# Harvard R4 Wiki Disclosure

## 1nc

### 1NC – OFF

#### First off is topicality

**Our interpretation is that the resolution should define the division of affirmative and negative ground. It was *negotiated* and *announced in advance*, providing both sides with a reasonable opportunity to prepare to engage one another’s arguments.**

**This does not require the use of any particular style, type of evidence, or assumption about the role of the judge — only that the *topic* should determine the debate’s subject matter.**

**“The United States” is a collective term referring to the FG and states**

Edited by John Bilyeu **OAKLEY**, Professor of Law at the University of California, Davis, **AND** Vikram D. **AMAR**, Professor of Law and Associate Dean for Academic Affairs of the School of Law of the University of California at Davis, **‘9** [*American Civil Procedure: A Guide to Civil Adjudication in US Courts*, Kluwer Law International, 2009, page 19

Although it is commonplace today to refer to “the United States” as a single entity and as the subject of statements that grammatically employ singular verbs, it is important to remember that “the United States” remains in many important ways **a collective term**. The enduring legal significance of the fifty states that together constitute the United States, and their essential dominion over most legal matters affecting day-to-day life within the United States, vastly complicates any attempt to summarize the civil procedures within the United States. Within the community of nations, the United States is a geopolitical superpower that **acts through a federal government** granted constitutionally specified and limited powers. The organizing principle of the federal Constitution,1 however, is one of popular sovereignty, with governmental powers distributed in the first instance to republican institutions of government organized autonomously and uniquely in each of the fifty states. Although there are substantial similarities in the organization of state governments, idiosyncrasies abound.

#### Expand the scope of antitrust refers exclusively to formal law

Sinisa Milosevic et al. 18. Commission for Protection of Competition, The Republic of Serbia. Dejan Trifunovic, Faculty of Economics, University of Belgrade, Belgrade, The Republic of Serbia. Jelena Popovic Markopoulos, Commission for Protection of Competition, The Republic of Serbia. “The Impact of the Competition Policy on Economic Development in the Case of Developing Countries”. Economic Horizons, May - August 2018, Volume 20, Number 2, 153 – 167. http://scindeks-clanci.ceon.rs/data/pdf/1450-863X/2018/1450-863X1802157M.pdf

The paper that analyzes the impact of the competition policy on the GDP growth in developing and developed countries in the Solow growth model framework is T. C. Ma’s (2011). The presence and scope of the competition policy is captured by the SCOPE variable that is defined in the paper by K. N. Hylton and F. Deng (2007). The overall effectiveness of the government’s application of policies, not only of the competition policy, is captured by the EFFICIENCY variable that is defined in the paper by D. Kaufmann, A. Kraay and M. Mastruzzi (2009). The results show that the SCOPE variable is not significant and the formal existence of the competition law cannot influence economic growth. The interacting variable of SCOPE x EFFICIENCY is named EFFLAW. For poor countries, the coefficient for this variable is 0.04 and is significant, whereas for rich countries the coefficient is 0.064 and is also significant. Therefore, the competition law must be complemented with the effective enforcement of this policy.

#### The core antitrust laws are The Sherman Act, the Clayton Act, and the Federal Trade Commission Act – topical affs reform one or more of them

Thomas Horton 10. Professor of Law and Heidepriem Trial Advocacy Fellow, University of South Dakota School of Law. “Rediscovering Antitrust's Lost Values.” The University of New Hampshire Law Review. https://scholars.unh.edu/cgi/viewcontent.cgi?article=1305&context=unh\_lr

Part II of this Article discusses Congress’s historical balancing and blending of fundamental political, social, moral, and economic values to create a constitutional-like set of flexible laws that can be adapted to unforeseen and changing economic and political circumstances.22 Part II.A. briefly reviews some of the extensive scholarship addressing Congress’s balancing of values and objectives in its core antitrust laws including the Sherman, Clayton, and FTC Acts. Parts II.B. and C. explore the less-studied balancing of political, social, moral, and economic values and objectives in more recent antitrust legislation.23 Part II.B. specifically examines the legislative debates undergirding the passage of the HSR Act. 24 Part II.C. then turns to the debates and discourse that led to the passage of the NCRA in 1984 and the subsequent National Cooperative Production Amendments of 1993 and 2004. 25

**Our Impact is Procedural fairness. – A limited point of stasis is necessary for effective limits which provide equitable ground to both sides – this does not exclude their content but does require them to be topical.**

**Debate as a game only functions if the aff normatively defends topical action—there have to be constraints on debate in order for it to be effective—allowing the aff also allows literally an infinite scope of advocacies outside the resolution.**

**Modest predictability of the resolution is worth potential substantive tradeoff. Limits produce a rigorous *culture of justification* instead of a culture of *assertion* or *presumption*. Without a bridge for subjecting beliefs to a rigorous test, we are left with might-makes-right.**

Cheryl **MISAK** Philosophy @ Toronto **‘8** “A Culture of Justification: The Pragmatist's Epistemic Argument for Democracy” *Episteme* 5 (1) p. 100-104

The charge that Rorty has had to face again and again is that he really is a relativist, holding that one belief is no better than another, and that one must “treat the epistemic standards of any and every epistemic community as on a par” (Haack 1995, 136). Rorty, that is, leaves us with no way of adjudicating claims that arise in different communities. It is argued that this is not only an unsatisfactory view, but it is incompatible with his commitment to his own set of beliefs and with his practice of arguing or giving reasons for them. Peirce would join in this charge, arguing that it is the community of inquirers or reasoners that matter, not this or that local community. One of Rorty’s responses to this clutch of objections is to say that he doesn’t have to treat the epistemic standards of every community as on a par: “I prize communities which share more background beliefs with me above those which share fewer” (Rorty 1995b, 153). There is nothing incoherent about asserting that your community has it right, for all “right” amounts to is what your community agrees upon. I have argued (2000, 12ff) that this kind of comeback puts Rorty in a very difficult position, giving him nothing to say against the likes of Carl Schmitt, the fascist legal philosopher who found it natural to join the Nazi bandwagon. Schmitt, like Rorty, argued that there is no truth and rationality in politics. Rather, politics is the arena in which groups assert themselves, with the strongest coming out on top and the weaker groups disappearing. One makes an existential choice – opts for a conception of the good – and then tries to attain “substantive homogeneity” in the population. Might ends up being right and the elimination of those who disagree with us ends up being a fine method of reaching our political decisions. A democrat or liberal like Rorty has an impossible time in giving us – and himself – reasons for opting for his view rather than his fascist opponent’s view. Once you give up aiming at truth, once you give up aiming at something that goes beyond the standards of your own community, then you give up the wherewithal to argue against the might-is-right view. The charge I am trying to answer here, on behalf of the non-Rortian pragmatist, is that mixing truth and politics is dangerous. One of the points I want to make is that, whatever the dangers are in saying morals and politics aim at the truth, the dangers of denying it are even more alarming. If we were to get rid of the notion of truth, nothing would protect us from the idea that there is nothing to get right, no better or worse action, and no better or worse way of treating others. Nothing would protect us from the Schmittian worldview. Another point is that the pragmatist view encourages something which is downright salutary, not dangerous at all. It encourages a **culture of justification**, a culture the importance of which grows as we face the challenges of living in a global society with worldviews struggling against each other. This thought was prominent in the debate about how the new democratic order in South Africa should be conceived. Here is how Etienne Murienik put it: If the new constitution is a bridge away from a culture of authority, it is clear what it must be a bridge to. It must lead to a culture of justification – a culture in which every exercise of power is expected to be justified; in which the leadership given by government rests on the cogency of the case offered in defense of its decisions, not the fear inspired by the force of its command. The new order must be a community built on persuasion, not on coercion.4 A final point rests on the nature of the kinds of answers the pragmatist envisions. Rorty and Rawls seem to think that any view of truth carries with it the idea that there is one and only one true answer to every question. It is important to see that, whatever the case might be for other views of truth, the pragmatist’s view of truth does not entail anything about the precise nature of right answers. On the Peircean view of truth, it might be true that the best solution to a problem is to compromise in a certain way. Or a question might have a number of equally right answers: it might be true that either A or B or C is an acceptable solution to a problem. That is, bringing truth into politics need not result in a view on which one theory of the good triumphs over the others. Indeed, the pragmatist account of truth does not require agreement at the end of the day (whatever that might mean) and it does not require the consent of all who are affected by a particular decision here and now. The right answer to a question might be one that only a few see is right. A right answer is the one that would be best – would stand up to the evidence and arguments – were we to inquire into the matter as far as we fruitfully could. That is, we are not primarily aiming at agreement in deliberation – we are aiming at getting a view that will stand up to reasons and evidence**.** That said, there may be cases in moral and especially political deliberation in which we do aim for agreement because we think that what will best stand up to reasons in that case is a solution that is agreed upon by all or by all who are affected. But this will be just one kind of case amongst many. Right answers aren’t necessarily answers that are acceptable by all. Nor are right answers necessarily those that resolve a conflict with a compromise, although sometimes a compromise or cooperative solution may indeed be what is required. Nor is bargaining always not conducive to truth – in some cases, that may be exactly what is required. This view of truth does not lead to zeal, oppression, closing off of discussion, or a squashing of pluralism, even if it might happen to be the case that there is only one reasonable conception of the good out there. The idea is that we are always aiming at getting the best answer – whatever that may be – and to do that we need to take into account the views of all. 6 . WHO DECIDES? One of the first questions put to those who would like to think of politics as a species of truth-oriented deliberation is this: why deliberate with the ignorant multitude? Would it not be better to expose our moral and political beliefs only to the reasons and experience of experts? Science, after all, doesn’t work by asking the person in the street what he or she thinks about quantum mechanics. The reason that the pragmatist’s epistemic justification is a justification of democratic politics, rather than of a hierarchical politics, in which an elite makes decisions, is that we do not and will not ever have an identifiable pool of moral and political experts. Dewey saw this clearly. As experts become specialized, “they are shut off from knowledge of the needs which they are supposed to serve” (Dewey 1926/1984, 364). Everyone engages in moral and political deliberation and it is not obvious that having special education makes you better at it – just look at priests, politicians, and moral philosophers/political theorists and ask yourself if they seem especially decent or especially wise when it comes to practical matters. Some people are good at examining moral and political issues, but it’s not clear that they are the ones trained to do so. Even if we could identify genuinely wise people, this kind of expertise is liable to be corrupted merely by being identified – merely by the wise person starting to think of herself as a moral expert.5 And it is far from clear that the rule of the wise would really take the views and experiences of all into account better than the democratic rule of the people. So how do we distinguish deliberating well and deliberating badly if we cannot appeal to education and training? No account of deliberative democracy can ignore the call to make the distinction. The trouble is that, in saying what good, as opposed to poor, deliberation amounts to, one finds oneself facing a justificatory problem: how can we specify what good deliberation is without simply assuming that our current standards of deliberation and inquiry are the gold standards? (This is the deep and central question of pragmatism: how do genuine norms arise out of contingent practices?) It will be unsurprising that I agree with Robert Talisse that the way forward is to focus on an epistemic justification of the whole range of deliberative virtues. Some of the virtues we think important in inquiry are open-mindedness, courage, honesty, integrity, rigor, willingness to listen to the views of others and to seriously entertain challenges to one’s own views, willingness to put oneself in another’s shoes, and the like. These virtues may well have a number of kinds of justifications – justifications, for instance, with their origins in the canons of etiquette or in this or that substantive moral or religious view. Politeness and Christianity (do unto others . . . ), for instance,may both dictate that we should listen to the views of others. But this kind of justification doesn’t break out of the circle of local practices. Talisse argues that the virtues are justified because they lead to true belief. Listening to others is not merely the polite thing to do, but it is also good because we might learn something. The epistemic argument I have presented on Peirce’s behalf gets us this far: we need to expose our beliefs to the views of others if we are to follow a method that will get us good or better or true beliefs. Talisse takes us the next step – there are other characteristics that make one an inquirer who aims at the truth. Honesty is the trait of following reasons and evidence, rather than self-interest. Modesty is the trait of taking your views to be fallible. Charity is willingness to listen to the views of others. Integrity is willingness to uphold the deliberative process, no matter the difficulties encountered. The distinction between deliberating well (having deliberative virtues) and deliberating badly (having deliberative vices), that is, is drawn in terms of whether a method promotes beliefs which are responsive to and fit with the reasons and evidence. 7 . THE SOURCE OF AUTHORITY The pragmatist has offered us a compelling reason to take the views of others seriously and encourage the values associated with deliberative democratic politics. For inquirers must engage in the ongoing project of continually subjecting their beliefs to the tests of further experience and argument. The virtues inherent in a deliberative model of democratic citizenship must be cultivated if we are to come to good beliefs about how to treat others, how to resolve conflicts, and how to arrange society. The model of democratic citizenship which results is one that makes democratic citizenship part of a culture of justification. Citizens search for how best to structure our institutions and how best to live our lives. Democratic citizenship is a quest to get things right, with a genuine engagement in looking for right answers to pressing questions.We are not after mere agreement and we are not after the transformation of initial preferences into something that others can accept. We aim at getting things right – at getting beliefs that would forever stand up to scrutiny. In so aiming, citizens commit themselves to abiding by the decisions produced by the democratic procedure. For those decisions are the best we can do here and now. Here we find the justification of the coercive power of democracies. Eventually there has to be a decision in politics. The question that faces all societies is who decides and who wields the power to coerce once the decision is made? My argument is that as more people deliberate and more reasons and experience go into the mix, it will become more likely that the decisions made will account for the reasons and experience of all. The more likely, that is, that the answer will be right. Decisions produced by a democratic deliberative process are made by a rational method and so they are enforceable.

**Vote for the best interpretation of the resolution—All argumentation within debate is strategic, but the conditional limits of the resolution allow us to explore particular political solutions and establish a stasis point for criticism of the general terms of democratic engagement.**

--You cannot separate the strategic logic of the debate game from the aff’s desire to interpret the words of the resolution in the most self-serving way to give the negative concessionary ground—all interpretations are contingent, but we can debate about their political interpretations—that is negative ground

--Argument testing is pre-requisite to establishing whether the validity of the term as absolutist political interpretation is good or bad—conditional limits allow us to critique and balance the implications of using terms like “military presence”

--This allows a debate to occur PERSPECTIVALLY which means we can use different mechanisms of evidence and critique to propose provisional and contingent political readings.

--(AT: T=arbitrary stasis) no it’s not—it establishes the basis for debate to diverge over the definitions of things like what it means to be democratic, civil, a citizen, etc. but the stasis of the resolution is a provisional agreement that allows that contestation to take place

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As we have seen in the Introduction, the aim of this style of public philosophy is to disclose the conditions of possibility of a historically singular set of problematic practices of governance in the present by means of two methodological steps. The contemporary, non-historical step consists of two critical surveys: of the languages and then of the practices in which the struggles arise, and various solutions are proposed and implemented or not implemented as reforms. These two surveys enable us to understand critically the repertoire of problems and solutions in question, and the correlative field of relations of power in contestation, respectively. The task of this first survey is not to present another solution to the problem but to provide a survey of the language games in which the problem and rival practical and theoretical solutions are articulated. There are many methods available in Anglo-American and Continental political philosophy to carry out such a task. The approach I favour draws inspiration from Wittgenstein, J. L. Austin, and the development of speech-act theory into a historical and contextual pragmatics of modes of argumentation by Terence Ball, Foucault, Quentin Skinner, Stephen Toulmin and others.14 Speaking and writing are viewed pragmatically and intersubjectively, as linguistic activities performed by speakers and writers as participants in language games. Actors in practices of governance and theorists who present rival solutions to a shared political problem are approached as engaged in the intersubjective activities of exchanging reasons and justifications over the contested uses of the descriptive and normative concepts by which the problematic practice and its forms of subjectivity are characterised and disputed. The exchange of reasons in this broad sense of practices of **argumentation is both communicative and strategic,** involving reason and rhetoric, conviction and **persuasion**. Participants exchange practical reasons over the contested criteria for the application of concepts in question (sense), **'including the concepts of 'reason' and 'reasonable'**, the circumstances that warrant the application of the criteria, the range of reference of the concepts and their evaluative force, in order to argue for their solutions and against others. Why should public philosophers take this pragmatic approach of surveying the various theoretical solutions instead of developing a definitive theory themselves? The answer derives from two famous arguments by Wittgenstein. The first is that understanding general terms - such as freedom, equality, democracy, reason, power and oppression- is not the theoretical activity of grasping and applying a definition, rule or theory that states the necessary and sufficient conditions for the application of such general terms in any case. The model of applying a rule or theory to particular cases cannot account for the phenomenon of understanding the meaning of a general term, and so ofbeing able to use it and to give reasons and explanations for its use in various contexts. Secondly, the actual criteria for the application of a general political term are too various, indeterminate and hence open to unpredictable extension to be explicated in terms of an implicit or transcendental set of rules or theory, no matter how complex. When we look at the uses of a general term, what we see is **not a determinate set of essential features** that could be abstracted from practice and set out in a theory along with **rules for their application**. We do not find a set of features which make us use the same word for all cases, but, rather, an open-ended family of uses that resemble one another in various ways. We 'see a complicated network of similarities overlapping and criss-crossing: sometimes overall similarities, sometimes similarities of detail' and these 'family resemblances' among uses of a concept change over time in the course of human conversation.16 The consequence of these two anti-essentialist arguments is that understanding political concepts and problems cannot be the theoretical activity of discovering a general and comprehensive rule and then applying it to particular cases, for such a rule is not to be found and understanding does not consist in applying such a rule even if it could be found. The actual use and understanding of political concepts is not the kind of activity that this model of political theory presupposes: that is, of 'operating a calculus according to definite rules'. Rather, Wittgenstein continues, understanding consists in the practical activity of being able to use a general term in various circumstances and being able to give reasons for and against this or that use. This is a form of practical reasoning: the manifestation of a repertoire of practical, normative abilities, acquired through practice, to use the general term, as well as to go against customary uses, in actual cases. Such a practical skill, like all practical abilities, cannot be exhaustively described in terms of rules, for the application of the term is not **everywhere bounded by rules.** A criterion that functions as an intersubjective rule for **testing assertions** of correct use in some circumstances is **itself questioned**, reinterpreted and tested in **other circumstances**, relative to other criteria that are provisionally held fast. Understanding a general term thus involves **being able to give reasons why it should or should not be used in a particular case**, either to provoke or to respond to a dispute, being able to see the strength of the reasons given against this use by one's interlocutors, and then being able to give further reasons, and so on. This is done by **describing examples** with similar or related aspects, **drawing analogies** or disanalogies of various kinds, finding precedents, **exchanging narratives** and redescriptions, drawing attention to intermediate cases so one can pass easily from the familiar to the unfamiliar cases and see the similarities among them; thereby being both conventional and creative in the use of the criteria that hold our normative vocabulary in place. Wittgenstein illustrates his thesis with the concept of a 'game': Isn't my knowledge, my concept of a game, completely expressed in the explanations I could give? That is, in my describing examples of various kinds of game; shewing how all sorts of other games can be constructed on the analogy of these; saying that I should scarcely include this or that among games; and so on. ' 8 Because the criteria for the application of a **term are not determinate**, no set of reasons or explanations is definitive. There is always a field of possible reasonable redescriptions: illocutionary acts which evoke another consideration, draw attention to a different analogy or example, uncover another aspect of the situation, and so aim to provoke reconsideration of our considered judgments in this and related cases. These are speech-acts which exercise the kind of freedom Nora tries to practise inA Doll's House. Moreover, for the same reasons, the forms of argumentation in which reasons are exchanged are equally **complex**, and their 'reasonable' forms too are **not everywhere bounded by rules** but are also open to **reasonable disagreement**. Accordingly, understanding and clarifying political concepts, whether by citizens or philosophers, will always be a form of practical reasoning; of entering into and clarifying the on-going exchange of reasons over the uses of our political vocabulary. It will not be the theoretical activity of abstracting from everyday use and making explicit the **context-independent rules** for the correct use of our concepts in every case, for the conditions of possibility for such a meta-contextual political theory are not available. When political philosophers enter into political discussions and disputes to help to clarifY the language being used and the appropriate procedures for exchanging reasons, as well as to present reasons of their own, they are not doing anything different in kind from the citizens involved in the argumentation, as the picture of political reflection as a theoretical enterprise would lead us to believe. Political philosophy is rather the methodological extension and critical clarification of the already reflective and problematised character of historically situated practices of practical reasoning. '9 It is therefore an engaged 'public' philosophy and every engaged and thoughtful citizen is also a public philosopher. Public philosophy is democratic. Hence, we can now see why the first step has to start from the ways the concepts we take up are actually used in the practices in which the political difficulties arise. Here we 'bring words back from their metaphysical to their everyday use' to ensure that the work of philosophy starts from 'the rough ground' of civic struggles with and over words, rather than from uncritically accepted and often arcane forms of representation of them, which may result in 'merely tracing round the frame through which we look at' them. 20 On this view, contemporary political theories are approached, not as rival comprehensive and exclusive theories of the contested concepts, but as limited and often complementary accounts of the complex uses (senses) of the concepts in question and the corresponding aspects of the problematic practice to which these senses refer. They extend and clarify the practical exchange of reasons over the problematic practice of governance by citizens, putting forward a limited range of academic reasons, analogies and examples for employing criteria in such-and-such a way, for showing why these considerations outweigh those of other theorists and so on (often of course with the additional claim that these limited uses transcend practice and legislate legitimate use). A theory clarifies one range of uses of the concepts in question and the corresponding aspects of the practice of government, and puts forward reasons for seeing this as decisive. Yet, there is always the possibility of reasonable disagreement, of other theories bringing to attention other senses of the word and other aspects of the situation which any one theory unavoidably overlooks or downplays. Political theories are thus seen to offer **conditional perspectives** on the whole broad complex of languages, relations of power, forms of subjectivity and practices offreedom to which they are addressed. None of these theories tells us the whole truth, yet each provides an aspect of the complex picture. 21 This first form of survey enables readers (and authors) to understand critically both the problem and the proposed solutions. It enables us to see the reasons and redescriptions on the various sides; to grasp the contested criteria for their application, the circumstances in which they can be applied and the considerations that justify their different applications, thereby passing freely from one sense of the concept to another and from one aspect of the practice to another; and to appreciate the partial and relative merits of each proposal. To have acquired the complex linguistic abilities to do this is literally to have come to understand critically the concepts in question. This enables us to enter into the discussions of the relative merits of the proposed solutions ourselves and present and defend our own views on the matter. To have mastered this dialogical technique is to have acquired the 'burdens of judgment' (in a broader sense than Rawls' use of this phrase is normally interpreted) or what Nietzsche called the ability to **reason perspectivally.** 21 This form of practical reasoning is also a descendant of the classical humanist view of political philosophy as a **practical dialogue**. Because it is always possible to invoke a reason and redescribe the accepted application of our political concepts (paradiastole), it is always necessary **to learn to listen to the other side** (audi alteram partem), to learn the conditional arguments that support the various sides (in utramque partem), and so to be prepared to enter into deliberations with others on how to negotiate an agreeable solution (negotium). ' 3 The second contemporary survey is of the concrete practices - the relations of governance and practices of freedom - in which the problems arise and are fought over. The ways relations of power direct the conduct and shape the identities of those subject to them, and the strategies by which the subjects are able to say 'enough' and contest, negotiate and modify these relations, can be analysed in much the same way as language games. Just as participants in any system of practices of governance think and respond within intersubjective language games, which both enable and constrain what they can do with words, so they act and contest within correlative intersubjective relations of power, which both enable and constrain the extent to which they can modify some of these while others remain immobile background relations of domination, except in struggles of direct confrontation. These surveys include the interplay of governance and freedom, the means by which the structure of governance is held in place (economic control of information, technology and resources, the threat or use of direct or indirect military power, the organisation of the time and space of the practice, the sciences of persuasion and control, the manufacturing of consent, the techniques for internalising norms of conduct, agenda setting), and the equally diverse means by which subjects are able to resist, organise networks of support, bring the governors to negotiations and hold them to their agreements. Just as an analytical philosophy of linguistic pragmatics has been developed to survey what can be said, so an analytical philosophy of relations of power and practices of freedom has begun to be developed to survey what can be done. '4 3 HISTORICAL SURVEYS The first survey enables students of politics to understand critically what can be said and done within a set of practices and problematisation. A genuinely critical political philosophy requires a second type of critique that enables participants to free themselves from the horizons of the practices and problematisation to some extent, to see them as one form of practice and one form of problematisation that can then be compared critically with others, and so to go on to consider the possibilities of thinking and acting differently. This second, transformative objective is achieved by means of historical or genealogical surveys of the history of the languages and practices that have been explored and understood from the inside through the first two surveys. The transition from contemporary to historical surveys turns on an argument developed in different ways by almost every member of this school of public philosophy. ' 5 When problems are raised and solutions discussed and relations of power contested and negotiated in a problematic practice, there are always some uses of words (grammar) that are not questioned in the course of the disputation and some relations of power that are not challenged in practice. These provisionally taken-for-granted uses of the shared vocabulary function as the intersubjective warrants or grounds for what is problematised and subject to the exchange of reasons and procedures of validation in the language games, just as settled relations of power and institutionalised practices of freedom function as the intersubjective conditions of the contested aspects of governance and novel forms of freedom. The background shared understandings are the conditions of possibility of the specific problematisation. They both enable and constrain the form of problematisation. As Wittgenstein puts it: All testing, all confirmation and disconfirmation of a hypothesis **takes place already within a system**. And this system is not a more or less arbitrary or doubtful point of departure for all our arguments: no, **it belongs to the essence of what we call an argument**. The system is not so much the point of departure, as the elements in which arguments have their life. 26 This loose **'system of judgments'** or problematisation is **neither universal nor transcendental,** but **provisionally held in place** and **beyond question** by all the **disputation within it**. 27 He calls the inherited agreement in the language in which the testing of problems and solutions takes place (testing of true and false, just and unjust, valid and invalid, reasonable and unreasonable) 'an agreement in form of life' to indicate the extent to which it is anchored in shared ways of acting as well as speaking: 'it is our acting which lies at the bottom of the language-game' .28 Analogously, the corresponding uncontested relations of power that govern ways of acting function as the enabling and constraining conditions of possibility of the practice as a whole, its forms of government and contestation.

### 1NC – OFF

#### The world is too complex for local politics---multipolar global politics, economic instability, and climate change necessitates a collective response that changes the structural conditions of power rather than tinkering around at the margins.

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Why did folk politics arise in the first place? Why is it that folk political tendencies, for all their manifest flaws, are so seductive and appealing to the movements of today? At least three answers present themselves. The first explanation is to see folk politics as a response to the problem of how to interpret and act within an ever more complex world. The second, related explanation involves situating folk politics as a reaction to the historical experiences of the communist and social democratic left. Finally, folk politics is a more immediate response to the empty spectacle of contemporary party politics.

Increasingly, multipolar global politics, economic instability, and anthropogenic climate change outpace the narratives we use to structure and make sense of our lives. Each of these is an example of what is termed a complex system, which features nonlinear dynamics, where marginally different inputs can cause dramatically divergent outputs, intricate sets of causes feedback on one another in unexpected ways, and which characteristically operates on scales of space and time that go far beyond any individual’s unaided perception.23 Globalisation, international politics, and climate change: each of these systems shapes our world, but their effects are so extensive and complicated that it is difficult to place our own experience within them. The global economy is a good example of this. In simple terms, the economy is not an object amenable to direct perception; it is distributed across time and space (you will never meet ‘the economy’ in person); it incorporates a wide array of elements, from property laws to biological needs, natural resources to technological infrastructures, market stalls and supercomputers; and it involves an enormous and intricately interacting set of feedback loops, all of which produce emergent effects that are irreducible to its individual components.24 In other words, the interaction of an economy’s parts produces effects that cannot be understood just by knowing how those parts work in isolation – it is only in grasping the relations between them that the economy can be made sense of. While we might have an idea of what an economy consists of, we will never be able to experience it directly in the same way as other phenomena. It can only be observed symptomatically through key statistical indexes (charting changes in inflation or interest rates, stock indexes, GDP, and so on), but can never be seen, heard or touched in its totality.

As a result, despite everything that has been written about capitalism, we still struggle to understand its dynamics and its mechanisms. Most importantly, we lack a ‘cognitive map’ of our socioeconomic system: a mental picture of how individual and collective human action can be situated within the unimaginable vastness of the global economy.25 Recent decades have seen an increasing complexity in the dynamics that impinge upon politics. We might consider the imminent threat of anthropogenic climate change as a new kind of problem – one that is unamenable to any simple solution and that involves such intricately woven effects that it is hard to even know where to intervene. Equally, the global economy today appears significantly more complex in terms of the mobility of capital, the intricacies of global finance and the multiplicity of actors involved. How well do our traditional political images of the world map onto these changes? For the left at least, an analysis premised on the industrial working class was a powerful way to interpret the totality of social and economic relations in the nineteenth and early twentieth centuries, thereby articulating clear strategic objectives. Yet the history of the global left over the course of the twentieth century attests to the ways in which this analysis failed to attend to both the range of possible liberating struggles (based in gender, race or sexuality) and the ability of capitalism to restructure itself – through the creation of the welfare state, or the neoliberal transformations of the global economy. Today, the old models often falter in the face of new problems; we lose the capacity to understand our position in history and in the world at large.

This separation between everyday experience and the system we live within results in increased alienation: we feel adrift in a world we do not understand. The cultural theorist Fredric Jameson notes that the proliferation of conspiracy theories is partly a response to this situation.26 Conspiracy theories act by narrowing the agency behind our world to a single figure of power (the Bilderberg Group, the Freemasons or some other convenient scapegoat). Despite the extraordinary complexity of some of these theories, they nevertheless provide a reassuringly simple answer to ‘who is behind it all’, and what our own role is in the situation. In other words, they act precisely as a (faulty) cognitive map.

Folk politics presents itself as another possible response to the problems of overwhelming complexity. If we do not understand how the world operates, the folk-political injunction is to reduce complexity down to a human scale. Indeed, folk-political writing is saturated with calls for a return to authenticity, to immediacy, to a world that is ‘transparent’, ‘human-scaled’, ‘tangible’, ‘slow’, ‘harmonious’, ‘simple’, and ‘everyday’.27 Such thinking rejects the complexity of the contemporary world, and thereby rejects the possibility of a truly postcapitalist world. It attempts to give a human face to power; whereas what is truly terrifying is the generally asubjective nature of the system. The faces are interchangeable; the power remains the same. The turn towards localism, temporary moments of resistance, and the intuitive practices of direct action all effectively attempt to condense the problems of global capitalism into concrete figures and moments.

In this process, folk politics often reduces politics to an ethical and individual struggle. There is a tendency sometimes to imagine that we simply need ‘good’ capitalists, or a ‘responsible’ capitalism. At the same time, the imperative to ‘make it local’ leads folk politics to fetishise immediate results and the concrete appearance of action. Delaying a corporate attack on the environment, for instance, is lauded as a success – even if the company simply waits out public attention before returning once again. Moreover, as Rosa Luxemburg pointed out long ago, the fetishisation of ‘immediate results’ leads to an empty pragmatism that struggles to maintain the present balance of power, rather than seeking to change structural conditions.28 Without the necessary abstraction of strategic thought, tactics are ultimately fleeting gestures. Finally, the abjuring of complexity dovetails with the neoliberal case for markets. One of the primary arguments made against planning has been that the economy is simply too complex to be guided.29 The only alternative is therefore to leave the distribution of resources to the market and reject any attempt to guide it rationally.30 Considered in all these ways, folk politics appears as an attempt to make global capitalism small enough to be thinkable – and at the same time, to articulate how to act upon this restricted image of capitalism. By contrast, the argument of this book is that folk-political tendencies are mistaken. If complexity presently outstrips humanity’s capacities to think and control, there are two options: one is to reduce complexity down to a human scale; the other is to expand humanity’s capacities. We endorse the latter position. Any postcapitalist project will necessarily require the creation of new cognitive maps, political narratives, technological interfaces, economic models, and mechanisms of collective control to be able to marshal complex phenomena for the betterment of humanity.

#### Their individual strategy is the simulation of popular insurgency and reifies neoliberal social categorization.

Ingolfur Bluhdorn 7, PhD, Reader in Politics/Political Sociology, University of Bath, “Self-description, Self-deception, Simulation: A Systems-theoretical Perspective on Contemporary Discourses of Radical Change,” Social Movement Studies, Vol. 6, No. 1, 1–20, May 2007, google scholar

Yet the established patterns of self-construction, which thus have to be defended and further developed at any price, have fundamental problems attached to them: ﬁrstly, the attempt to constitute, on the basis of product choices and acts of consumption, a Self and identity that are distinct from and autonomous vis-a`-vis the market is a contradiction in terms. Secondly, late-modern society’s established patterns of consumption are known to be socially exclusive and environmentally destructive. Despite all hopes for ecological modernization and revolutionary improvements in resource efﬁciency (e.g. Weizsa¨cker et al., 1998; Hawkenet al., 1999; Lomborg, 2001), physical environmental limits imply that the lifestyles and established patterns of consumption cherished by advanced modern societies cannot even be extended to all residents of the richest countries, let alone to the populations of the developing world. For the sake of the (re)construction of an ever elusive Self, in their struggle against self-referentiality and in pursuit of the regeneration of difference, late-modern societies are thus locked into the imperative of maintaining and further developing the principle of exclusion (Blu¨hdorn, 2002, 2003). At any price they have to, and indeed do, defend a lifestyle that requires **ever increasing social inequality, environmental degradation, predatory resource wars, and the tight policing of potential internal and external enemies**.14 For this effort, military and surveillance technology provide ever more sophisticated and efﬁcient means. Nevertheless, the principle of exclusion is ultimately still unsustainable, not only because of spiralling ‘security’ expenses but also because it directly contradicts the modernist notion of the free and autonomous individual that late-modern society desperately aims to sustain. For this reason, late-modern society is confronted with the task of having to sustain both the late-modern principle of exclusion as well as its opposite, i.e. the modernist principle of inclusion. Very importantly, the conﬂict between the principles of exclusion and inclusion is not simply one between different individuals, political actors or sections of society. Instead, it is a politically irresolvable conﬂict that resides right within the late-modern individual, the late-modern economy and late-modern politics. And if, as Touraine notes, late-modern society no longer believes in nor even desires political transcendence, the particular challenge is that the two principles can also no longer be attributed to different dimensions of time, i.e. the former to the present, and the latter to some future society. Instead, late-modern society needs to represent and reproduce itself and its opposite at the same time. If considered within this framework of this analysis, the function of Luhmann’s system of protest communication, or in the terms of this article, the signiﬁcance of late-modern societies’ discourses of radical change becomes immediately evident. At a stage when the possibility and desirability of transcending the principle of exclusion has been pulled into radical doubt but when, at the same time, the principle of inclusion is vitally important, **these discourses simulate the validity of the latter as a social ideal**. In other words, latemodern society reconciles the tension between the cherished but exclusive status quo – for which there is no alternative – and the non-existent inclusive alternative – on whose existence it depends – **by means of simulation**. The analysis of Luhmann’s work has demonstrated how the societal self-descriptions produced by the system of protest communication, or late-modern society’s discourses of radical change, fulﬁl this function exactly. They are an indispensable function system not so much because they help to resolve late-modern society’s problems of mal-coordination, but **because by performing the possibility of the alternative they help to cope with the fundamental problem of self-referentiality**. In this sense, late-modern society’s discourses of sustainability, democratic renewal, social inclusion or global justice, to name but a few, suggest that advanced modern society is working towards an environmentally and socially inclusive alternative – genuinely modern – society, but they do not deny the fact that the big utopia and project of late-modern society is the reproduction and further enhancement of the status quo, i.e. the sustainability of the principle of exclusion. Protest movements as networks of physical actors and actions complement the purely communicative discourses of radical change in that they bring their narrative and societal selfdescription to life. Whilst the declarations of institutionalized mainstream politics cannot escape the generalized suspicion that they are purely rhetorical, social movements provide an **arena for** the physical expression and experience of the **authenticity and reality of the alternative** or at least of the reality of its possibility and the authenticity of the commitment to its realization. For late-modern individuals who seek to find their elusive identity in ever new acts of consumption, protest movements offer an opportunity to experience themselves as autonomous, as subjects, as actors, as distinct from and opposed to the all-embracing market. Social movements and the more or less institutionalized discourses of radical change thus transmute from germ cells of the alternative society into reserves of alterity, or theme-parks 14 I. Blu¨hdorn for simulated alterity (Blu¨hdorn, 2005a). This interpretation reflects Luhmann’s suggestion that contemporary discourses of radical change are not so much about the actual implementation of radical social change as about the ‘symbolism of the alternative’. And it now appears that the societal self-descriptions they generate fulfil a vital function not in so far as they increase the reflexivity of late-modern society but in so far as they are arenas for the experience of simulated subjectivity, duality and modernity. They provide an opportunity to reconcile the cherished but exclusive status quo with the equally cherished but unsustainable belief in the inclusive alternative. Protest movements and discourses of radical change are the implantation of the alternative into the system itself, or the simulated reproduction of alterity from the system’s own resources. As the real alternatives to the system are utterly unattractive, disappearing fast, and indeed resisted and annihilated at any price, this internal simulation of alterity is becoming late-modern society’s only remaining way of coping with the threat of self-referentiality.

#### The impact is mass death and global violence.

Adrian Parr 13. Associate Professor of Philosophy and Environmental Studies at the University of Cincinnati. *The Wrath of Capital: Neoliberalism and Climate Change Politics*. Columbia University Press. 145-7.

A quick snapshot of the twenty-first century so far: an economic meltdown; a frantic sell-off of public land to the energy business as President George W Bush exited the White House; a prolonged, costly, and unjustified war in Iraq; the Greek economy in ruins; an escalation of global food prices; bee colonies in global extinction; 925 million hungry reported in 2010; as of 2005, the world's five hundred richest individuals with a combined income greater than that of the poorest 416 million people, the richest 10 percent accounting for 54 percent of global income; a planet on the verge of boiling point; melting ice caps; increases in extreme weather conditions; and the list goes on and on and on.2 Sounds like a ticking time bomb, doesn't it? Well it is.

It is shameful to think that massive die-outs of future generations will put to pale comparison the 6 million murdered during the Holocaust; the millions killed in two world wars; the genocides in the former Yugoslavia, Rwanda, and Darfur; the 1 million left homeless and the 316,000 killed by the 2010 earthquake in Haiti. The time has come to wake up to the warning signs.3

The real issue climate change poses is that we do not enjoy the luxury of incremental change anymore. We are in the last decade where we can do something about the situation. Paul Gilding, the former head of Greenpeace International and a core faculty member of Cambridge University's Programme for Sustainability, explains that "two degrees of warming is an inadequate goal and a plan for failure;' adding that "returning to below one degree of warming . . . is the solution to the problem:'4 Once we move higher than 2°C of warming, which is what is projected to occur by 2050, positive feedback mechanisms will begin to kick in, and then we will be at the point of no return. We therefore need to start thinking very differently right now.

We do not see the crisis for what it is; we only see it as an isolated symptom that we need to make a few minor changes to deal with. This was the message that Venezuela's president Hugo Chavez delivered at the COP15 United Nations Climate Summit in Copenhagen on December 16 09, when he declared: "Let's talk about the cause. We should not avoid responsibilities, we should not avoid the depth of this problem. And I'll bring it up again, the cause of this disastrous panorama is the metabolic, destructive system of the capital and its model: capitalism.”5

#### The alt is pragmatic demands upon the state towards an anti-capitalist project. This is necessary to open space for more radical projects. Their strategy cedes the political.

David Harvey 15. Distinguished Professor of anthropology and geography at the Graduate Center of the City University of New York. “Consolidating Power.” Roar Issue 0, 16. https://roarmag.org/magazine/david-harvey-consolidating-power/.

So, looking at examples from southern Europe – solidarity networks in Greece, self-organization in Spain or Turkey – these seem to be very crucial for building social movements around everyday life and basic needs these days. Do you see this as a promising approach?

I think it is very promising, but there is a clear self-limitation in it, which is a problem for me. The self-limitation is the reluctance to take power at some point. Bookchin, in his last book, says that the problem with the anarchists is their denial of the significance of power and their inability to take it. Bookchin doesn’t go this far, but I think it is the refusal to see the state as a possible partner to radical transformation.

There is a tendency to regard the state as being the enemy, the 100 percent enemy. And there are plenty of examples of repressive states out of public control where this is the case. No question: the capitalist state has to be fought, but without dominating state power and without taking it on you quickly get into the story of what happened for example in 1936 and 1937 in Barcelona and then all over Spain. By refusing to take the state at a moment where they had the power to do it, the revolutionaries in Spain allowed the state to fall back into the hands of the bourgeoisie and the Stalinist wing of the Communist movement – and the state got reorganized and smashed the resistance.

That might be true for the Spanish state in the 1930s, but if we look at the contemporary neoliberal state and the retreat of the welfare state, what is left of the state to be conquered, to be seized?

To begin with, the left is not very good at answering the question of how we build massive infrastructures. How will the left build the Brooklyn bridge, for example? Any society relies on big infrastructures, infrastructures for a whole city – like the water supply, electricity and so on. I think that there is a big reluctance among the left to recognize that therefore we need some different forms of organization.

There are wings of the state apparatus, even of the neoliberal state apparatus, which are therefore terribly important – the center of disease control, for example. How do we respond to global epidemics such as Ebola and the like? You can’t do it in the anarchist way of DIY [do it yourself]-organization. There are many instances where you need some state-like forms of infrastructure. We can’t confront the problem of global warming through decentralized forms of confrontations and activities alone.

One example that is often mentioned, despite its many problems, is the Montreal Protocol to phase out the use of chlorofluorocarbon in refrigerators to limit the depletion of the ozone layer. It was successfully enforced in the 1990s but it needed some kind of organization that is very different to the one coming out of assembly-based politics.

From an anarchist perspective, I would say that it is possible to replace even supra-national institutions like the WHO with confederal organizations which are built from the bottom up and which eventually arrive at worldwide decision-making.

Maybe to a certain degree, but we have to be aware that there will always be some kind of hierarchies and we will always face problems like accountability or the right of recourse. There will be complicated relationships between, for example, people dealing with the problem of global warming from the standpoint of the world as a whole and from the standpoint of a group that is on the ground, let’s say in Hanover or somewhere, and that wonders: ‘why should we listen to what they are saying?’

So you believe this would require some form of authority?

No, there will be authority structures anyway – there will always be. I have never been in an anarchist meeting where there was no secret authority structure. There is always this fantasy of everything being horizontal, but I sit there and watch and think: ‘oh god, there is a whole hierarchical structure in here – but it’s covert.’

Coming back to the recent protests around the Mediterranean: many movements have focused on local struggles. What is the next step to take towards social transformation?

At some point we have to create organizations which are able to assemble and enforce social change on a broader scale. For example, will Podemos in Spain be able to do that? In a chaotic situation like the economic crisis of the last years, it is important for the left to act. If the left doesn’t make it, then the right-wing is the next option. I think – and I hate to say this – but I think the left has to be more pragmatic in relation to the dynamics going on right now.

More pragmatic in what sense?

Well, why did I support SYRIZA even though it is not a revolutionary party? Because it opened a space in which something different could happen and therefore it was a progressive move for me.

It is a bit like Marx saying: the first step to freedom is the limitation of the length of the working day. Very narrow demands open up space for much more revolutionary outcomes, and even when there isn’t any possibility for any revolutionary outcomes, we have to look for compromise solutions which nevertheless roll back the neoliberal austerity nonsense and open the space where new forms of organizing can take place.

For example, it would be interesting if Podemos looked towards organizing forms of democratic confederalism – because in some ways Podemos originated with lots of assembly-type meetings taking place all over Spain, so they are very experienced with the assembly structure.

The question is how they connect the assembly-form to some permanent forms of organization concerning their upcoming position as a strong party in Parliament. This also goes back to the question of consolidating power: you have to find ways to do so, because without it the bourgeoisie and corporate capitalism are going to find ways to reassert it and take the power back.

What do you think about the dilemma of solidarity networks filling the void after the retreat of the welfare state and indirectly becoming a partner of neoliberalism in this way?

There are two ways of organizing. One is a vast growth of the NGO sector, but a lot of that is externally funded, not grassroots, and doesn’t tackle the question of the big donors who set the agenda – which won’t be a radical agenda. Here we touch upon the privatization of the welfare state.

This seems to me to be very different politically from grassroots organizations where people are on their own, saying: ‘OK, the state doesn’t take care of anything, so we are going to have to take care of it by ourselves.’ That seems to me to be leading to forms of grassroots organization with a very different political status.

But how to avoid filling that gap by helping, for example, unemployed people not to get squeezed out by neoliberal state?

Well there has to be an anti-capitalist agenda, so that when the group works with people everybody knows that it is not only about helping them to cope but that there is an organized intent to politically change the system in its entirety. This means having a very clear political project, which is problematic with decentralized, non-homogenous types of movements where somebody works one way, others work differently and there is no collective or common project.

This connects to the very first question you raised: there is no coordination of what the political objectives are. And the danger is that you just help people cope and there will be no politics coming out of it. For example, Occupy Sandy helped people get back to their houses and they did terrific work, but in the end they did what the Red Cross and federal emergency services should have done.

The end of history seems to have passed already. Looking at the actual conditions and concrete examples of anti-capitalist struggle, do you think “winning” is still an option?

Definitely, and moreover, you have occupied factories in Greece, solidarity economies across production chains being forged, radical democratic institutions in Spain and many beautiful things happening in many other places. There is a healthy growth of recognition that we need to be much broader concerning politics among all these initiatives.

The Marxist left tends to be a little bit dismissive of some of this stuff and I think they are wrong. But at the same time I don’t think that any of this is big enough on its own to actually deal with the fundamental structures of power that need to be challenged. Here we talk about nothing less than a state. So the left will have to rethink its theoretical and tactical apparatus.

### Case

#### Empirically, focusing on pragmatic policy responses has advanced the disability rights movement

Samuel R. Bagenstos 9, professor of law at the University of Michigan, Law and the contradictions of the disability rights movement, p. 149-150

The American disability rights movement has achieved a great deal, but progress has in many respects stagnated. As I have shown throughout this book, the movement has always been a broad one that has embraced a variety of different and conflicting views of the proper means and ends of disability equality. But the movement’s policy agenda in recent decades has been too heavily weighted toward one set of these views. What the movement needs is a renewed emphasis on the approaches that have been eclipsed: approaches that look to universalism as a key element of disability policy, and that embrace social welfare programs as important tools for achieving disability equality. Such a renewed emphasis will not avoid the tensions among the various strands of disability rights thinking— indeed, as this chapter has shown, there is even tension between universalism and the social welfare approach— but it will help the movement make progress in achieving its overlapping-consensus goals of integration and equal citizenship.

In the end, there is probably no way to avoid the contradictions of the disability rights movement— and perhaps little reason for the movement even to try. What the movement can and should do is seek to manage those contradictions, and keep focused on the ultimate goals. At its best, that is precisely what the American disability rights movement has done. The willingness of disability rights activists to support such social welfare interventions as the Community Choice Act shows that the movement’s pragmatic spirit still lives. That spirit was key to the movement’s great twentieth-century victories— and it will be essential to the movement’s success in the twenty-first century.

#### Scenario analysis unlocks an intellectual openness to overcome cognitive biases and incorporate complementary theories while making research policy-relevant

Sus 20—Postdoctoral Fellow at the Hertie School of Governance and works in the Dahrendorf Forum, which is a joint initiative by the Hertie School, the London School of Economics and Political Science, and Stiftung Mercator [Monika Sus and Marcel Hadeed (Dahrendorf Research Associate at the Hertie School of Governance), February 2020, “Theory-infused and policy-relevant: On the usefulness of scenario analysis for international relations”, Contemporary Security Policy, Accessed through the Wake Forest Library] AMarb

Added-value of scenario analysis for IR scholarship

As Tomé and Açıkalın (2019) point out, in order to fill the gap between IR theory and real-world problems, “an increasing number of scholars have come to embrace a spirit of intellectual openness, recognizing both the need for greater flexibility in the theoretical formulations and the possibility of complementarity by other theories and approaches” (p. 12). This section discusses the added value of scenario analysis as a complementary approach to traditional IR methods. The most obvious advantage of scenario analysis as a methodology, grounded in the reservoir of foresight studies, lies by definition in its ability to tackle future events. As mentioned before, there are no specified instruments within traditional IR methods which would allow scholars to go beyond past and present. The only exception is forecasting, one of the formal methods in IR, which is, however, distinctly different from foresight.

The underlying logic of forecasting is to provide predictions about the future by drawing on mathematical models and big data-sets based on known patterns. Thus, it is not particularly suitable to accommodate discontinuities. Foresight, as described above, aims at going beyond existing patterns by developing alternative futures based on an innovative combination of multiple driving forces. Its goal is to capture a set of possible futures and learn from them by examining the causal relations between driving forces and their different evolutions. By applying scenario approaches, scholars can thus account for evolving dynamics and discuss such timely issues as the consequences of Brexit for both British and EU-security, economics and politics (Brakman, Garretsen, & Kohl, 2018; Martill & Sus, 2018; Musolff, 2017; Verschueren, 2017; Ziv et al., 2018). Yet, scenario analysis offers more than the possibility to talk about the future. We see a fourfold merit of adding scenario analysis to the range of methods applied by IR scholars.

Confronting enduring assumptions

As we presented in the previous section, the main feature of explorative scenarios, which are the subject of this paper, is to stimulate creative thinking by challenging the deeply held assumptions of their authors. In other words, this method is helpful for overcoming enduring cognitive biases—mental errors such as linearity, presentism, and group think caused by the subconscious and simplified information processing of humans (Heuer, 1999, pp. 111– 112). Humans have the tendencies to focus on the present at the expense of the future and to think about the future in linear terms by extrapolating past trends into the future. As Gaddis (1992) points out, “we tend to bias our historical and our theoretical analyses too much toward continuity (…) we rarely find a way to introduce discontinuities into theory, or to attempt to determine what causes them to happen” (p. 52). Even if Gaddis does not explicitly mention scenarios, he refers to the concepts underlying scenario approaches (Han, 2011, p. 51). Scenario analysis attends to “deeper, otherwise left implicit, assumptions about continuous and linear patterns of development” (Wilkinson et al., 2013, p. 707). The process of scenario development invites the participants to reveal and question convictions which have so far remained unchallenged, and to question the linearity of world developments.

The ability of reexamining one’s own assumptions and going beyond linear patterns of development is essential for IR scholarship. To illustrate it with two examples: IR scholars and historians did not think that the Soviet Union could collapse and were startled by its fall, the peaceful resolution of the Cold War and the transformation of the bipolar system (Davis, 2005; Gaddis, 1992). In a similar vein, United States scholars were for decades so convinced of China’s economic, political, and cultural limitations that they neglected the possibility of its sudden ascent and were taken by surprise when it happened (Hundley, Kenzer, & Peterson, 2015). Interestingly, since the rise of China became evident, the United States debate on its future has been marked by a similar linearity of thought, leading to single-outcome predictions of China’s long-term future (Kerbel, 2004). In both cases, the discipline proved incapable of anticipating events of such importance, because scholars took for granted the status quo instead of confronting their bias towards linearity and detect manifestations of upcoming change. As a result, two major geopolitical surprises—the end of the Cold War and the rise of China have at first been neglected, forcing academia to catch up.

Against this backdrop, foresight helps IR scholars to exit the tunnel vision on world affairs and discover potentially valuable nonlinear lines of development. These can be both innovative in terms of scholarship, and policy-relevant by offering a reflection on unexpected discontinuities. Thus, it can facilitate the intellectual capability to think the unthinkable (Porter, 2016, p. 259).

Bringing forward new research questions

Scenario analysis starts with confronting one’s enduring assumptions and developing multiple causal possibilities, through which scholars can potentially discover topics that have not been examined before. One of the greatest challenges for any scholar is to identify innovative venues for research that might bring the discipline forward and advance publicity for one’s work. In Lakatosian terms, such an ability is often considered an evidence of a progressive research program.10 Since the prime feature of scenario analysis is to detect rapid and significant shifts in trajectories, or the forces behind them, this method succors when defining new pressing topics for academia. In particular, as mentioned in the previous section, scenario analysis enables the detection of both weak signals and wild cards. By drawing attention to these hitherto overlooked but potentially pressing issues, scenario analysis can identify research agendas for further investigation (Barma et al., 2016). Therefore, scenario analysis seems to be the right tool to advance innovative research since it helps scholars drive their research into new areas, away from moribund topics that have been followed for many decades. By “identifying questions of likely future significance” (Barma et al., 2016, p. 6), scenario analysis can contribute to combatting the proliferation of researchers in fields occupying the political status quo, such as Soviet or Japan studies in the United States in the 1980s. At the same time, innovative research topics confront the uncertainties that are crucial for policymakers to be monitored closely.

Dealing with the complexity and interdisciplinarity of real-world issues

Another added value of the scenario analysis for IR scholarship lies in its ability to provide comprehensive causal reasoning and thus to tackle complex issues. As mentioned in the introduction, the world’s complexity combined with abrupt shifts poses a challenge for IR scholarship. The possibility to accommodate multiple driving forces, to take into account different values they might take and finally to combine them with each other and see how they affect the dependent variable, makes the scenario approach quite unique. Traditional IR methods work with a limited number of independent variables, formulate and test hypotheses usually based on the relation between a single causal variable and the dependent variable. Investigating complex causal trajectories is therefore not possible. Against this background, we agree with Barma et al. (2016) and his colleagues who argue that scenarios are highly apt for dealing with complexity and uncertainty and providing academia with a tool for “actionable clarity in understanding contemporary global issues” (p. 1).

Moreover, the scenario approach helps to tackle the challenges of interdisciplinarity that is tied to complexity. By drawing on the active participation of people from different disciplines, backgrounds, and with different expertise in the scenario development process, it brings interdisciplinarity to the table by default. The key advantage of the approach is that this interdisciplinary conversation takes place prior to and during the research phase, rather than after it. This distinguishes the scenario approach from other methods that bring interdisciplinary perspectives together but do not facilitate a discussion between them, rather letting them passively co-exist. By exploring the dynamics between seemingly unrelated vectors of change (key drivers), scenario analysis can be useful for shedding light on developments that would have been overlooked by narrower research designs. In security studies, for example, scenario analysis can connect the dots between hard, soft, traditional and non-traditional understandings of security and capture the interplay of economic-societalenvironmental and technological changes. Imposing interdisciplinarity also helps to counter the “hyper-fragmentation of knowledge” that “makes it difficult for even scholars in different disciplines to understand each other, much less policy-makers and general public” (Desch, 2015, p. 381).

Complex real-world issues that were tackled using scenario analysis include the Israel-Palestine conflict (Stein et al., 1998), Turkey’s geopolitical environment (Çelik & Blum, 2007), the prospects of the United States– China conflict (Friedberg, 2005) and the consequences of Brexit for EU foreign and security policy (Martill & Sus, 2018). An examination of these topics without the application of interdisciplinary approaches would not be possible precisely due to their multifaceted character.

Stepping out of the ivory tower

Finally, scenario analysis also enables IR scholars to establish a channel of communication with policy-makers other than conducting interviews for their own research or providing ad-hoc consultations. A participatory scenario process forges “deep and shared understanding between its participants” (Ramírez & Wilkinson, 2016, p. 21). In scenario workshops, academics and policy-makers work together, confront their world visions and assumptions and arrive at an agreement upon which they develop narratives for alternative futures. Hence, scenario analysis can be perceived as a tool towards more exchange between academia and policy-making that can contribute to a better understanding between the two worlds. For policymakers, it provides the opportunity to consider long-term trends (an occasion not often found in the day-to-day nature of politics). For academics, it provides insight into which trends are most concerning for policy-makers, allowing them to check and ultimately enhance the relevance of their research agendas.

We acknowledge the difficulty to engage policy-makers in foresight exercises caused by their time-constrains and possible lack of interest. Yet, in our experience, this problem mostly refers to high-level policy-makers. Mid-level and former officials and policy-makers have more time and willingness to participate in foresight exercises and contribute equally valuable perspectives. The participatory character of foresight exercises facilitates the exchange of views from different stakeholders on an equal level. In our case, as the evaluation has shown, it has proven to be stimulating for each of the engaged groups.

Moreover, the policy dialogue benefits from scenarios’ accessibility to a broader audience. Scenario publications tend to be shorter and easier to read than the average academic publication and as Nye (2008) rightly notes “a premium on time is a major difference between the two cultures” of academia and policy-making. Since scenario publications are more suitable to the time- and attention-constraints of many policy-makers, they improve the accessibility of research findings for the policy world (Cairney & Kwiatkowski, 2017). An illustrative example is offered by a foresight exercise conducted by the Aspen Institute Berlin in 2017. A group of academics, think tank experts and policy-makers developed scenarios on the future of the liberal world order that served as raw material for a newspaper from the future titled “The Aspen Insight” and dated October 21, 2025. Not only did the presentation of the newspaper catch the attention of many Berlin-based policy-makers but the “The Aspen Insight” was also attached as a supplement to the Berlin daily Tagesspiegel, and reached more than 300,000 readers.11

We acknowledge that the four aspects of the added value of scenario analysis for IR scholarship are interrelated and that their boundaries are not clear-cut. Yet, we believe, they highlight distinct benefits of this approach for academics that want to tackle the challenges of today’s world via their research.

#### Legal avenues are key to build up social movements that challenge power.

Kate Andrias and Benjamin I. Sachs 21, Kate Andrias is Professor of Law, University of Michigan Law School. Benjamin I. Sachs is Kestnbaum Professor of Labor and Industry, Harvard Law School, “Constructing Countervailing Power: Law and Organizing in an Era of Political Inequality,” 130 Yale L.J. 546, January 2021, lexis.

[\*548] INTRODUCTION

Among the painful truths made evident by COVID-19 are the deep inequality of American society and the profound inadequacy of our social-welfare infrastructure. The nation's lack of comprehensive health care, 1Link to the text of the noteits underfunded and inefficient system of unemployment insurance, 2Link to the text of the noteand weak workplace safety and health guarantees, 3Link to the text of the notealong with nearly nonexistent paid sick leave, 4Link to the text of the notedebtor-forgiveness rules, 5Link to the text of the noteand tenant protections 6Link to the text of the noteleave poor and working-class communities--particularly communities of color--dangerously exposed to the ravages of this pandemic, both physical and economic. 7Link to the text of the noteAmerica's weak social safety net is, in turn, a product of a profound failure that has plagued American democracy for decades now: the wealthy exercising vastly disproportionate power over politics and government. 8Link to the text of the note

[\*549] Indeed, public faith in American democracy is at near-record lows, and increasing numbers of Americans report that they no longer feel confident in the health of their democratic institutions. When asked why, many say that money has too much of an influence on politics and that politicians are unresponsive to the concerns of regular Americans. 9Link to the text of the noteResearch supports these fears, showing both that wealthy individuals are spending record sums on electoral politics 10Link to the text of the noteand that elected officials are at best only weakly accountable to nonwealthy constituents. 11Link to the text of the note [\*550] As political scientist Martin Gilens has observed, "[W]hen preferences between the well-off and the poor diverge, government policy bears absolutely no relationship to the degree of support or opposition among the poor." 12Link to the text of the note

Of course, democracy does not require that policymaking always follow majority will or the median voter's preferences. But democracy, as well as the faith citizens have in their government, falters when lawmakers persistently disregard the priorities of nonwealthy citizens.

Much of the legal scholarship (and public commentary) concerned with this democracy deficit focuses on the increased flow of money into electoral politics and advocates for stemming that flow. 13Link to the text of the noteScholars writing in this vein criticize the Supreme Court's jurisprudence, exemplified by Citizens United v. FEC, that has enabled unfettered campaign spending. 14Link to the text of the noteThey offer a range of reforms designed to limit the flow of money into elections, many of which would require a change in the composition of the Supreme Court or the ratification of a constitutional amendment. 15Link to the text of the noteA related group of scholars advocates for shielding the legislative and administrative process from money's influence through, for example, lobbying restrictions and disclosure requirements. 16Link to the text of the note

[\*551] A second robust body of scholarship focuses not on insulating the political process from money but on trying to ensure equal rights of individuals to participate in the governance process through elections. These scholars criticize barriers to equal voting rights, including contemporary uses of gerrymandering and legislation that impose hurdles on individual voters' ability to exercise the franchise or minimize the effective voting power of particular constituents. 17Link to the text of the noteScholars urge both doctrinal and legislative reform that would ensure more equal rights of participation.

In the last few years, a third approach has begun to emerge in the legal scholarship. This approach begins by recognizing the difficulty--both practical and constitutional--of keeping money out of politics. It also recognizes that while equal voting and participation rights are critical to the goal of combatting political inequality, they are not enough to ensure political equality in a system where wealth functions so prominently as an independent source of political influence. Thus, this third approach moves beyond campaign finance and individual participation rights and focuses instead on what we will call countervailing power. In particular, this approach is concerned with the ability of mass-membership organizations to equalize the political voice of citizens who lack the political influence that comes from wealth. 18Link to the text of the note

The beneficial effects of countervailing, mass-membership organizations are well known to theorists and researchers of democracy. 19Link to the text of the notePut simply, such groups increase political equality by building and consolidating political power for the [\*552] nonwealthy, thus serving as counterweights to the political influence of the rich. Mass-membership organizations can serve in this capacity because, at bottom, they aggregate the political resources and political power of people who, acting as individuals, are disempowered relative to wealthy individuals and institutions. 20Link to the text of the noteMore particularly, mass-membership organizations enable pooling of politically relevant resources, including money, among individuals with fewsuch resources; they provide information to decisionmakers about ordinary citizens' views; they navigate opaque and fragmented government structures, thereby enabling citizens to monitor government behavior; and they allow citizens to hold decisionmakers accountable. And, in fact, when citizens are organized into mass-membership associations that are active in the political sphere, researchers find an exception to the general rule that policymakers are disproportionally responsive to the preferences and concerns of the wealthy. 21Link to the text of the note

Over recent decades, however, there has been a decline in broad-based, massmembership organizations of low- and middle-income Americans. 22Link to the text of the noteThis decline in countervailing organizations has exacerbated the political distortions caused by the increase in political spending by the wealthy. But the capacity for countervailing organizations to address the distorting effects of wealth raises a critical question for legal scholars: How can law facilitate the construction of countervailing organizations among the nonwealthy? Put differently, how can law facilitate political organizing among Americans whose voices are drowned out by the distorting effects of wealth? That is the question we address in this Article.

Recently, legal scholars have begun to address related topics. For example, K. Sabeel Rahman and Miriam Seifter have written about ways that participation in administrative processes can improve the organizational strength of citizen groups. Thus, Rahman argues for designing administrative processes in ways that enhance the countervailing power of ordinary citizens, 23Link to the text of the notewhile Seifter urges administrative-law scholars to pay attention to the characteristics of interest groups participating in the administrative process and to consider "looking [\*553] within interest groups," referencing the manner by which interest groups determine the views of their constituents, "to illuminate the quality and nature of participation in administrative governance." 24Link to the text of the noteTabatha Abu El-Haj has urged greater use of universal benefits and targeted philanthropy, to encourage the growth of mass-membership organizations, since both "create reasons to organize on the part of beneficiaries." 25Link to the text of the noteBoth of us have written about the countervailing role that labor organizations can play in politics. 26Link to the text of the noteAnd Daryl Levinson and one of us have written about the ways in which ordinary public policy often has the effect--and at times the intent--of mobilizing political organization around the policy. 27Link to the text of the note

Meanwhile, another group of legal scholars has highlighted the importance of social movements and their organizations in legal change, focusing on how movements shape decisionmaking by courts, legislatures, and administrative agencies. 28Link to the text of the noteIn particular, a rich literature has developed on the relationship between popular mobilization and evolving constitutional principles, 29Link to the text of the noteand on [\*554] how "cause lawyers" can best serve social movements. 30Link to the text of the noteMore recently, there has been a resurgence of scholarship that "cogenerates legal meaning alongside left social movements, their organizing, and their visions." 31Link to the text of the noteThis work builds on an older tradition of critical legal studies and critical race theory that interrogates the limits of traditional legal rights in bringing about progressive social change given the political, economic, and social conditions that systematically disadvantage poor people and people of color. 32Link to the text of the note

To date, however, no one has tackled directly the question that we pose here. 33Link to the text of the noteRather than asking how the enactment of substantive legislation or administrative-participation mechanisms might boost organizing, how social [\*555] movements can or hope to reshape law, or how a focus on traditional legal rights disables fundamental social change, we ask how law could be used explicitly and directly to enable low- and middle-income Americans to build their own socialmovement organizations for political power.

The question is particularly urgent today as the COVID-19 pandemic has exacerbated society's existing inequalities. Working-class communities, especially low- and middle-income people of color, have experienced hardships as a result of the disease to a far greater extent than the wealthy--from massive unemployment to dangerous working conditions, from food insecurity to rising debt and risk of eviction. 34Link to the text of the noteThe suffering wrought by the pandemic, as well as by the financial crisis of 2008, has led to an upsurge in protests by low- and middle-income Americans, particularly among workers, tenants, and debtors. 35Link to the text of the noteAt the same time, endemic violence against Black communities, including the recent killing of George Floyd, has led to widespread organizing around issues of racial justice. 36Link to the text of the noteThese movements demand that government respond to the [\*556] concerns of ordinary Americans and attempt to elicit better treatment from powerful actors. Yet, despite their promise, such movements face significant obstacles in translating their members' anger into robust and lasting political power. 37Link to the text of the noteA pressing task, therefore, is to ask how law can facilitate and protect these new and revived protest movements, helping to create durable organizations that can exercise sustained power in the political economy.

We start from the premise that the robustness of countervailing, mass-membership organizations should be understood as a problem both of and for law. The shape of civil society and organizational life is already a product of legal structures and rules. 38Link to the text of the noteAnd although law has frequently been a tool of oppression, rather than of empowerment, of poor and working-class people and movements, 39Link to the text of the notealternative legal regimes that encourage the growth of and the exercise of power by social-movement organizations of the poor and working class are possible. Indeed, for those who are committed to decreasing political inequality, alternative legal structures that encourage the growth of countervailing organizations are imperative.

In analyzing how legal and institutional reforms could facilitate a different picture of organizational and political life in the United States, we draw from the successes and failures of labor law--the area of U.S. law that most explicitly and directly creates a right to collective organization for working people--while also moving beyond that context to literature considering "how, in what forms, and under what conditions social movements become a force for social and political change." 40Link to the text of the noteWe do not attempt to adjudicate priority among factors that [\*557] contribute to successful organizing, nor do we attempt to build an exhaustive list of such factors. Instead, we consolidate factors that have two attributes: (1) they are likely to contribute to the successful building of membership organizations among poor and working-class people, and (2) their existence or development might be enabled by law.

We recognize that some factors, undoubtedly critical to successful organizing, are beyond the reach of our proposal. For example, sociologists and historians have demonstrated that several structural opportunities helped facilitate the growth of the Civil Rights movement, including the collapse of cotton; the increase in Black migration and electoral strength; and the advent of World War II and the Cold War. 41Link to the text of the noteThese kinds of objective structural conditions, exogenous to movements themselves, are frequently important to movement formation, but they cannot be directly affected by the kinds of legal reforms we suggest. Likewise, sociologists have shown that strategic leadership within organizations is critical to movement success, 42Link to the text of the notebut internal leadership dynamics are not easily affected through legal regulation. 43Link to the text of the note

Three additional principles guide our analysis. First, because small-scale, concrete victories are essential to successful organizing, and because organizing tends to be most successful among people with shared identities and existing relationships, we focus on reforms that enable organizing within particular structures of authority and resource relations. By way of examples, we consider organizing among workers, tenants, debtors, and recipients of public benefits. We pick these contexts in part because they are ones rife with exploitation and [\*558] power imbalances and populated by the relevant income groups, and in part because they are home to important organizing efforts, both historical and contemporary. 44Link to the text of the noteWe do not suggest that these are the only relevant contexts in which our suggestions might be explored, nor do we in any sense imply that broader organizational development encompassing poor and working-class people as a whole is impossible or ineffective. In fact, the context-specific organizing regimes we envision might well facilitate broader community-based and political organization. However, we leave for another day exploration of how the law might directly enable broad-based political organization--say, a political organization of all poor people or a political-party system that incentivizes grassroots participation among nonwealthy individuals. 45Link to the text of the note

Second, we focus on how law can build organization, as opposed to more amorphous configurations of insurgency. The organizations our reforms seek to facilitate are very much social-movement actors, in that they seek to change "elements of the social structure and/or reward distribution of a society." 46Link to the text of the noteBut the goal is to encourage enduring organization that can wield sustained, [\*559] countervailing power. 47Link to the text of the noteThus, our approach rejects the idea that formal structures facilitated by law are necessarily deradicalizing and inimical to social change. 48Link to the text of the note

Finally, our focus is on how law can facilitate organizations of working-class and poor Americans--not on either of two other questions: one, how law could be designed specifically to enhance the political power of communities of color, or two, how law could encourage the formation of interest groups generally. The first question could not be more critical. Just as our government is disproportionately responsive to the wealthy, it is also disproportionately responsive to white people, 49Link to the text of the noteand the crisis of structural racism is perhaps the most acute we face as a nation. As such, a program for building political power among communities of color is just as necessary as a program for building power among workers and the poor. But it is also true that our focus on working and poor Americans ought, in practice, and in part due to the crisis of structural racism itself, to amount to a program for building power among and by communities of color. This is not the exclusive reach of our proposals, and continued attention must be paid to ensure that racial inequities do not infect the political organizing we aspire to enable. But because people of color are over-represented in the sectors of the population that we do address--low-income workers, tenants, government-benefits recipients, debtors--these communities would likely benefit from the success of our proposals. As to the second question, while a more expansive civil society may bring a host of benefits, including greater social cohesion and civic education, this Article's concern is with building organizations that can serve as a countervailing force to the extraordinary power of economic elites in our political economy. 50Link to the text of the note

[\*560] We argue that a legal regime designed to enable this kind of organizing should have several components. First, the law should grant collective rights in an explicit and direct way so as to create a "frame" that encourages organizing. Second, as importantly, though more prosaically, the law should provide for a reliable, administrable, and sustainable source of financial, informational, human, and other relevant resources. Third, the law should guarantee free spaces--both physical and digital--in which movement organization can occur, free from surveillance or control. Fourth, the law should remove barriers to participation, both by protecting all those involved from retaliation--no worker may be fired, no tenant evicted, no debtor penalized, and no welfare recipient deprived of benefits because they are active in or supportive of the movement's efforts--and by removing material obstacles that make it difficult for poor and working people to organize. Fifth, the law should provide the organizations with ways to make material change in their members' lives and should create mechanisms for the exercise of real political and economic power, for example by providing the right to "bargain" with the relevant set of private actors and by facilitating organizational participation in governmental processes. Finally, the law should enable contestation and disruption, offering protections for the right to protest and strike. 51Link to the text of the note

The particulars necessarily vary by context. For example, a law designed to generate organizing among tenants would start by affirmatively granting tenants the right to form and join tenant unions. It would grant such unions the right to access information and landlord property for organizational purposes. It would vest the organization with authority to collect dues payments through deductions from rent payments. It would mandate that landlords negotiate with tenants' organizations over rent and housing conditions. It would ensure that organizations have special rights of participation in administrative processes related to housing policy. And it would provide for the right of tenants to engage in rent strikes and protests, free from retaliation. A law designed to facilitate organizing among debtors would similarly create a collective frame, provide a mechanism for funding, protect against retaliation, mandate bargaining and [\*561] rights of participation in governance, and protect the right to protest and strike, but a debtor-organizing law might not provide for access to physical spaces, instead putting more emphasis on providing information and enabling online organizing.

Some of our proposals will generate resistance--theoretical, legal, and political. And, indeed, we concede that our approach has limitations. For example, we do not attempt to articulate the optimal level of political influence that the organizations in question ought to enjoy, nor a way of measuring when and whether they have become sufficiently strong. As Richard Pildes has written in a related context, we believe it is possible to "identify what is troublingly unfair, unequal, or wrong without a precise standard of what is optimally fair, equal, or right." 52Link to the text of the noteIn addition, the scope of our inquiry is limited to problems of economic inequality. Yet we do not mean in any way to minimize other aspects of inequality, including racial and gender discrimination and hierarchy, which are both inseparable from economic inequality and worthy of separate examination and intervention. To that end, we believe law ought to require inclusion and nondiscrimination among poor and working people's social-movement organizations. 53Link to the text of the note

Finally, we recognize both that our recommendations will not provide a panacea to the imbalance in power that characterizes our political economy and that our proposals will be difficult to enact. Indeed, although we suggest a range of possible reforms and explain how they could be achieved, the goal is to illuminate law's constitutive potential and to suggest a path for further work, not to provide a comprehensive blueprint. 54Link to the text of the noteIn short, analysis of what makes poor and working people's social-movement organizations succeed helps show that law [\*562] can make a difference--and that the absence of such law is a choice, one we believe our society cannot afford to make. 55Link to the text of the note

#### Legal reform is necessary to solve their impacts.

Victor Nee, Professor, Sociology, Cornell University and Hilary Holbrow, PhD Candidate, Cornell, “Why Asian Americans Are Becoming Mainstream,” DAEDALUS v. 142 n. 3, Summer 2013, Ebsco.

Until 1965, immigration from Asia served as the crucible for a politics of exclusion that involved both the legal framework and a social consensus backing a national-origin quota for immigration. In the mid-nineteenth century, the arrival of a sizable Chinese population in communities across the western states provoked widespread nativist sentiment and anti-Chinese hostility. Competition in labor markets spurred union-led protests and violent demands for the government to restrict Chinese immigration. The subsequent passage of the Chinese Exclusion Act of 1882 effectively ended immigration from China, while Chinese residing in America were barred from naturalized citizenship. Japanese immigration to the West Coast, which followed the exclusion of Chinese laborers, incited similar mobilization of nativist sentiment and legislative politics, culminating in the Immigration Act of 1924. This legislation limited free immigration to the United States to those from Northern and Western Europe, with restrictive quotas set for Southern and Eastern Europeans. Immigration from Asia was closed down, and the rule of exclusion extended to a wide range of discriminatory legislation in the western states designed to drive Asians into ra - cially segregated enclaves. It took the emergence of a new political consensus born in the civil rights movement for the federal government to enact the watershed legislation that guided institutional change and extended equal rights and opportunities to nonwhite Americans. This civil rights legislation af½rmed principles of open access to political and economic institutions for all Americans, regardless of race and gender. Concomitantly, Congress passed with bi - partisan support the Immigration Act of 1965, an international counterpart to the far-reaching Civil Rights Act of 1964 and Voting Rights Act of 1965. The Immigration Act repealed national-origin rules and opened legal immigration to all countries. Once legal immigration was open to all countries, documented entry was then directly connected with access to inclusive political and economic institutions. Im - migrants with appropriate visa documents could enter the United States as permanent residents and, through a sequential transition culminating in approved application for naturalized citizenship, could gain access to mainstream American in - stitutions. In combination, these sweeping legal changes have reshaped American society. Though not anticipated by political elites in the 1960s, the new immigration law opened the way for mass immigration from Asia, and as a very unintended consequence, from Latin America as well. And in light of the rapidly changing de - mographic composition of the American population, immigration is once again inspiring national debate. There is again a rising tide of nativist backlash, especially in the states that share borders with Mex ico. The debate has focused on the new immigration from Latin America, the region sending the largest flow of immigrants, many of them unauthorized.1 High-volume Asian immigration to the United States has now been continuous for nearly a half-century, constituting the longest lasting legal immigration from Asia in American history. In an exponential increase over the 1970 census count of 1.5 million, Asian Americans grew to exceed 17.2 million by 2010, making up 5.6 percent of the U.S. population.2 This rapid increase is primarily due to continuous and now accelerating immigration, such that in 2010, foreign-born Asians outnumbered native-born Asian Americans by a ratio of two to one. Since 2008, 40 percent of new immigrants are Asian, up from 27 percent of new arrivals before 2005.3 If present population trends continue, the Asian American population has been estimated to grow to around 9.2 percent of the American population by 2050.4 Unlike previous waves of the nineteenth and early twentieth centuries, the new Asian immigration has not spawned reactive nativist social movements and politics demanding the exclusion of Asians. Rather, Asian immigrants and the second generation are assimilating into the American mainstream more rapidly than earlier immigrants to the United States.5 Whether in integrated residential communities, in colleges and universities, or in mainstream workplaces, Asian Americans’ presence is ever more the rule than the exception. What accounts for their success?

## 2nc

### Case

**The disability rights movement has impacted the public sphere --- proves it’s possible**

Jerry Alan **Winter 3**, Allyn Professor Emeritus of Sociology - Connecticut College, “The Development of the Disability Rights Movement as a Social Problem Solver,” Disability Studies Quarterly, Winter 2003, Volume 23, No. 1, pages 33-61, http://dsq-sds.org/article/view/399/545

The disability rights movement has, then, moved through the three phases typical of social movements. First, it has defined a problem, the oppressive marginalization of people with disabilities, and identified its sources in the dominant ideas and practices, the hegemonic plausibility structure, which constitute the medical model of disability.

In its second phase, the movement moved successfully on three fronts, the ideological, the legislative and the organizational, to solve the problems of those with disabilities. Specifically, it proffered a social model of disability which has, to an important degree, replaced the medical model. It supported legislation, such as the Americans with Disabilities Act (**ADA**), which has been enacted into law to advance the inclusion of those with disabilities into the mainstream of American society and empowered them to act effectively and productively within it. The movement helped create a new form of organization, the independent living center, to assist those with disabilities when they need assistance.

In its third phase, the aftermath of its success, the disability rights movement has found their support of a social model of disability can lead them to stand on the sidelines on some important issues, such as health care reform, and to oppose positions taken by groups whose support they need to build an effective, pro-disability rights coalition. Moreover, in the aftermath of success on the legislative front, the movement has found that, as with all laws, the laws it helped enact are not always well or forcefully applied and that the meaning of its key terms may not be settled. Indeed, it is likely their application will need to be negotiated, by countless individuals with disabilities and their advocates, over and over again with countless school officials, local, state and federal government officials and business people at all levels.

Nevertheless, the success of independent living centers should provide the needed advocates and help instill a pride and confidence in those with disabilities, both individually and collectively, sufficient to insure that **they are so included and so empowered within mainstream of American society that nothing about them will ever again be done without them.**

**T-USFG**

**Demands on the state are a productive center of discussion but don’t tie us to the government or its legitimacy**

Saul **Newman**, PhD, Professor of Political Theory, Goldsmith University, London, **’11**

(*The Politics of Postanarchism*, pg. 114)

Despite the obvious pitfalls of the Leninist vanguard strategy, we should nevertheless take Zizek's challenge to Critchley seriously: that, in other words, the problem with the strategy of working outside the state is that it **may essentially leave the state intact**, and entail an irresponsible and even **self-indulgent politics of demand** that hides a secret reliance on the state to take care of the everyday running of society. Is there some truth to this claim? There are two aspects that I would like to address here. First, the notion of demand: making certain demands on the state - say for higher wages, equal rights for excluded groups, to not go to war or an **end to draconian policing** - is one of the **basic strategies** of social movements and radical groups. Making such demands **does not necessarily mean working within the state or reaffirming its legitimacy.** On the **contrary**, demands are made from a position **outside the established political order,** and they often **exceed the question of the implementation** of this or that specific measure. They implicitly **call into question the legitimacy** and even the sovereignty of the state by highlighting fundamental inconsistencies between, for instance, a formal constitutional order that guarantees certain rights and equalities, and state practices that in reality violate and deny them. Jacques Ranciere gives a succinct example of this when he discusses Olympe de Gouges, who, at the time of the French Revolution, demanded that women be given the right to go to the Assembly. In doing so, she demonstrated the inconsistency between the promise of equality - invoked in a general sense and yet denied in the particular by the Declaration of the Rights of Man and the Citizen - and the political order which was formally based on this: Women could make a twofold demonstration. They could demonstrate that they were deprived of the rights that they had, thanks to the Declaration of Rights. And they could demonstrate, through their public action, that they had the rights that the constitution denied to them, that they could enact those rights. So they could act as subjects of the Rights of Man in the precise sense that 1 have mentioned. They acted as subjects that did not have the rights that they had and had the rights that they had not.21

**The Aff’s radical politics cedes the political, opening a space to be filled by the right. This reentrenches institutional violence- turns case**

**Mouffe, Westminster political theory professor, 2009**

(Chantal, “The Importance of Engaging the State”, <http://m.friendfeed-media.com/ef12653960910c6594243a9a98293bfa1e1702ff#page=94>)

It is clear that, once we envisage social reality in terms of ‘hegemonic’ and ‘counter-hegemonic’ practices, radical politics is not about withdrawing completely from existing institutions. Rather, we have no other choice but to engage with hegemonic practices, in order to challenge them. This is crucial; otherwise we will be faced with a chaotic situation. Moreover, if we do not engage with and challenge the existing order, if we instead choose to simply escape the state completely, we leave the door open for others to take control of systems of authority and regulation. **Indeed there are many historical (and not so historical) examples of this. When the Left shows little interest, Right-wing and authoritarian groups are only too happy to take over the state.** The strategy of exodus could be seen as the reformulation of the idea of communism, as it was found in Marx. There are many points in common between the two perspectives. To be sure, for Hardt and Negri it is no longer the proletariat, but the Multitude which is the privileged political subject. But in both cases the state is seen as a monolithic apparatus of domination that cannot be transformed. It has to ‘wither away’ in order to leave room for a reconciled society beyond law, power and sovereignty. In reality, as I’ve already noted, others are often perfectly willing to take control. If my approach – supporting new social movements and counterhegemonic practices – has been called ‘post-Marxist’ by many, it is precisely because I have challenged the very possibility of such a reconciled society. To acknowledge the ever present possibility of antagonism to the existing order implies recognising that heterogeneity cannot be eliminated. As far as politics is concerned, this means the need to envisage it in terms of a hegemonic struggle between conflicting hegemonic projects attempting to incarnate the universal and to define the symbolic parameters of social life. A successful hegemony fixes the meaning of institutions and social practices and defines the ‘common sense’ through which a given conception of reality is established. However, such a result is always contingent, precarious and susceptible to being challenged by counter-hegemonic interventions. Politics always takes place in a field criss-crossed by antagonisms. A properly political intervention is always one that engages with a certain aspect of the existing hegemony. It can never be merely oppositional or conceived as desertion, because it aims to challenge the existing order, so that it may reidentify and feel more comfortable with that order. Another important aspect of a hegemonic politics lies in establishing linkages between various demands (such as environmentalists, feminists, anti-racist groups), so as to transform them into claims that will challenge the existing structure of power relations. This is a further reason why critique involves engagement, rather than disengagement. It is clear that the different demands that exist in our societies are often in conflict with each other. This is why they need to be articulated politically, which obviously involves the creation of a collective will, a ‘we’. This, in turn, requires the determination of a ‘them’. This obvious and simple point is missed by the various advocates of the Multitude. For they seem to believe that the Multitude possesses a natural unity which does not need political articulation. Hardt and Negri see ‘the People’ as homogeneous and expressed in a unitary general will, rather than divided by different political conflicts. Counter-hegemonic practices, by contrast, do not eliminate differences. Rather, they are what could be called an ‘ensemble of differences’, all coming together, only at a given moment, against a common adversary. Such as when different groups from many backgrounds come together to protest against a war perpetuated by a state, or when environmentalists, feminists, anti-racists and others come together to challenge dominant models of development and progress. In these cases, the adversary cannot be defined in broad general terms like ‘Empire’, or for that matter ‘Capitalism’. It **is instead contingent upon the particular circumstances in question – the specific states, international institutions or governmental practices that are to be challenged.** Put another way, the construction of political demands is dependent upon the specific relations of power that need to be targeted and transformed, in order to create the conditions for a new hegemony. **This is clearly not an exodus from politics. It is not ‘critique as withdrawal’, but ‘critique as engagement’**. It is a ‘war of position’ that needs to be launched, often across a range of sites, involving the coming together of a range of interests. This can only be done by establishing links between social movements, political parties and trade unions, for example. The aim is to create a common bond and collective will, engaging with a wide range of sites, and often institutions, with the aim of transforming them. This, in my view, is how we should conceive the nature of radical politics.

**That we are outraged about the violation of laws demonstrates our commitment to the principles they uphold – we should use slow legal transformations to bring the globe in line with these principles**

**Ruti ‘15** (Prof. of English and Critical Theory @ U. Toronto, *Between Levinas and Lacan: Self, Other, Ethics*, pp. 179-180)

What the vehement pitch of Marxist critics of human rights conceals is that the ideal of such rights has not emerged only as a prop for Western politico-economic domination. It has emerged, in part at least, from our prior experiences with various collective atrocities. I think it would be insincere to pretend that these atrocities are so drastically different from each other that they cannot support any a priori, universally applicable ethical principles. Benhabib and Fraser do not deny that cosmopolitanism can be abused through what Renhabib describes as "the ambivalences, contradictions, and treacherous double meanings of the current world situation, which often transform cosmopolitan intents into hegemonic nightmares" (DA 123). Neither do they deny that international laws have been unevenly applied, most egregiously in the context of the US-led war on terror. 21 But **they resist the conclusion that international laws are merely an oppressive arm of Western imperialism.** If anything, it is possible to argue that if we are horrified by the manner in which the United States has violated international laws, it is because we have these laws in the first place; **if we recognize these violations** as violations, **it is because we still – on some level – believe in the values that international laws attempt**, however precariously, **to uphold.** In this sense, attacking human rights legislation – legislation that has often been painstakingly constituted in increasingly transnational forums – will not make the world a less violent place; the effort to protect these rights more equitably might. This is why Benhabib argues for "a cosmopolitanism without illusions" (DA 14): a cosmopolitanism that remains alert to the various ways in which it could be exploited. As she concludes: **We need ... to use the public law documents of our world and** the **legal advances** in human rights covenants **soberly, without too much utopian fanfare, to enable the growth of counter-hegemonic transnational movements**, claiming rights across borders in a series of interlocking democratic iterations, and reinventions and reappropriations of valuable norms that have often been misunderstood and abused as they have been advanced. (DA 14-15) Obviously, the West has never been able to live up to the ideals of the Enlightenment. Yet, as ideals-as normative goals-freedom, equality, reciprocity, and democratic process are hard to argue with. One of the mistakes that the Enlightenment made was to deny the sociohistorical specificity of these ideals. On the one hand, its relative success arose precisely from its ability to universalize its particularity beyond its narrow cultural parameters; that is, it succeeded in doing with its ideals what Butler attempts to do with the Jewish heritage, namely to translate a specific tradition into something that transcends the confines of this tradition. On the other hand, it undermined these very ideals by trying to violently impose them on the rest of the world (surely there is a deep irony in attempting to force, say, the ideal of "democratic process" on others). But such **misuse does not mean that the ideals in question are intrinsically corrupt**, which is precisely why even the most passionate critics of the Enlightenment tend to fall back on its definition of justice, as Butler does in the context of the Israel-Palestine conflict.

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**Capitalism is the best explanation of the origin of disability --- bodies are valued as machines because of market forces.**

**Slorach 11**—Senior Disability Advisor at Imperial College London [Roddy, “Marxism and Disability,” *International Socialism*, Issue 129, 4 Jan 2011, http://www.isj.org.uk/?id=702, accessed 13 Jun 2016]

The creation of disability

Weaker, older or impaired members of pre-class societies were more likely to survive with the development of settled agricultural production and surplus crops. Feudal societies saw impairment in religious terms, as a mark of either good or evil, which meant those affected often faced persecution. However, the rural production process, and the extended nature of the feudal family, allowed many to make a genuine contribution to daily economic life. Families living and working as large groups were able to provide networks of care for children and the elderly. This way of life, typical for much of the world’s population for thousands of years, was to virtually disappear in the last three centuries.

The rise of capitalism forced people off the land. In Britain production for the market began on a scale sufficiently small as to be carried out in the home, and therefore impaired people could still play a role. However:

the rural population was being increasingly pressed by the new capitalist market forces, and when families could no longer cope the crippled members would have been most vulnerable and liable to turn to begging and church protection in special poor houses. Market forces soon favoured machinery which was more efficient and able to produce cheaper more plentiful woven material. Those working larger looms would more likely survive and cripples would have had greater difficulty working such equipment.7

The Industrial Revolution accelerated the pace of change enormously. Larger-scale machinery concentrated in factory towns increasingly destroyed the old cottage industries as well as traditional family structures, with members forced to find work away from the home or patch of land. The new factory worker “could not have any impairment which would prevent him or her from operating the machine. It was, therefore, the economic necessity of producing efficient machines for large-scale production that established ablebodiedness as the norm for productive (ie socially integrated) living…production for profit undermined the position of physically impaired people within the family and the community”.8

Working lives previously shaped by the hours of daylight and the seasons were now determined by the rhythm of the factory—even more so with the invention of gaslight and round the clock working. People’s bodies were now valued according to their ability to function like machines:

Factory discipline, time keeping and production norms broke with the slower, more self-determined and flexible work pattern into which many disabled people had been integrated. As work became more rationalised, requiring precise mechanical movements of the body, repeated in quicker succession, impaired persons—the deaf or blind, and those with mobility difficulties, were seen as—and without job accommodations to meet their impairments, were—less “fit” to do the tasks required of factory workers, and were increasingly excluded from paid employment. [The Industrial Revolution] removed crippled people from social intercourse and transformed them into disabled people.9

Specialisms were developed to help maintain and reproduce the new working class. Poor Law officials and an expanding medical profession developed pseudo-scientific categories to identify those of the poor who were unfit for work—”the sick, the insane, defectives, and the aged and infirm”. Dependence on others was now identified as a social problem and impairment equated with sickness and illness. Throughout the 18th and 19th centuries those identified as disabled were segregated into workhouses, asylums, prisons and special schools. This had “several advantages over domestic relief: it was efficient, it acted as a major deterrent to the able-boded malingerer, and it could instil good work habits into the inmates”.10

Isolating disabled people in institutions—barbaric and oppressive as they were—led to the intensive study and treatment of impairments, creating the basis for clearer scientific understanding and classification. Mental impairment, for example, was seen as a single category until Langdon Down’s reports for the London Hospital in 1866. These identified, among other conditions, what later became known as Down’s Syndrome.11

With labour power now a commodity whose components were separately identified and valued, people with mental health problems were also increasingly categorised and placed in segregated institutions. In 1826, the first year for which statistics are available, fewer than 5,000 people were confined in asylums throughout England. By 1900, this had increased to 74,000.12

Capitalism represented a huge advance from previous societies in many ways. For the first time in history the productive capacity existed to feed, clothe and house the entire global population, while scientific and medical advances offered the prospect of understanding and curing diseases. But the new working class creating this wealth were excluded from any say over what was produced and how, suffering for their pains physical and mental impairment on an unprecedented scale. Those marginalised or excluded from production, either by injury or already existing impairments, also became marginalised or excluded from wider society. In this way capitalism created disability as a particular form of social oppression.

**The identity of disability is commodified in the ‘crip economy’**

**Johnson & McRuer 14**—University of South Carolina Upstate // Robert McRuer at the George Washington University [“Cripistemologies: Introduction,” *Journal of Literary & Cultural Disability Studies*, Vol. 8, Issue 2, 2014, p. 127-147]

“It’s always something” is arguably a Southernism, a bit like “I feels it in my bones” or “Lord, girl, there’s only two or three things I know for sure.” And in fact—even if a major international conference on cripistemologies was held at New York University in April 2013—cripistemology’s origins are literally non-metropolitan (see Fig. 1). We narrate the term’s emergence below to locate it in the backwoods and branch campuses of disability and queer theory. By way of these deviations from the metropole, we will route cripistemology through a reconsideration of Eve Kosofsky Sedgwick’s now-classic Epistemology of the Closet in order to bind cripistemology to crisis and pivot these two special issues of the Journal of Literary and Cultural Disability Studies away from certain dominant ways of knowing disability in our moment. Neoliberal disability epistemologies are highly lucrative—this much we know for sure. Disability identity is now part of capitalism’s array of target markets; a “crip economy” akin to the globalized queer pink economy is emergent (materializing out-and-proud disabled consumers, in and out of the academy), even if crip dollars, pounds, and euros are not yet as thoroughly in circulation as pink dollars, pounds, and euros. What we might term the debility dollar, however, is one of the most sought-after currencies in the world; in the United States alone, money spent on actual or seeming impairments represents 17.6 percent of the GDP. Hypostasized beneath neoliberalism, a global psychopharmaceutical industry compels targeted consumers to know about and from a space of impairment: “Ask your doctor,” Big Pharma instructs the consumer, “if Cymbalta is right for you.” We argue that all too many ways of knowing disability are beholden to the debility or crip dollar, caught up in economies that actively closet what Lisa Duggan (in the roundtable that follows this introduction) identifies as crip forms of “intellectual, political, and affective creativity.” But the closeting of crip creativity can never be complete, as the history of crip activism, performance art, and theory richly demonstrate, and as the term’s origin story also illustrates.