses: A Single-Site Case Study on Pushing the Boundaries of the Freedom of Speech” A Senior Project presented to The Faculty of the Journalism Department. California Polytechnic State University, San Luis Obispo. June 2016. p. 50-51

All experts agreed that negative speech creates awareness that surrounds a certain topic. They all noted that “good speech” surfaces to combat the “bad speech.” Humphrey notes that, “We have seen a lot of students stand up and say that this isn’t welcome in this community. It galvanized a movement that said we need to do better” (Appendix A). Den Otter notes something very similar, stating that, “I think any time that there’s some kind of racist incident on campus, people start talking about it. They’re made more aware of it” (Appendix B). And Loving advocates for people to not just stand idly while hate speech is taking place around them, that, “If racial slurs were met with more conversation, evil councils being remedied by good councils, then how long would that atmosphere remain on campus?” (Appendix C). The research shows that these suggestions and statements are true, if history is used as an indicator. Various incidents that have occurred, such as the California Polytechnic State University College Republicans Free Speech Wall, the Crops House Incident and the Charlie Hebdo Attacks have created movements against the negative speech that took place. Many times when “bad speech” shows its face, there are people who use “good speech” to combat the issue.

Universities reify oppressive norms through oppressing and targeting critical studies as “anti- American” – any restrictions allow dominant empires to divide and rule through false claims of maintaining freedom for students

Chatterjee and Maira ’14 (Chatterjee, Piya, and Sunaina Maira. “The imperial university: Race, war, and the nation-state.” The imperial university: Academic repression and scholarly dissent (2014): 1-50, --ghssk)

State warfare and militarism have shored up deeply powerful notions of patriotism, intertwined with a politics of race, class, gender, sexuality, and religion , through the culture wars that have embroiled the U.S. academy. The fronts of “hot” and “cold” wars—military, cultural, and academic— have rested on an ideological framework that has defined the “enemy” as a threat to U.S. freedom and democracy. This enemy produced and propped up in the shifting culture wars— earlier the Communist, now the (Muslim) terrorist— has always been both external and internal. The overt policing of knowledge production, exemplified by right-wing groups such as ACTA, reveals an ideological battle cry in the “culture wars” that have burgeoned in the wake of the civil rights movement— and the containment and policing demanded within the academy. Defending the civilizational integrity of the nation requires producing a national subject and citizen by regulating the boundaries of what is permissible and desirable to express in national culture— and in the university. As Readings observed, “In modernity, the University becomes the model of the social bond that ties individuals in a common relation to the idea of the nation-state.” 46 Belonging is figured through the metaphor of patriotic citizenship, in the nation and in the academy, through displays of what Henry Giroux has also called “patriotic correctness”: “an ideology that privileges conformity over critical learning and that represents dissent as something akin to a terrorist act.” 47 This is where the recent culture wars have shaped the politics of what we call academic containment. For right-wing activists, the nation must be fortified by an educational foundation that upholds, at its core, the singular superiority of Western civilization. A nation-state construed as being under attack is in a state of cultural crisis where any sign of disloyalty to the nation is an act of treachery, including acts perceived as intellectual betrayal. The culture wars have worked to uphold a powerful mythology about American democracy and the American Dream and a potent fiction about freedom of expression that in actuality contains academic dissent. This exceptionalist mythology has historically represented the U.S. nation as a beacon of individual liberty and a bulwark against the Evil Empire or Communist bloc ; Third Worldist and left insurgent movements, including uprisings within the United States in the 1960s and 1970s and in Central America in the 1980s; Islamist militancy and anti-imperial movements since the 1980s ; and the threat posed by all of these to the American “way of life.” The battle against Communism, anti-imperial Third Worldism, and so-called Islamofascism entailed regulating and containing movements sympathetic to these forces at home, including intellectuals with left-leaning tendencies and radical scholars or students— all those likely to contaminate young minds and indoctrinate students in “subversive” or “anti-American” ideologies. What does it mean, then, to contain scholars who “cross the line” in their academic work or public engagement? Academic containment can take on many modalities: stigmatizing an academic as too “political,” devaluing and marginalizing scholarship, unleashing an FBI investigation, blacklisting, or not granting scholars the final passport into elite citizenship in the academic nation— that is, tenure. These various modalities of containment, which are discussed by Thomas Abowd, Laura Pulido, and Steven Salaita, among others, narrow the universe of discourse around what is really permissible, acceptable, and tolerable for scholars in the imperial university. All these modes are at work in the three important moments of ideological policing that we touch on here: World War I and the McCarthy era of the 1940s– 1950s, the COINTELPRO era from the late 1950s to early 1970s, and the post-9/ 11 era or “new Cold War,” which is the major focus of this book. Moments of social stress and open dissent about class politics in the United States during World War I and the first decades of the twentieth century make clear that containment worked in tandem with emerging definitions of “academic freedom.” As the U.S. professoriate began to build its ranks at the end of the nineteenth century and a few scholars 48 challenged the status quo, “academic freedom” emerged as a way to deal with these dissenters as well as the “relative insecurity” felt by many in this new profession. 49 Indeed, the tumult of the turn of the century led to a pattern within the academy that has persisted— the exclusion of ideas as well as behavior that the majority did not like and an increasingly internalized notion that “advocacy for social change” was a professional risk for academics. The AAUP’s Seligman Report of 1915 reveals that the notion of academic freedom was, in fact, “deeply enmeshed” with the “overall status, security, and prestige of the academic profession.” 50 Setting up procedural safeguards was important, but its language regarding “appropriate scholarly behavior” and cautiousness about responding to controversial matters in the academy (by ensuring that all sides of the case were presented) suggested the limits of dissent. Academic freedom , then, is a notion that is deeply bound up with academic containment— a paradox suggested in our earlier discussion of protest and inclusion/ incorporation in the academy and one that has become increasingly institutionalized since the formation of the AAUP. The academic repression of the McCarthy era received its impetus from President Truman’s March 22, 1947, executive order that “established a new loyalty secrecy program for federal employees.” However, the roots of institutional capitulation— by both administrators and faculty— when the state targeted academics who were communists or viewed as “sympathizers” are much deeper. It is also significant that the notion of “appropriate behavior” for faculty rested on a majoritarian academic “consensus” about “civil” and “collegial” comportment. For example , Ellen Schechter notes cases prior to the Cold War where scholars were fired not necessarily for their political affiliations per se but due to “their outspoken-ness.” 51 This repression from within— not just beyond— the academy reveals the cultures of academic containment where, as Pulido, Gumbs, and Rojas remind us, certain kinds of “unruliness” must be managed or excised. The logic of academic containment was dramatically staged during the civil rights and antiwar struggles, when the FBI surveilled and arrested Black Power, antiimperialist, and radical scholar-activists during the era of COINTELPRO (1956– 1971). Angela Davis, most famously, was fired from UCLA by then California governor Ronald Reagan for being a member of the Communist Party. Some of these radical intellectuals went on to develop and establish programs in ethnic studies, critical race studies, and women’s studies, fields that later became embroiled in the conservative attacks that unfolded in the 1980s and 1990s against the specter of an “un-American” and “divisive” multiculturalism . Works such as Allan Bloom’s The Closing of the American Mind, Roger Kimball’s Tenured Radicals: How Politics has Corrupted Our Higher Education, and in some ways also David Hollinger’s Postethnic America: Beyond Multiculturalism generated anxieties about the presumed failure of university education to transmit an essential set of knowledges and a contentious debate about the divisiveness of multiculturalism and movements for group rights. 52 Right-wing hysteria and neoconservative moral panics in the culture wars were accompanied by liberal concerns that ethnic studies, and to some extent women’s studies and queer studies, were devolving into “identity politics.” Liberal -left intellectuals, such as Todd Gitlin , worried that ethnic and racial studies asserted an identitarianism that was an abandonment of a “proper” left politics. Salaita points out that Gitlin also criticized as irresponsible scholars who challenged the policies of the Israeli state, as have other progressive scholars open to critiques of militarism or colonialism— except in the case of Israel. In other words, the culture wars were fought not just between the right and left but within the liberal-progressive left as well. In her painful— and politically revealing— experience with Chicana/ o studies in California public institutions over the past twenty years, Rojas offers a glimpse “of the ways imperial projects order gender/ sexual/ racial politics at the public university” and the “resulting devastating violence deployed on subjects deemed dangerous to the colonial imaginary of a colonial , heteropatriarchal Chicano studies.” The difficult question that Rojas’s “testimonio” addresses is how to connect this hetero-masculinist logic and violence— what she calls heteropatriracialities— to the “incorporation” of ostensibly liberatory, decolonizing projects such as Chicano/ a studies that were birthed through the antiwar and antiracist movements of the 1960s. We view this perverse “incorporation” of ethnic studies as the result of a dangerous “internalization” of the imperial project of the university and also as meshing well with the hetero-masculinist and classed cultures that shape the dominant, everyday practices of the imperial academy. Containment is not abstract at all— it is marked decisively, and often violently, on specific kinds of bodies whose presence is definitively marked as “Other,” as evident in Abowd’s and Godrej’s chapters. If one speaks from already dangerous embodiments, structured historically, then that speech risks always being seen as a threat. The “natives” within the academy must be most careful and most civilized in their speech, as Rojas and Abowd suggest. Their queer/ sexed/ raced bodies mark always-possible threats. There are enough natives who perform the terms of civilization and capitulation and contain themselves: that is how empires have always ruled— through tokenism, exceptionalism, and divide-and-rule. When it comes from “within,” containment and silencing— as Rojas shows us— can be the most devastating of all. These stories of academic containment must be situated within the culture wars and also within the context of what Christopher Newfield, among other critics, calls a “long counterrevolution” against the gains of the civil rights and left movements of previous decades. 53 Newfield argues that right-wing movements waged a cultural offensive that targeted “progressive trends in the public universities” as an important front of “roundabout wars” on the middle class, waged through the “culture wars on higher education”: “The culture wars were economic wars” against the new, increasingly racially integrated middle class, “discrediting the cultural framework that had been empowering that group.” 54 In other words, the culture wars were also class wars staged on a racial battlefield, for the corporatization and privatization of the public university, as in California, occurred as it was becoming more racially integrated. 55 Several chapters illustrate the ways in which academic containment emerges with and though the containment of economic, racial, and cultural struggles . In Gumbs’s chapter, the class wars are situated in the racial management of student of color and immigrant populations in the CUNY system in the post– civil rights era of open admissions and campus occupations by students; violent policing to enforce “law and order” accompanied rising incarceration rates of people of color. Similarly, Godrej’s chapter illuminates the ways in which protests of university privatization and nonviolent civil disobedience by students and faculty during the current budget crisis in the University of California have been met with police brutality by increasingly militarized campuses; casting these movements as a threat evades the structural violence of tuition hikes, exclusion, impoverishment, home foreclosures, and the “neoliberal disinvestment in the concept of education as a public good.” In effect, the neoliberal structuring of the university is also a racial strategy of management of an increasingly diverse student population, as increasing numbers of minority and immigrant students have entered public higher education. Well-funded, neoconservative organizations and partisan groups, such as ACTA, David Horowitz’s Freedom Center, and Campus Watch, have placed ethnic studies, feminist and queer studies, and critical cultural studies in their bull’s-eye as the political project of leftist professors running amok in the academy and teaching biased curricula. In addition, campaigns such as Horowitz’s Academic Bill of Rights and Student Bill of Rights constructed the figure of a new victim in the culture wars: the “American student” whose freedom to challenge these partisan faculty had been suppressed .56 According to these right-wing campaigns, “radical” scholars were force-feeding U.S. college students with antiAmerican views, and right-wing students were being marginalized and “discriminated” against due to their political ideology and affirmative action programs. Thus the language of marginalization and exclusion was turned on its head, as the discourse of right-wing victimhood and ideological discrimination was unleashed against the political movements and intellectual projects that opposed racial and class inequality. In addition, the right appropriated the language of “diversity,” a key point of contradiction in the academic culture wars. For example, the “Students for Academic Freedom” campaign launched by Horowitz used the notion of “intellectual pluralism” to mask its well-orchestrated attack on the left. 57 The cultural right manufactured a portrait of itself as the true advocate of intellectual pluralism and freedom, remaking diversity through a “free market” model based on the right to choice in the marketplace of ideas. 58 The notion of choice, central to models of flexible accumulation and global economic competitiveness for proponents of neoliberal capitalism, underlies the tenet of intellectual choice. A “weak” multiculturalism and liberal notion of tolerance thus served the right well, for they used it to argue that the problem was not simply that of “diversity,” which they apparently embraced, but that there wasn’t enough “intellectual diversity” on college campuses. Teaching, and also research, was becoming one-sided, to the detriment of those upholding “true” American values, who were increasingly marginalized in hotbeds of left indoctrination into anti-Americanism on college campuses. In addition, as Pulido’s case study demonstrates, as faculty and administrators of color—not to mention women— have made their way into the ranks of university management, academic institutions can hide behind the language of racial (and gender) representativeness and tokenist inclusion to deflect critiques of systemic problems with faculty governance. The strategic co-optation of the language of pluralism for academic containment is nowhere more evident than in the assault on progressive scholarship in Middle East studies and postcolonial studies and in the intense culture wars over Islam, the War on Terror, and Israel-Palestine. The 9/ 11 attacks and the heightened Islamophobia they generated allowed Zionist and neoconservative groups to intensify accusations that progressive Middle East studies scholars and scholars critical of U.S. foreign policy were guilty of bias and “ one-sided” partisanship , as observed in accounts of censure, suspicion, and vilification by Abowd, De Genova, and Salaita. The post-9/ 11 culture wars conjured up new and not-sonew phantoms of enemies— in particular , the racialized specter of the “terrorist.” This figure, and the racial panic associated with it, has been sedimented in the national imaginary as synonymous with the “Muslim” and the “Arab” since the Iranian Revolution of 1978– 1979 and the First Intifada against Israeli occupation in the late 1980s. The War on Terror consolidated Orientalist caricatures of Muslim fanatics and Arab militants , but it is important to note that these also dredged up avatars of a historical logic of containment and annihilation of indigenous others. 59 The native, the barbarian, and the foreigner converge in this cultural imaginary that legitimizes violence against anti-Western, uncivilized regions incapable of democratic self-governance and that is produced by expert knowledge of other peoples and regions. The wars in Iraq and “Af-Pak” and the global hunt for terrorists entailed an intensified suspicion and scrutiny of ideologies that supported militant resistance or “anti-American” sentiments and necessitated academic research on communities that were supposedly “breeding grounds” for terrorism.

### Theory Underview

1. Allow the aff to set drop the debater, competing interps, no RVIs, and that fairness is a voter in the AC :

a) Chills abusive affs – by granting the neg a no risk voting issue on theory I’m incentivized to read a fair position.

b) 1AR recourse – forcing the aff to justify paradigm issues in the 1AR allows the neg to consistently spread the aff out on drop the arg and reasonability, which lets the NC get away with infinite abuse. Also makes theory too much of a time suck since I have to over invest in paradigm issues to hedge against the neg time advantage.

2. Fairness is a voter and precludes other impacts

a) it’s a gateway issue – unfair practices skew my ability to engage a position so you can’t know who’s winning it, and therefore whether it’s true, and it doesn’t add value to the debate.

b) reversibility – we can always read lit or do rebuttal redos later but an unfair decision is permanent.

c) no uniqueness to education claims – we have been debating this topic for months and philosophy for years. This means that they have a minor if any link to education, while there is a comparatively larger harm to fairness.

d) Fairness is constitutive of the role of the judge – the ballot says to vote for the better debater. This especially true at ToC – we’re here to determine who is the best.

3. Drop the debater

1. Deters abuse
2. Drop the arg incentivizes abuse by making it low risk
3. Substance is already skewed – key to rectify the time spent reading theory

4. Competing interps

1. Reasonability is arbitrary and begs the question
2. Causes a race to the bottom
3. Reasonability is ad hoc which prevents norming
4. Reasonability lets debaters shift what they defend absent an explicit counter interp

5. Education not a voter

1. Subjective – we all value different types which makes intervention inevitable
2. Self defeating – education means we read theory against people for being uneducational and never actually learn from those arguments
3. Content doesn’t matter—reading a book and getting a Deleuze tattoo solves—there’s no reason debate is key to education
4. Education is bastardized in debate anyways—most of the time people don’t actually read books and articles and don’t even remember the core topic disads on old topics

6. Theory is top layer

a) Theory determines which arguments can be read, thus offense on theory logically precludes cross applications from other flows to take it out.

b) theory link turns the value of positions its criticizing. If a position is unfair but valuable the unfairness undermined our ability to engage in a even debate.

c) you can’t evaluate who’s winning a skewed argument – for example even if your role of the ballot comes first, I prove that assessing who’s better meeting it is flawed – i.e. if you had 10 minute as opposed to 1 to justify a ROB then you’d obviously be ahead

d) All positions need a check on abuse, otherwise debaters could be as abusive as possible and always win because their opponent was at a severe disadvantage. Otherwise valuable positions become tools of oppression without a check against themselves.

7. Skep means presumption since neither side can generate offense so the judge has to presume. Presume aff – 1ar time skew means 1ar has to answer 7 minutes of offense and hedge against a 6 minute 2nr collapse.

8. no rvi

1. Chilling – I wouldn’t initiate against an abusive case
2. Illogical – you shouldn’t win for being fair
3. Rvis encourage debaters to bait theory

### K Underview

#### Discourse and pedagogy must engage the existing institution – wishing away policy discussion fails because neoliberalism is institutionally entrenched

Jones and Spicer 9 (Campbell, Senior Lecturer in the School of Management at U of Leicester, Andre, Associate Professor in the Dept of Industrial Relations @ Warwick Business School U of Warwick, Unmasking the Entrepreneur, pgs. 22-23)

The third strand in our proposed critical theory of entrepreneurship involves questions of the 'extra-discursive' factors that structure the context in which these discourses appear. The result of privileging language often results in losing sight of political and economic relations, and for this reason, a turn to language and a concomitant disavowal of things extra-discursive have been roundly criticised (Ackroyd and Fleetwood, 2000; Armstrong, 2001; Reed, 1998,2000,2009). An analysis of discourse cannot alone account for the enduring social structures such as the state or capitalism. Mike Reed has argued that a discursive approach to power relations effectively blinds critical theorists to issues of social structures: Foucauldian discourse analysis is largely restricted to a tactical and localised view of power, as constituted and expressed through situational-specific 'negotiated orders', which seriously underestimates the structural reality of more permanent and hierarchal power relations. It finds it difficult, if not impossible, to deal with institutionalised stabilities and continuities in power relations because it cannot get at the higher levels of social organisation in which micro-level processes and practices are embedded. (Reed, 2000: 526-7) These institutional stabilities may include market relations, the power of the state, relations like colonialism, kinship and patriarchy. These are the 'generative properties' that Reed (1998: 210) understands as 'mak(ing) social practices and forms - such as discursive formations - what they are and equip(ing) them with what they do'. Equally Thompson and Ackroyd also argue that in discourse analysis 'workers are not disciplined by the market, or sanctions actually or potentially invoked by capital, but their own subjectivities' (1995: 627). The inability to examine structures such as capitalism means that some basic forms of power are thus uninvestigated. Focusing solely on entrepreneurship discourse within organisations and the workplace would lead to a situation where pertinent relations that do not enter into discourse are taken to not exist. Such oversights in discursive analyses are that often structural relations such as class and the state have become so reified in social and mental worlds that they disappear. An ironic outcome indeed. Even when this structural context is considered, it is often examined in broad, oversimplified, and underspecified manners. This attention to social structure can be an important part of developing a critical theory of entrepreneurship, as we remember that the existing structural arrangements at any point are not inevitable, but can be subjected to criticism and change. In order to deal with these problems, we need to revive the concept of social structure. Thus we are arguing that 'there exist in the social world itself and not only within symbolic systems (language, myths, etc.) objective structures independent of the consciousness and will of agents, which are capable of guiding and constraining their practices or their representations' (Bourdieu, 1990: 122). Objective still means socially constructed, but social constructions that have become solidified as structures external to individual subjects. Examples of these structures may include basic 'organising principals' which are relatively stable and spatially and historically situated such as capitalism, kinship, patriarchy and the state. Some entrepreneurship researchers, particularly those drawing on sociology and political science, have shown the importance of social structure for understanding entrepreneurship (see for example Swedberg, 2000).

#### Fairness is a prerequisite to any form of discussion – turns all your K impacts. Galloway 7: [[1]](#footnote-1)

Debate as a dialogue sets an argumentative table, where [allows] all parties [to] receive a relatively fair opportunity to voice their position. Anything that fails to allow participants to have their position articulated denies one side of the argumentative table a fair hearing. The affirmative side is set by the topic and fairness requirements. While affirmative teams have recently resisted affirming the topic, in fact, the topic selection process is rigorous, taking the relative ground of each topic as its central point of departure. Setting the affirmative reciprocally sets the negative. The negative crafts approaches to the topic consistent with affirmative demands. The negative crafts disadvantages, counter-plans, and critical arguments premised on the arguments that the topic allows for the affirmative team. **According to fairness** norms, each side sits at a relatively balanced argumentative table. When one side takes more than its share, competitive equity suffers. However, it also undermines the respect due to the other involved in the dialogue. **When one side excludes the other, it** fundamentally **denies the personhood of the other** participant (Ehninger, 1970, p. 110). A pedagogy of debate as dialogue takes this respect as a fundamental component. A desire to be fair is a fundamental condition of a dialogue that takes the form of a demand for equality of voice. Far from being a banal request for links to a disadvantage, fairness is a demand for respect, a demand to be heard, a demand that a voice **backed by** literally months upon months of preparation**, research, and critical thinking** not be silenced. Affirmative cases that suspend basic fairness norms operate to exclude particular negative strategies. Unprepared, one side comes to the argumentative table unable to meaningfully participate in a dialogue. They are unable to “understand what ‘went on…’” and are left to the whims of time and power (Farrell, 1985, p. 114). Hugh Duncan furthers this line of reasoning: Opponents not only tolerate but honor and respect each other because in doing so they enhance their own chances of thinking better and reaching sound decisions. **Opposition is necessary because it sharpens thought** in action. We assume that argument, discussion, and talk, among free an informed people who subordinate decisions of any kind, because it is only through such discussion that we **[to] reach agreement** which binds us to a common cause…If we are to be equal…relationships among equals must find expression in many formal and informal institutions (Duncan, 1993, p. 196-197). **Debate compensates for the exigencies of the world by** offering a framework that **maintain[ing]s equality for the sake of the conversation** (Farrell, 1985, p. 114). For example, an affirmative case on the 2007-2008 college topic might defend neither state nor international action in the Middle East, and yet claim to be germane to the topic in some way. The case essentially denies the arguments that state action is oppressive or that actions in the international arena are philosophically or pragmatically suspect. Instead of allowing for the dialogue to be modified by the interchange of the affirmative case and the negative response, the affirmative subverts any meaningful role to the negative team, preventing them from offering effective “counter-word” and undermining the value of a meaningful exchange of speech acts. Germaneness and other substitutes for topical action do not accrue the dialogical benefits of topical advocacy.

This a) turns your inclusion arguments since I’m excluded from this discussion if you’re unfair – this outweighs your form of exclusion since it’s effects are tangible to this round instead of abstract b) the forum of debate no links your arguments about problems outside of it since it establishes equality for the sake of conversation – only fairness matters within this round

#### Prefer SPECIFIC evidence over broad root cause explanations

Price 98 (RICHARD PRICE is a former prof in the Department of Anthropology at Yale University. Later, he moved to Johns Hopkins University to found the Department of Anthropology, where he served three terms as chair. A decade of freelance teaching (University of Minnesota, Stanford University, Princeton University, University of Florida, Universidade Federal da Bahia), ensued. This article is co-authored with CHRISTIAN REUS-SMIT – Monash University – European Journal of International Relations Copyright © 1998 via SAGE Publications – http://www.arts.ualberta.ca/~courses/PoliticalScience/661B1/documents/PriceReusSmithCriticalInternatlTheoryConstructivism.pdf)

One of the central departures of critical international theory from positivism is the view that we cannot escape the interpretive moment. As George (1994: 24) argues, ‘the world is always an interpreted “thing”, and it is always interpreted in conditions of disagreement and conflict, to one degree or another’. For this reason, ‘there can be =no common body of observational or tested data that we can turn to for a neutral, objective knowledge of the world. There can be no ultimate knowledge, for example, that actually corresponds to reality per se.’ This proposition has been endorsed wholeheartedly by constructivists, who are at pains to deny the possibility of making ‘Big-T’ Truth claims about the world and studiously avoid attributing such status to their findings. This having been said, after undertaking sustained empirical analyses of aspects of world politics constructivists do make ‘small-t’ truth claims about the subjects they have investigated. That is, they claim to have arrived at logical and empirically plausible interpretations of actions, events or processes, and they appeal to the weight of evidence to sustain such claims. While admitting that their claims are always contingent and partial interpretations of a complex world, Price (1995, 1997) claims that his genealogy provides the best account to date to make sense of anomalies surrounding the use of chemical weapons, and Reus-Smit (1997) claims that a culturalist perspective offers the best explanation of institutional differences between historical societies of states. Do such claims contradict the interpretive ethos of critical international theory? For two reasons, we argue that they do not. First, the interpretive ethos of critical international theory is driven, in large measure, by a normative rejection of totalizing discourses, of general theoretical frameworks that privilege certain perspectives over others. One searches constructivist scholarship in vain, though, for such discourses. With the possible exception of Wendt’s problematic flirtation with general systemic theory and professed commitment to ‘science’, constructivist research is at its best when and because it is question driven, with self-consciously contingent claims made specifically in relation to particular phenomena, at a particular time, based on particular evidence, and always open to alternative interpretations. Second, the rejection of totalizing discourses based on ‘big-T’ Truth claims does not foreclose the possibility, or even the inevitability, of making ‘small-t’ truth claims. In fact, we would argue that as soon as one observes and interacts in the world such claims are unavoidable, either as a person engaged in everyday life or as a scholar. As Nietzsche pointed out long ago, we cannot help putting forth truth claims about the world. The individual who does not cannot act, and the genuinely unhypocritical relativist who cannot struggles for something to say and write. In short, if constructivists are not advancing totalizing discourses, and if making ‘small-t’ truth claims is inevitable if one is to talk about how the world works, then it is no more likely that constructivism per se violates the interpretive ethos of critical international theory than does critical theory itself.

#### Solutions to oppression need to be grounded in policy rather than abstraction. K’s must be tied to an implementable, political solution to be effective.

Bryant 12: Left,” Larval Subjects—Levi R. Bryant’s philosophy blog, November 11th, Available Online at http://larvalsubjects.wordpress.com/2012/11/11/underpants-gnomes-a-critique-of-the-academic-left/, Accessed 02-21-2014)

**Unfortunately, the academic left falls prey to its own form of abstraction. It’s good at carrying out critiques that denounce various social formations, yet very poor at proposing any sort of realistic constructions of alternatives. This because it thinks abstractly in its own way, ignoring how networks, assemblages, structures, or regimes of attraction would have to be remade to create a workable alternative.** Here I’m reminded by the “underpants gnomes” depicted in South Park: The underpants gnomes have a plan for achieving profit that goes like this: Phase 1: Collect Underpants Phase 2: ? Phase 3: Profit! They even have a catchy song to go with their work: Well this is sadly how it often is with the academic left. Our plan seems to be as follows: Phase 1: Ultra-Radical Critique Phase 2: ? Phase 3: Revolution and complete social transformation! Our problem is that we seem perpetually stuck at phase 1 without ever explaining what is to be done at phase 2. Often the critiques articulated at phase 1 are right, but there are nonetheless all sorts of problems with those critiques nonetheless. In order to reach phase 3, we have to produce new collectives. In order for new collectives to be produced, people need to be able to hear and understand the critiques developed at phase 1. Yet this is where everything begins to fall apart. Even though these critiques are often right, we express them in ways that only an academic with a PhD in critical theory and post-structural theory can understand. How exactly is Adorno to produce an effect in the world if only PhD’s in the humanities can understand him? Who are these things for? We seem to always ignore these things and then look down our noses with disdain at the Naomi Kleins and David Graebers of the world. To make matters worse, we publish our work in expensive academic journals that only universities can afford, with presses that don’t have a wide distribution, and give our talks at expensive hotels at academic conferences attended only by other academics. Again, who are these things for? Is it an accident that so many activists look away from these things with contempt, thinking their more about an academic industry and tenure, than producing change in the world? If a tree falls in a forest and no one is there to hear it, it doesn’t make a sound! Seriously dudes and dudettes, what are you doing? But finally, and worst of all, us Marxists and anarchists all too often act like assholes. We denounce others, we condemn them, we berate them for not engaging with the questions we want to engage with, and we vilify them when they don’t embrace every bit of the doxa that we endorse. **We are every bit as off-putting and unpleasant as the fundamentalist minister or the priest of the inquisition** (have people yet understood that Deleuze and Guattari’s Anti-Oedipus was a critique of the French communist party system and the Stalinist party system, and the horrific passions that arise out of parties and identifications in general?). **This type of “revolutionary” is the greatest friend of the reactionary and capitalist because they do more to drive people into the embrace of reigning ideology** than to undermine reigning ideology. **These are the people that keep Rush Limbaugh in business.** Well done! But this isn’t where our most serious shortcomings lie. Our most serious shortcomings are to be found at phase 2. **We almost never make concrete proposals for how things ought to be restructured, for what new material infrastructures and semiotic fields need to be produced, and when we do, our critique-intoxicated cynics and skeptics immediately jump in with an analysis of all the ways in which these things contain dirty secrets, ugly motives, and are doomed to fail. How, I wonder, are we to do anything at all when we have no concrete proposals?** We live on a planet of 6 billion people. These 6 billion people are dependent on a certain network of production and distribution to meet the needs of their consumption. That network of production and distribution does involve the extraction of resources, the production of food, the maintenance of paths of transit and communication, the disposal of waste, the building of shelters, the distribution of medicines, etc., etc., etc. What are your proposals? How will you meet these problems? How will you navigate the existing mediations or semiotic and material features of infrastructure? Marx and Lenin had proposals. Do you? Have you even explored the cartography of the problem? Today we are so intellectually bankrupt on these points that we even have theorists speaking of events and acts and talking about a return to the old socialist party systems, ignoring the horror they generated, their failures, and not even proposing ways of avoiding the repetition of these horrors in a new system of organization. Who among our critical theorists is thinking seriously about how to build a distribution and production system that is responsive to the needs of global consumption, avoiding the problems of planned economy, ie., who is doing this in a way that gets notice in our circles? Who is addressing the problems of micro-fascism that arise with party systems (there’s a reason that it was the Negri & Hardt contingent, not the Badiou contingent that has been the heart of the occupy movement). At least the ecologists are thinking about these things in these terms because, well, they think ecologically. Sadly we need something more, a melding of the ecologists, the Marxists, and the anarchists. We’re not getting it yet though, as far as I can tell. Indeed, folks seem attracted to yet another critical paradigm, Laruelle. I would love, just for a moment, to hear a radical environmentalist talk about his ideal high school that would be academically sound. How would he provide for the energy needs of that school? How would he meet building codes in an environmentally sound way? How would she provide food for the students? What would be her plan for waste disposal? And most importantly, how would she navigate the school board, the state legislature, the federal government, and all the families of these students? What is your plan? What is your alternative? I think there are alternatives. I saw one that approached an alternative in Rotterdam. If you want to make a truly revolutionary contribution, this is where you should start. Why should anyone even bother listening to you if you aren’t proposing real plans? But we haven’t even gotten to that point. Instead **we’re like underpants gnomes, saying “revolution is the answer!” without addressing any of the infrastructural questions** of just how revolution is to be produced, what alternatives it would offer, and how we would concretely go about building those alternatives. Masturbation. “Underpants gnome” deserves to be a category in critical theory; a sort of synonym for self-congratulatory masturbation. We need less critique not because critique isn’t important or necessary– it is –but because we know the critiques, we know the problems. **We’re intoxicated with critique because it’s easy and safe. We best every opponent with critique. We occupy a position of moral superiority with critique. But do we really do anything with critique? What we need today, more than ever, is composition or carpentry.** Everyone knows something is wrong. Everyone knows **this system is destructive** and stacked against them. Even the Tea Party knows something is wrong with the economic system, despite having the wrong economic theory. None of us, however, are proposing alternatives. Instead we prefer to shout and denounce. Good luck with that.

#### Abolishing theory constraints doesn’t improve critical discussion ---the ability to argue for theoretical constraints is better for overall creativity because innovative thinking comes from problem-solving like figuring out how to read what you want to read while still being topical

Intrator 10 – David, President of The Creative Organization, October 21, 2010, “Thinking Inside the Box,” http://www.trainingmag.com/article/thinking-inside-box

One of the most pernicious myths about creativity, one that seriously inhibits creative thinking and innovation, is the belief that one needs to “think outside the box.” ¶ As someone who has worked for decades as a professional creative, nothing could be further from the truth. This a is view shared by the vast majority of creatives, expressed famously by the modernist designer Charles Eames when he wrote, “Design depends largely upon constraints.” ¶ The myth of thinking outside the box stems from a fundamental misconception of what creativity is, and what it’s not. ¶ In the popular imagination, creativity is something weird and wacky. The creative process is magical, or divinely inspired. ¶ But, in fact, creativity is not about divine inspiration or magic.¶ It’s about problem-solving, and by definition a problem is a constraint, a limit, a box.¶ One of the best illustrations of this is the work of photographers. They create by excluding the great mass what’s before them, choosing a small frame in which to work. Within that tiny frame, literally a box, they uncover relationships and establish priorities.¶ What makes creative problem-solving uniquely challenging is that you, as the creator, are the one defining the problem. You’re the one choosing the frame. And you alone determine what’s an effective solution.¶ This can be quite demanding, both intellectually and emotionally.¶ Intellectually, you are required to establish limits, set priorities, and cull patterns and relationships from a great deal of material, much of it fragmentary.¶ More often than not, this is the material you generated during brainstorming sessions. At the end of these sessions, you’re usually left with a big mess of ideas, half-ideas, vague notions, and the like.¶ Now, chances are you’ve had a great time making your mess. You might have gone off-site, enjoyed a “brainstorming camp,” played a number of warm-up games. You feel artistic and empowered.¶ But to be truly creative, you have to clean up your mess, organizing those fragments into something real, something useful, something that actually works.¶ That’s the hard part.¶ It takes a lot of energy, time, and willpower to make sense of the mess you’ve just generated.¶ It also can be emotionally difficult.¶ You’ll need to throw out many ideas you originally thought were great, ideas you’ve become attached to, because they simply don’t fit into the rules you’re creating as you build your box.

Outweighs because norms ensure exploration of criticism, otherwise we exclude other relevant mindsets. Also indicts the epistemology of the K – we can’t access its truth if you cut out routes of criticism.

#### Government-as-heuristic is not an abstraction, but rather provides a means of understanding the state and breaking it down.

Zanotti 14: Dr. Laura Zanotti is an Associate Professor of Political Science at Virginia Tech. Her research and teaching include critical political theory as well as international organizations, UN peacekeeping, democratization and the role of NGOs in post-conflict governance.“Governmentality, Ontology, Methodology: Re-thinking Political Agency in the Global World” – Alternatives: Global, Local, Political – vol 38(4):p. 288-304,. A little unclear if this is late 2013 or early 2014 – The Stated “Version of Record” is Feb 20, 2014, but was originally published online on December 30th, 2013. Obtained via Sage Database.

By questioning substantialist representations of power and subjects, inquiries on the possibilities of political agency are reframed in a way that focuses on power and subjects’ relational character and the contingent processes of their (trans)formation in the context of agonic relations. **Options for resistance to governmental scripts are not limited to ‘‘rejection,’’ ‘‘revolution,’’ or ‘‘dispossession’’ to regain a pristine ‘‘freedom from all constraints’’ or an immanent ideal social order. It is found instead in multifarious and contingent struggles that are constituted within the scripts of governmental rationalities and at the same time exceed and transform them.** This approach questions oversimplifications of the complexities of liberal political rationalities and of their interactions with non-liberal political players and nurtures a radical skepticism about identifying universally good or bad actors or abstract solutions to political problems. International power interacts in complex ways with diverse political spaces and within these spaces it is appropriated, hybridized, redescribed, hijacked, and tinkered with. Gov**ernmentality as a heuristic focuses on performing complex diagnostics of events. It invites historically situated explorations and careful differentiations rather than overarching demonizations of ‘‘power,’’** romanticizations of the ‘‘rebel’’ or the ‘‘the local.’’ More broadly, theoretical formulations that conceive the subject in non-substantialist terms and focus on processes of subjectification, on the ambiguity of power discourses, and on hybridization as the terrain for political transformation, open ways for reconsidering political agency beyond the dichotomy of oppression/rebellion. **These alternative formulations also foster an ethics of political engagement, to be continuously taken up through plural and uncertain practices, that demand continuous attention to ‘‘what happens’’ instead of fixations on ‘‘what ought to be.’**’83 **Such ethics of engagement would not await the revolution to come or hope for a pristine ‘‘freedom’’ to be regained. Instead, it would constantly attempt to twist the working of power by playing with whatever cards are available and would require intense processes of reflexivity on the consequences of political choices.** To conclude with a famous phrase by Michel Foucault ‘‘my point is not that everything is bad, but that everything is dangerous, which is not exactly the same as bad. If everything is dangerous, then we always have something to do. So my position leads not to apathy but to hyper- and pessimistic activism.’’84

#### Norms are a pre-requisite to argumentation. Goodnight 3[[2]](#footnote-2)

Interlocutors can engage in critical argument only if legitimate communicative norms are acknowledged. Early in his career, Habermas elaborated these norms as forms of "communicative competence" in what he called an "ideal speech situation". Habermas (2001 a) developed this theory of "universal pragmatics" into a critical program that works on gaining traction for the ideals of communication by hooking the general to the specific requirements of argument. At a universal level, there exist intuitively sensible and specifiable constraints as to what it means to engage in a serious argument; but for specific communities and institutions, constitutive rules of practice structure and regulate communicative engagement. In a given encounter, I believe, efforts to "harmonize" ideal norms of argument with the duties required by the special forms of reasoning generate public and institutional predicaments, situations where the force ofthe better argument sustains and struggles with cross-pressures. Below, I overview the constraining norms of argument presupposed in any "serious" effort directed toward conviction resulting in "mutual understanding". Second, I briefly examine the duties and obligations of two particular types of argument, moral and political-ethical discourse. Third, I develop a theory of argumentative predicaments, exploring the dynamics of competing and cooperative claims that generate controversy in particular situations. 4.1 Universal Rules 0/ Engagement At the broadest level, argumentation is regulated by the pursuit of mutual conviction based solely on "the force of the better argument". Interlocutors are compelled reciprocally to a conclusion as they become "rationally motivated" to an accord on a matter of mutual concern. As Thomas McCarthy puts it: "We are claiming, in other words, that the evidence and arguments are such that any rational, competent judge would come to the same conclusion; that if anyone should disagree, we could-if only he would let himself be guided by the force of the better argument-bring him to agree with us" (1978, 307-08). Serious arguments win assent through reflexive criticism because all negative forms of pressing consent such as external and internal "coercion" abort meaningful agreement. The constitution of affirmed conviction is not defined in any detail by Habermas, but heinvites his readers to see "the force of the better argument" as an immanent characteristic of any genuine discursive engagement. "Conviction" as a goal of communication is to be differentiated sharply from "influence" as an ambition of persuasion. At best, influence induces a particular agreement based on acquiescence to ulterior rewards for compliance, such as grants of money or power. At worst, the exercise of influence impairs the free exchange of reasons and autonomous judgment by distorting the conditions under which interpersonal argument takes place. "The four most important features", Habermas writes, "are: (i) that nobody who could make a relevant contribution may be excluded; (ii) that all participants are granted an equal opportunity to make contributions; (iii) that the participants must mean what they say; and (iv) that communication must be free from external and internal coercion" (1998, 44). These rules are similar to those proposed by the pragma-dialectical school, which has developed argument norms in considerably greater detail (van Eemeren and Grootendorst, 1984, 151-175). 4.2 Moral and Political-Ethical Argumentation All argument ascribes to the common norms above; more specific validity conditions are attached to the functions of particular types of speech-act claiming. Assertoric claims promise knowledge of the objective world as to what is or could be the case. Regulative claims generate a "normative accord" concerning how arrangements of mutual living and pursuit of common goods should be established in the social world. Expressive claims articulate how trust can be sustained or recovered when addressing the subjective worlds among which individuals and within which communities have privileged access (Habermas, 1990,28, 58-59). The distinction that interests Habermas the most is that between moral and ethical reasoning. William Rehg (1994) has developed an extended explication and analysis of these in relation to Habermas's discourse ethics. The following introduces some basic distinctions. Moral Argument. Argument achieves "moral insight" when it shapes a consensus on what is justified and appropriate in a situation where the just course of action is at issue. In a pluralistic culture, tests of justice are uniquely complicated. It is crucial that moral reasoning situate its argumentation in common adherence to agreed upon procedure, without which a legitimate decision cannot be rendered. The universal norms of moral argument are to be distinguished from moral universalism, which in Habermas's view is too abstract and insensitive to the exigencies of situated interaction to provide appropriate guidance in the choice among apparently relevant interests. Rather, moral reasoning is embedded in discourses that follow the rules of the "argument game", as it were. Norms for moral argument include "impartiality", a stance of neutrality not entirely dissimilar from Rawls's original position, which assures a commitment to fairness. "Universalizability" requires that "the interest of all concerned" be taken into ac count, either in actual discussion or as hypothetical future parties to the argument. "Reversibility" of the "perspectives from which participants produce this argument" is necessary to assure that the substantive norm of action under discussion is understood from the point of view of the other. "Reciprocity" guarantees equal consideration of the claims of each participant. Finally, "prescriptivity" is the requirement that each norm be tested for acceptability to future situations of this type. Thus, valid moral argument should guard against bias, partisanship, dogmatism, tokenism, and ad hoc commitments that impair claims of legitimacy by reducing confidence in the basic fairness of the procedure. In strong moral argument, interlocutors strive to establish a "valid norm" that "would meet with the approval of all concerned if they could take part in a practical discourse" (Habermas, 1990, 121; also 119-125).

1. Galloway 7 (Ryan Galloway, Samford Debate Coach, Professor of Communication Studies at Samford, Contemporary Argumentation and Debate, Vol. 28, 2007 [↑](#footnote-ref-1)
2. Predicaments of Communication, Argument, and Power: Towards a Critical Theory of Controversy G. THOMAS GOODNIGHT Vol 23, No 2 (2003) [↑](#footnote-ref-2)