### T

#### The role of the ballot is to determine the desirability of topical action:

#### The Aff violates this:

#### “USFG should” means the debate is solely about a policy established by governmental means

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

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

#### Vote neg for two reasons:

#### First - predictable limits---allowing the aff to pick any grounds for debate makes engagement impossible by skirting a predictable starting point and undermining preparation and research. Radical aff choice shifts the grounds for the debate and puts the aff far ahead: they have incentives to cement their infinite prep by selecting the most one-sided ideas and can choose only orientations toward the word, not praxis with an actor or mechanism. Fairness is an intrinsic good, vital to the practice of debate, and logically prior to deciding any other argument.

#### Second- our Testing warrant:

#### A well-defined resolution is critical to allow an iterative process of argument testing and improvement---this does not require particular forms of argument, but does require a common point of disagreement.

Poscher ‘16

Director at the Institute for Staatswissenschaft and Philosophy of Law at the University of Freiburg (Ralf, “Why We Argue About the Law: An Agonistic Account of Legal Disagreement”, Metaphilosophy of Law, Tomasz Gizbert-Studnicki/Adam Dyrda/Pawel Banas (eds.), Hart Publishing, forthcoming. Modified for language that may offend)

Hegel’s dialectical thinking powerfully exploits the idea of negation. It is a central feature of spirit and consciousness that they have the power to negate. The spirit “is this power only by looking the negative in the face and tarrying with it. This […] is the magical power that converts it into being.”102 The tarrying with the negative is part of what Hegel calls the “labour of the negative”103. In a loose reference to this Hegelian notion Gerald Postema points to yet another feature of disagreements as a necessary ingredient of the process of practical reasoning. Only if our reasoning is exposed to contrary arguments can we test its merits. We must go through the “labor of the negative” to have trust in our deliberative processes.104

This also holds where we seem to be in agreement. Agreement without exposure to disagreement can be deceptive in various ways. The first phenomenon Postema draws attention to is the group polarization effect. When a group of like‐minded people deliberates an issue, informational and reputational cascades produce more extreme views in the process of their deliberations.105 The polarization and biases that are well documented for such groups106 can be countered at least in some settings by the inclusion of dissenting voices. In these scenarios, disagreement can be a cure for dysfunctional deliberative polarization and biases.107 A second deliberative dysfunction mitigated by disagreement is superficial agreement, which can even be manipulatively used in the sense of a “presumptuous ‘We’”108. Disagreement can help to police such distortions of deliberative processes by challenging superficial agreements. Disagreements may thus signal that a deliberative process is not contaminated with dysfunctional agreements stemming from polarization or superficiality. Protecting our discourse against such contaminations is valuable even if we do not come to terms. Each of the opposing positions will profit from the catharsis it received “by looking the negative in the face and tarrying with it”.

These advantages of disagreement in collective deliberations are mirrored on the individual level. Even if the probability of reaching a consensus with our opponents is very low from the beginning, as might be the case in deeply entrenched conflicts, entering into an exchange of arguments can still serve to test and improve our position. We have to do the “labor of the negative” for ourselves. Even if we cannot come up with a line of argument that coheres well with everybody else’s beliefs, attitudes and dispositions, we can still come up with a line of argument that achieves this goal for our own personal beliefs, attitudes and dispositions. To provide ourselves with the most coherent system of our own beliefs, attitudes and dispositions is – at least in important issues – an aspect of personal integrity – to borrow one of Dworkin’s favorite expressions for a less aspirational idea.

In hard cases we must – in some way – lay out the argument for ourselves to figure out what we believe to be the right answer. We might not know what we believe ourselves in questions of abortion, the death penalty, torture, and stem cell research, until we have developed a line of argument against the background of our subjective beliefs, attitudes and dispositions. In these cases it might be rational to discuss the issue with someone unlikely to share some of our more fundamental convictions or who opposes the (perspective) ~~view~~ towards which we lean. This might even be the most helpful way of corroborating a view, because we know that our adversary is much more motivated to find a potential flaw in our argument than someone with whom we know we are in agreement. It might be more helpful to discuss a liberal position with Scalia than with Breyer if we want to make sure that we have not overlooked some counter‐argument to our case.

It would be too narrow an understanding of our practice of legal disagreement and argumentation if we restricted its purpose to persuading an adversary in the case at hand and inferred from this narrow understanding the irrationality of argumentation in hard cases, in which we know beforehand that we will not be able to persuade. Rational argumentation is a much more complex practice in a more complex social framework. Argumentation with an adversary can have purposes beyond persuading him: to test one’s own convictions, to engage our opponent in inferential commitments and to persuade third parties are only some of these; to rally our troops or express our convictions might be others. To make our peace with Kant we could say that “there must be a hope of coming to terms” with someone though not necessarily with our opponent, but maybe only a third party or even just ourselves and not necessarily only on the issue at hand, but maybe through inferential commitments in a different arena.

f) The Advantage Over Non‐Argumentative Alternatives

It goes without saying that in real world legal disagreements, all of the reasons listed above usually play in concert and will typically hold true to different degrees relative to different participants in the debate: There will be some participants for whom our hope of coming to terms might still be justified and others for whom only some of the other reasons hold and some for whom it is a mixture of all of the reasons in shifting degrees as our disagreements evolve. It is also apparent that, with the exception of the first reason, the rationality of our disagreements is of a secondary nature. The rational does not lie in the discovery of a single right answer to the topic of debate, since in hard cases there are no single right answers. Instead, our disagreements are instrumental to rationales which lie beyond the topic at hand, like the exploration of our communalities or of our inferential commitments. Since these reasons are of this secondary nature, they must stand up to alternative ways of settling irreconcilable disagreements that have other secondary reasons in their favor – like swiftness of decision making or using fewer resources. Why does our legal practice require lengthy arguments and discursive efforts even in appellate or supreme court cases of irreconcilable legal disagreements? The closure has to come by some non‐argumentative mean and courts have always relied on them. For the medieval courts of the Germanic tradition it is bequeathed that judges had to fight it out literally if they disagreed on a question of law – though the king allowed them to pick surrogate fighters.109 It is understandable that the process of civilization has led us to non‐violent non‐ argumentative means to determine the law. But what was wrong with District Judge Currin of Umatilla County in Oregon, who – in his late days – decided inconclusive traffic violations by publicly flipping a coin?110 If we are counting heads at the end of our lengthy argumentative proceedings anyway, why not decide hard cases by gut voting at the outset and spare everybody the cost of developing elaborate arguments on questions, where there is not fact of the matter to be discovered?

One reason lies in the mixed nature of our reasons in actual legal disagreements. The different second order reasons can be held apart analytically, but not in real life cases. The hope of coming to terms will often play a role at least for some time relative to some participants in the debate. A second reason is that the objectives listed above could not be achieved by a non‐argumentative procedure. Flipping a coin, throwing dice or taking a gut vote would not help us to explore our communalities or our inferential commitments nor help to scrutinize the positions in play. A third reason is the overall rational aspiration of the law that Dworkin relates to in his integrity account111. In a justificatory sense112 the law aspires to give a coherent account of itself – even if it is not the only right one – required by equal respect under conditions of normative disagreement.113 Combining legal argumentation with the non‐argumentative decision‐ making procedure of counting reasoned opinions serves the coherence aspiration of the law in at least two ways: First, the labor of the negative reduces the chances that constructions of the law that have major flaws or inconsistencies built into the arguments supporting them will prevail. Second, since every position must be a reasoned one within the given framework of the law, it must be one that somehow fits into the overall structure of the law along coherent lines. It thus protects against incoherent “checkerboard” treatments114 of hard cases. It is the combination of reasoned disagreement and the non‐rational decision‐making mechanism of counting reasoned opinions that provides for both in hard cases: a decision and one – of multiple possible – coherent constructions of the law. Pure non‐rational procedures – like flipping a coin – would only provide for the decision part. Pure argumentative procedures – which are not geared towards a decision procedure – would undercut the incentive structure of our agonistic disagreements.115 In the face of unresolvable disagreements endless debates would seem an idle enterprise. That the debates are about winning or losing helps to keep the participants engaged. That the decision depends on counting reasoned opinions guarantees that the engagement focuses on rational argumentation. No plain non‐argumentative procedure would achieve this result. If the judges were to flip a coin at the end of the trial in hard cases, there would be little incentive to engage in an exchange of arguments. It is specifically the count of reasoned opinions which provides for rational scrutiny in our legal disagreements and thus contributes to the rationales discussed above.

2. THE SEMANTICS OF AGONISTIC DISAGREEMENTS

The agonistic account does not presuppose a fact of the matter, it is not accompanied by an ontological commitment, and the question of how the fact of the matter could be known to us is not even raised. Thus the agonistic account of legal disagreement is not confronted with the metaphysical or epistemological questions that plague one‐right‐answer theories in particular. However, it must still come up with a semantics that explains in what sense we disagree about the same issue and are not just talking at cross purposes.

In a series of articles David Plunkett and Tim Sundell have reconstructed legal disagreements in semantic terms as metalinguistic negotiations on the usage of a term that at the center of a hard case like “cruel and unusual punishment” in a death‐penalty case.116 Even though the different sides in the debate define the term differently, they are not talking past each other, since they are engaged in a metalinguistic negotiation on the use of the same term. The metalinguistic negotiation on the use of the term serves as a semantic anchor for a disagreement on the substantive issues connected with the term because of its functional role in the law. The “cruel and unusual punishment”‐clause thus serves to argue about the permissibility of the death penalty. This account, however only provides a very superficial semantic commonality. But the commonality between the participants of a legal disagreement go deeper than a discussion whether the term “bank” should in future only to be used for financial institutions, which fulfills every criteria for semantic negotiations that Plunkett and Sundell propose. Unlike in mere semantic negotiations, like the on the disambiguation of the term “bank”, there is also some kind of identity of the substantive issues at stake in legal disagreements.

A promising route to capture this aspect of legal disagreements might be offered by recent semantic approaches that try to accommodate the externalist challenges of realist semantics,117 which inspire one‐right‐answer theorists like Moore or David Brink. Neo‐ descriptivist and two‐valued semantics provide for the theoretical or interpretive element of realist semantics without having to commit to the ontological positions of traditional externalism. In a sense they offer externalist semantics with no ontological strings attached.

The less controversial aspect of the externalist picture of meaning developed in neo‐ descriptivist and two‐valued semantics can be found in the deferential structure that our meaning‐providing intentions often encompass.118 In the case of natural kinds, speakers defer to the expertise of chemists when they employ natural kind terms like gold or water. If a speaker orders someone to buy $ 10,000 worth of gold as a safe investment, he might not know the exact atomic structure of the chemical element 79. In cases of doubt, though, he would insist that he meant to buy only stuff that chemical experts – or the markets for that matter – qualify as gold. The deferential element in the speaker’s intentions provides for the specific externalist element of the semantics.

In the case of the law, the meaning‐providing intentions connected to the provisions of the law can be understood to defer in a similar manner to the best overall theory or interpretation of the legal materials. Against the background of such a semantic framework the conceptual unity of a linguistic practice is not ratified by the existence of a single best answer, but by the unity of the interpretive effort that extends to legal materials and legal practices that have sufficient overlap119 – be it only in a historical perspective120. The fulcrum of disagreement that Dworkin sees in the existence of a single right answer121 does not lie in its existence, but in the communality of the effort – if only on the basis of an overlapping common ground of legal materials, accepted practices, experiences and dispositions. As two athletes are engaged in the same contest when they follow the same rules, share the same concept of winning and losing and act in the same context, but follow very different styles of e.g. wrestling, boxing, swimming etc. They are in the same contest, even if there is no single best style in which to wrestle, box or swim. Each, however, is engaged in developing the best style to win against their opponent, just as two lawyers try to develop the best argument to convince a bench of judges.122 Within such a semantic framework even people with radically opposing views about the application of an expression can still share a concept, in that they are engaged in the same process of theorizing over roughly the same legal materials and practices. Semantic frameworks along these lines allow for adamant disagreements without abandoning the idea that people are ~~talking about~~ (discussing) the same concept. An agonistic account of legal disagreement can build on such a semantic framework, which can explain in what sense lawyers, judges and scholars engaged in agonistic disagreements are not talking past each other. They are engaged in developing the best interpretation of roughly the same legal materials, albeit against the background of diverging beliefs, attitudes and dispositions that lead them to divergent conclusions in hard cases. Despite the divergent conclusions, semantic unity is provided by the largely overlapping legal materials that form the basis for their disagreement. Such a semantic collapses only when we lack a sufficient overlap in the materials. To use an example of Michael Moore’s: If we wanted to debate whether a certain work of art was “just”, we share neither paradigms nor a tradition of applying the concept of justice to art such as to engage in an intelligible controversy.

#### Our testing arg *link turns* the Aff’s efforts to counter injustice. It’s also a reason to Negate their method based on external offense. Testing is the stronger mechanism for actualizing solvency for Aff and Neg impacts.

Connolly 17

William Connolly, Krieger-Eisenhower Professor of Political Science at Johns Hopkins University, Aspirational Fascism: The Struggle for Multifaceted Democracy under Trumpism, p. 694-777

If a dissident movement is to acquire momentum, the democratic Left must also identify more young leaders in multiple settings who are charismatic in democratic ways and who can inspire large constituencies as they counter the appeal of Trumpian authoritarian charisma. For Trump is a charismatic adversary whose rhetorical effectiveness has not yet been measured adequately by enough of his critics. He and Hitler are both right about one thing: there is a tendency in the professoriate to downplay the role of rhetoric in politics and the ubiquitous importance of the visceral register of culture to public life. We often love writing more than speech. There is thus a corollary reticence to working hard enough to counter a rhetoric organized around authoritarian leadership, militarism, whiteness, and aggressive national assertion with another mode that draws on our higher angels to encourage horizontal modes of organization and an ethos of presumptive generosity as it articulates the differential class, regional, and urban dangers of rapid climate change.

We both need to learn more about Trump and to rebut his rhetorical style with positive styles of engagement. Bernie Sanders shined a bright light here, too. For visceral group identifications do not always and only pass through the filter of a narcissistic leader, as a few steeped in Freudianism may think. They can also be mediated by horizontal connections on both the visceral and refined registers of cultural life— connections forged across a variety of associational meetings, church assemblies, blogs, family gatherings, classrooms, neighborhood groups, school boards, tavern conversations, unions, and so on— as we forge reciprocal ties of presumptive generosity and care.[ 12] Charismatic, pluralizing, egalitarian leaders support such horizontal connections and infusions in the ways they provide Democratic leadership.[ 13] It is possible to improve the internal ethos of the United States while coming to terms more nobly with its new condition in the world, even if the probabilities may point in another direction. Indeed, it is imperative to try to accomplish both together, because failure to do so risks unleashing the vast military power of the country in a series of destructive wars that could be calamitous for the world. Think merely of how climate change— a gathering planetary force massive in destructive power— is subject to denial in part because those who seek to return to an old “greatness” are told that such a return requires the modes of industry, mining, imperial power, triumphalism, and fossil fuel energy that powered growth the last time around.

Trump’s attack upon the media and the professoriate is strategically chosen in this respect. His tweets calling the media “the enemy of the people” and carriers of “fake news” must never be treated lightly. Above all, this is not a site, if there is any site, at which the Left should seek to “accelerate the contradictions” of the order to speed up its collapse.[ 14] The latter route, however unintentionally, is a route to fascism.

Trump’s goal is to trap the media in a bind: he hopes he can win if the media evades the charges he makes; he hopes he can win if they reply simply by correcting the evidence when he endlessly accuses them of fake news. The best strategy, perhaps, is to keep exposing how the Big Lie works, to respond with evidence-based claims to each Lie as you also explain why he pursues it, to play up dramatically how critical a press free from state control or intimidation is to a democratic society, and to explore the real and neglected grievances of those constituencies most tempted to embrace Trump tweets. Yes, the media often deserves intense criticism from the democratic Left for its softness on a neoliberal corporate culture, but the Left must also expose and attack Trumpian intimidation of it. It recently seemed unwise to me, for instance, when a few on the Left reenforced Trump and Putin denials of the Putin intervention in the election with statements that came close to describing this as fake news. The media and professoriate will both be vicious targets of Trump attacks for the next four years (at least), as he deflects attention from his probable collusion with Putin and the failure of his policies to uplift the working class. It is possible for critics on the Left to chew gum and walk at the same time, in this case, to hold the media accountable as you also defend it against vicious Trumpian assaults that could get worse as his false promises continue to encounter harsh realities.

I have doted a bit on the working class not because it could today become the center of a new movement toward egalitarian democracy oriented to both pluralism and the new planetary condition. We do not inhabit a Fordist era in which much of the working class is centered in large factories. That class is now even more dispersed geographically and underorganized into unions. It is often distributed in small clusters in fast-food restaurants, shopping mall stores, janitorial duties, farm work, small factories, prison work, security assignments, subordinate administrative duties, hospital services, and so on. Moreover, its dispersed distribution makes it easier for those outside those circumstances to ignore or deny its grievances, as they look merely at yearly income statistics and fail to register how differences in lifetime income and an evolving infrastructure of consumption make it harder for many with apparently decent incomes to make ends meet. Its very dispersion, disorganization, and uneven geodistribution, however, mean that, intelligently engaged, it could also forge indispensable elements in a vibrant pluralism that has been on the move for a while without its active involvement, a pluralism that can also constitute a key bulwark against aspirational fascism. That is why it is wise to appreciate the working class today as one dispersed minority among others.

**Third- our Preparation warrant:**

**Operating within negotiated statis maximizes in-depth discussions for both teams and the judging community. An in-depth iterative process creates a broader model that moves second and third line strategies from theoretically feasible to practical. Neg responses. Some will be effective, some won’t – but the process alone shifts incentive structures towards more on-point and in-depth approaches. This does not require the Aff argue within a narrow horizon of problem or solution areas – but does work within stasis and prevents the Neg from abandoning the wisdom in-depth case hits. After all, nothing in their model prevents Aff from shifting to 1AC that solely claim “bigotry is bad” or “I think that bigot is bigoted”. Our model better aligns incentive structures for Neg research on critical and cultural theory – improving the depth of every participant’s knowledge on the very subject matter the Aff contends is vital for education.**

### Frame Subtraction

#### The 1AC advances a totalizing set of “oppressors” and “oppressed” groups. It’s not that the concept of oppression’s false – but the frame *overdetermines* and *hampers resistance*.

Condit ‘93

Celeste Condit is a Distinguished Research Professor in the Department of Communication at the University of Georgia. The author also serves as a faculty member for the University of Georgia’s Franklin College Institute for Women's Studies. “The critic as empath: Moving away from totalizing theory”, Western Journal of Communication, 57:2, 178-190

If critics cannot avoid a partisan inflection in their work, then it becomes incumbent that they demonstrate that they are, at the least, on the side of good and decency. Given the current configuration of academic theory and the political origins of the majority of the most passionate rhetorical critics, this has meant identification with the "oppressee" against the "oppressor."2 Employing critical methods based on "experiential" contact with a text or on socially situated personal responses to a text, partisan critics have offered readings that propose to even the balance between powerful elites and disempowered or marginal groups. Such critics often presume that there is what Philip Wander has called a "third persona" omitted from the public discourse, and they attempt to give voice to these groups, or at least to provide a shield of counter-argument against the dominant elites and the status quo. This group of critics has offered potent analyses of important critical texts that have indeed challenged the legitimacy of "things as they are" or have at the least contributed profusely to the marketplace of ideas. These critical contributions have been guided by adherence to a very different myth about society from that held by the universalists. In place of the universalized community, the partisans describe a sharply divided and two-sided combat. The partisan myth holds that there are dominant, empowered and privileged groups of persons, who act unjustly to oppress other groups. Men, whites, Europeans, and the rich constitute the empowered, while women, people of other colors, Africans, and the poor constitute the most paradigmatic of the oppressed groups. The partisan critics offer the hope that such a system of unjust power relations might be overturned. They believe that by "evening the balance" they can produce a "state of affairs in which there will be no exploitation or oppression, in which an all-embracing subject, namely self-aware mankind, exists, and in which it is possible to speak of a unified theoretical creation and a thinking that transcends individuals."3 They believe, moreover, that this transcendent state can be achieved by identification with the oppressed, not solely because there will be a levelling of power relationships, but because the standpoint of the oppressed is epistemologically superior: The standpoint of the oppressed is not just different from that of the ruling class; it is also epistemologically advantageous. It provides the basis for a view of reality that is more important than that of the ruling class and also more comprehensive. It is more impartial because it comes closer to representing the interests of society as a whole; whereas the standpoint of the ruling class reflects the interests of only one section of the population, the standpoint of the oppressed represents the interests of the totality in that historical period . . . . the standpoint of the oppressed includes and is able to explain the standpoint of the ruling class.4 There are, of course, a plethora of versions of this myth. An older version held that elites "imposed" their will from the top down through their control of the means of communication. Newer versions hold that oppressed groups are able to make their own readings of cultural products and are thereby able to resist the impositions of the upper classes, at least in some spaces and ways. In either case, however, the mythic identities of "oppressor-oppressee" are central to the reading. They overdetermine that there will be clear-cut victims and villains in the readings and they indicate who those villains and victims will be. The social value of such criticism arises from several sources: from the creativity of the critics who are able to locate these mythic positions in ever-new and unsuspected places, from the critical audience's approval of the myth and enjoyment in its re-enactment, and from whatever small effect it may have in empowering the disempowered. There are, however, problems with this second paradigm of critical practice as well. Criticism in this school increasingly has come to resemble the universalist approach, because the theory that guides it has become closed and totalistic. Partisan critique has become increasingly the servant of the over-arching conceptual structure, whether it appears in its mythic form or in a theoretical elaboration. Such critical readings respond not to the conditions of the speaking agents, but to the demands of theory itself. Thus, one studies "homelessness," but the study is destined to tell us nothing we did not already know about homelessness. Instead, its primary function is to advance the critic's own pet theory. The only hegemony at stake becomes that of the individual critic and his (or occasionally her) school against other academic critics. Criticism in the service of theory can be useful, but if it is the only criticism that exists, it risks stagnation. While it has become a commonplace that all criticism starts with implicit theory, it is not necessary that such criticism end firmly boxed within the original theory. Yet this is precisely what happens with too many pieces of criticism guided by the partisan critical approach. Of course, if the goal is to resist the power structure, novelty may not be desirable, and repetition may not be a negative feature. The question remains, however, once we have saturated the academic critical space with a replaying of the myth of the omnipotent oppressor and the powerless oppressee, thus proving ourselves unable to influence the power structure by our elegant scribblings in academic journals, then what?

#### Even if this were accurate, the *discursive frame alone* hampers alternatives that are better at countering violence.

Condit ‘93

Celeste Condit is a Distinguished Research Professor in the Department of Communication at the University of Georgia. The author also serves as a faculty member for the University of Georgia’s Franklin College Institute for Women's Studies. This card internally refernces Alfred Korzybski's explication of the dynamics of dualistic language choices. Korzybski was Polish-American independent scholar who was widely known for developed a field called general semantics, “The critic as empath: Moving away from totalizing theory”, Western Journal of Communication, 57:2, 178-190

Additionally, and most seriously, there is a way of being among "the oppressed" that does not find the dualism of oppressor-oppressee an account that is fully consonant with experience, or productive of positive social change. Drawing on insights ranging from elite white feminist theory to in-the-homes black women's experience, as well as upon Kenneth Burke's analysis of the temptations of victimage and Alfred Korzybski's explication of the dynamics of dualistic language choices leads one down a different path. The myth of the oppressor-oppressee is rhetorically compelling. It offers members of the "oppressed" groups a reconstructed identity that tells us that we are perfect as we are—we do not need to change. It offers us an enemy to hate and to blame. By creating a scapegoat, it puts control outside of our hands, so that we need not bear any responsibility. It assures us that we are "right and just"—whatever we do. However, the myth of oppression is not consonant with our Utopian goals. The values that we would instantiate in our world are a complex mix of liberal respect for the desires of the embodied human person and social concern that all individuals have the necessary communal support to survive and grow. These values require, however, that we transcend a worldview that operates by hierarchical division. It is the rhetoric of hierarchical division that has led to "oppression." Its continued use might someday put different groups on "top," but it cannot create respect for and support of all persons. Hence, for example, essentialized radical feminism can offer no Utopian vision that includes men. If men are inherently warlike and selfish, they cannot be trusted to fit into a peaceful and nurturing future world. The rhetorical means of mythic hierarchical dualism cannot bring us to a rhetorical end of tolerance, or equality, or peace.

#### Our Alt: We can defend the rest of their advocacy and negate only certain parts. 2NR consolidation is the best alt:

#### One – no plan means any part of the 1AC can become the nexus question by the 2AR, we should reciprocally get to conditionally critique their frames and narrow the debate to parts of disagreement by the 2NR.

#### Two – – Praxis: our model teaches a form of engagement that corrects flaws in political strategies. Rejecting our approach is normatively worse for the Aff’s own cause.

Williams ‘15

Douglas Williams is a third-generation organizer, He earned his BA in Political Science at the University of Minnesota at Morris and his MPA at the University of Missouri Columbia, where he was also a Thurgood Marshall Fellow and a Stanley Botner Fellow. He is currently a doctoral student in political science at Wayne State University in Detroit, where his research centers around public policy as it relates to disadvantaged communities and the labor movement. From the article: “The Dead End of Identity Politics” - From: The South Lawn - March 10, 2015 – Internally quoting Freddie DeBoer, Lecturer, Purdue University. DeBoer holds a PhD in Rhetoric and Composition from Purdue and an MA in English, concentration in Writing and Rhetoric from The University of Rhode Island, Modified for potentially objectionable language. In one instance a capital “B” was adjusted to a lower case “b” in a manner that boosted readability, but did not alter context. https://thesouthlawn.org/2015/03/10/the-dead-end-of-identity-politics/

Freddie DeBoer makes a great point in his piece on what he calls “critique drift“: “This all largely descends from a related condition: many in the broad online left have adopted a norm where being an ally means that you never critique people who are presumed to be speaking from your side, and especially if they are seen as speaking from a position of greater oppression. I understand the need for solidarity, I understand the problem of undermining and derailing, and I recognize why people feel strongly that those who have traditionally been silenced should be given a position of privilege in our conversations. B(b)ut critique drift demonstrates why a healthy, functioning political movement can’t forbid tactical criticism of those with whom you largely agree. Because critical vocabulary and political arguments are common intellectual property which gain or lose power based on their communal use, never criticizing those who misuse them ultimately disarms (hampers) the left. Refusing to say ‘*this* is a real thing, but you are not being fair or helpful in making *that* accusation right now’ alienates potential allies, contributes to the burgeoning backlash against social justice politics, and prevents us from making the most accurate, cogent critique possible.”

----- (Williams is now no longer quoting DeBoer)

Look, I am Black. Also, sometimes, I can be wrong. Those two things are not mutually exclusive, and yet we have gotten to a point where any critique of tactics used by oppressed communities can result in being deemed “sexist/racist/insert oppression here-ist” and cast out of the Social Justice Magic Circle. And listen, maybe that is cool with some folks. Maybe the revolution that so many of these types speak about will simply consist of everyone spontaneously coming to consciousness and there will be no need for coalitions, give-and-take, or contact with people who do not know every word or phrase that these groups use as some sort of litmus test for the unwashed. But for the rest of us who reside in a reality-based world, where every social interaction is not tailored for your idiosyncratic indignations, we know that casting folks out for the tiniest of offenses will lead to a Left that will forever be marginalized and ineffective. I have stated before that the kind of people who put out these lists and engage in the kind of identitarian caterwauling that has become rote copy on the Internet might actually want that, as a world where left-wing activism is made potent and transformative will be one where they cannot simply take comfort in their cocoon of self-righteousness. But damn them when I can turn on my computer and see one Black person after another being gunned down by police. Damn them when we have a president that can sit there with a straight face and speak the words of freedom and liberation while using the power at his disposal to deny those very concepts to others. And damn them when we can get thousands of words on Patricia Arquette drunk at a party or how it is privileged to not like the same musicians that they do, but we cannot seem to get any thoughts on how the biggest moment for communities of color since the 1960s is being squandered in a hail of intergenerational squabbling. And do not even get me started on people writing articles that malign long-standing activist organizations without a whiff of evidence that there has been any wrongdoing on their part.

#### Three – contingent agreement is good: negating the whole aff makes only the most extreme stances strategic, like prejudice is good. We should debate framing strategies rather than impact turns to injustice

#### Four – its fair: frame subtraction auto gives the aff ground – just defend the stances of the 1AC. There are net benefits to this Alt other than just the Condit cards. It applies to other frames that we’ve critiqued.

### Case

#### A - Even if liberalism currently excludes the disabled, revision solves and bailing on it is worse

Badano 13 (Gabriele, PhD candidate at the Centre for Philosophy, Justice and Health at University College London – “Political liberalism and the justice claims of the disabled: a reconciliation,” Critical Review of International Social and Political Philosophy, April 2013, http://www.tandfonline.com/eprint/tHKkbrxhGYIWAxTcJrAW/full#.UxyV-PldX-4)

I argue that any proposal abandoning the language of political justice would not seem to do enough for those individuals with disabilities who fall outside the basic idea of persons as depicted by Rawls. In fact, the intuitions supporting the idea that concepts like rights and opportunities are indispensable are very strong.11 Let us go back to the examples of individuals falling outside Rawls’s idea of persons because their disabilities prevent them from being a net beneﬁt to social cooperation. They are individuals who need multiple carers to work, or whose disabilities prevent them from providing a beneﬁt to social cooperation that is large enough. To put the point more sharply, it is worth noticing that the disabilities in question are compatible with being in full possession of one’s logical and moral powers. Now, should we accept that those individuals ought to be given no rights or opportunities? An afﬁrmative answer would strike us as implausible, and for a good reason. In a liberal society, having one’s rights, opportunities and basic distributive entitlements acknowledged is one and the same as being recognized as an equal. And what is missing from Rawls’s political liberalism is precisely the idea that falling below a threshold of full cooperation should not be enough to prevent the disabled from being regarded as persons on an equal footing with anyone else. In sum, Rawls’s political liberalism is not amenable to any extension that, keeping the basic ideas of society and persons intact, is able to include a concern with the status of individuals with disabilities. In addition, the proposal that the interests of the disabled are not for public reason to protect is not satisfactory. Consequently, a substantial revision is the only way to reconcile political liberalism with our intuitions concerning what is due to the disabled. 5. Revising political liberalism I: beyond Hartley’s contractualism The aim of this section and the next is to propose a substantial revision of Rawls’s theory that accommodates the justice claims of the disabled while upholding the project of political liberalism. A question that needs to be answered at this point is: why should we uphold the project of political liberalism, rather than endorsing a different model that more neatly ﬁts with our intuitions concerning what is due to the disabled? First, the general project of political liberalism is compelling. Rawls’s political liberalism aims to identify a common ground of political ideas that can work as the basis on which the most important political decisions should be made. This project is of the greatest importance because, if successful, it creates legitimacy by building institutions on the basis of concepts that are acceptable to each reasonable individual. Moreover, it promotes stability in societies that are characterized by deep pluralism. Second, despite Rawls’s failure to take the interests of the disabled into consideration, political liberalism is well suited to support the justice claims of individuals with disabilities. This is because the idea that the disabled are citizens who deserve our respect is part of the common culture of our societies. In other words, there is an overlapping consensus on the idea that rights, opportunities and distributive shares must be granted to individuals who are not fully cooperating members of society, including those who fall below full moral powers. It is widely believed that those with physical disabilities should have the same rights as their fellow citizens, live in a social environment that does not excessively limit their opportunities and receive beneﬁts that help meet their special needs. Besides, although the state or third parties are given exceptional rights to interfere with the autonomy of individuals with severe cognitive disabilities, it is widely recognized that the mentally disabled are citizens whose basic interests must be protected by the law.12 In the public space, any proposal that individuals who are not fully cooperating members of society should have their basic interests neglected would be widely received with outrage. Such proposal would be said to ﬁt a fascist society, not a decent one. Among other legal documents, the United Nations Convention on the Rights of Persons with Disabilities (UN General Assembly, A/61/611) can be taken as the epitome of this widespread attitude. Adopted in 2006, the Convention requires that all individuals with disabilities should share in the enjoyment of equal fundamental rights.

#### B - The State isn’t ontologically hopeless - revision and TVAs could solve.

Badano 13

(Gabriele – PhD candidate at the Centre for Philosophy, Justice and Health at University College London – “Political liberalism and the justice claims of the disabled: a reconciliation,” Critical Review of International Social and Political Philosophy, April 2013, <http://www.tandfonline.com/eprint/tHKkbrxhGYIWAxTcJrAW/full#.UxyV-PldX-4>)

7. Conclusion The general project of Rawls’s political liberalism is compelling. However, the appeal of this project is greatly diminished by the fact that Rawls’s public reason cannot accommodate the justice claims of many individuals with disabilities. In this paper, I have demonstrated that political liberalism can be revised so as to be inclusive towards the disabled. A concern for the basic interests of virtually all individuals with disabilities is part of the common culture of our societies. This has led me to argue that, according to our shared reason, the idea of persons is more fundamental than the idea of society. More speciﬁcally, persons are to be deﬁned as those individuals with the capacity to exercise their moral powers to a minimal degree. Besides being inclusive towards individuals with disabilities, my account of political liberalism is still able to deliver the Rawlsian promise of a stable and fundamentally just society under conditions of pluralism.

**Pessimism reifies the idea that disability is something that should be “cured” or abandoned and relies on a vision of psychoanalysis that** **abstracts from disabled people’s lived experiences and resistance**

**Bailey 19** – Associate Professor of Communication Arts at Allegheny College. She specializes in rhetorical studies, media studies, and feminist/queer theory.

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**My critique of anti-cure politics arises from my personal experiences** described in other parts of this essay. Those experiences **include chronic pain, depression, and abuse** and participation in feminism, anti-racism, queer theory, disability studies, and other critical-political projects. Drawing on my experiences assists me in engaging analytic concepts, and vice versa. The personal and theoretical are thus inseparable from, if not reducible to, each other. Yet **academia**, with its love of the View from Nowhere, typically **treats personal experience with suspicion**. It purportedly cannot meet academic criteria for adequate evidence because it is imagined as too particular, too embodied, and too subjective. Even critical-political fields often view personal experience with skepticism and wariness, a defensive reflex against attempts to discredit them by conflating them with the personal alone. Indeed, appeals to personal experience sometimes shut down critique, especially within a confessional and therapeutic culture that demands performances of authenticity to justify the exercise of power (Mollow and McRuer 8). Although personal experience never speaks for itself and must always be theorized, this discomfort risks cordoning the two off from one another, rather than teasing out their entanglements.

Although this suspicion of personal experience is endemic to most academic fields, **I turn** here **to a particular preference for the abstract and the theoretical at the expense of the material and experiential: the anti-relational strand of queer theory influenced by psychoanalysis** and represented by work like Lee Edelman's No Future and Leo Bersani's "Is the Rectum a Grave?" Unlike the work of Halberstam, Warner, Ahmed, and Muñoz, this strand gives up on the tension between positivity and negativity altogether in favor of the strictly negative (as one might gather from the titles of Edelman's and Bersani's pieces). I read Bersani's piece in graduate school and Edelman's book when it was originally published, but I became reacquainted with them through Anna Mollow's essay "Is Sex Disability? Queer Theory and the Disability Drive" in the anthology Sex and Disability. Reading them now, with experiences like those chronicled in this essay under my belt, their complicity with the View from Nowhere comes sharply into view. Just as the disabled normate haunts Brilliant Imperfection, a desire for the "purity of sexuality as a singular trope of difference," not contaminated by "race, gender, and other particularities," haunts anti-relational work (Muñoz 11).

**Edelman's book critiques reproductive futurism**, a pro-natalist ideology that conflates futurity with procreation, upholds heteronormativity, and abjects queerness in the name of the Child (2). **Following Edelman, Mollow critiques rehabilitative futurism, a pro-cure ideology that conflates futurity with the eradication of disability** and upholds compulsory able-bodied/mindedness in the name of the Child (288). **Mollow draws on** Bersani's and **Edelman's** articulations of the **death drive to theorize** what she calls **the disability drive**. She contends, "to foreground associations between disability and the death drive means theorizing disability in terms of identity disintegration, lack, and suffering… I critique politics of disability that emphasize identity formation and pride, exploring instead the benefits of highlighting those aspects of sex and disability that undercut and perhaps even preclude assertions of humanity" (287). In some ways, then, **Mollow**, Edelman, and Bersani argue for an embrace of negativity not entirely different from what I call for in the above section. However, their work **relies on the ahistorical language of psychoanalysis, a closed symbol system that feigns universality and casts material and personal experience as irrelevant to abstract theorizing.**

I call queer theory's anti-relational strand **"a closed system" because of its explicit rejection of both politics and history.** **Edelman contends that queer theory represents "the 'side' outside all political sides"** (7). **Mollow** nuances such sentiments, but ultimately **agrees** with Edelman that reproductive and rehabilitative futurism structure the "only politics we're permitted to know" (134). **This sweeping claim ignores** feminist, queer, antiracist, and crip **critical-political projects, dismissing them as mere identity politics**, too wrapped up in dominant notions of the human and therefore **not ideologically pure enough** to provide a real alternative to futurism. **What is that "real" alternative** that only queer theory and psychoanalysis can offer**? The implosion**/explosion **of the self** into nothingness. **This** type of self-annihilation **also requires a detachment from history.** Edelman, for instance, distinguishes the rhetorical figure of the Child from "the lived experiences of any historical children" (11). He makes a comparable move with the death drive, arguing that it does not denote literal death, but rather a metaphoric or symbolic death of the sovereign subject via the self-shattering nature of sex.

Similarly, Bersani's famous piece "Is the Rectum a Grave?" redeems penetrative (anal) sex as the space for the destruction of the sovereign subject, revels in its "anti-communal, anti-egalitarian, anti-nurturing, and anti-loving" qualities, and praises the metaphoric "suicidal ecstasy of being a woman" (22; 18). It's important to note that this recuperation only applies to penetrative sex, leaving other forms of sexual intimacy unaccounted for and bereft of any radical potential. Although I understand Bersani's piece as an intervention in homophobic discourses around gay men and the AIDS epidemic, he comes perilously close to reinforcing the vision of sex at the heart of U.S. rape culture. He argues for the appeal of "powerlessness" and "loss of control" during sex, a white masculinist fantasy given that Western culture always already positions femininity and black/brownness in these very terms (23-24).

My own experiences illustrate how a sexual breach of subjecthood can play out differently for members of marginalized groups than they might for those with more privilege. On one level, I get the appeal of the sort of surrender discussed by Bersani. In fact, I once asked my partner to tie me up on my stomach and blindfold me. In the process, she violated me via unwanted anal penetration, an "anti-loving" breach of trust and interdependence on both physical and emotional levels. On Bersani's view, this breach is the whole point of sex, the moment when the self loses autonomy, integrity, and control (as if I ever enjoyed such subjecthood in the first place). If we take this line of thinking to its logical conclusion, we come dangerously close to the familiar heteropatriarchal apology for rape, buttressed by a theoretical apparatus that claims universality: regardless of my explicitly stated wishes, I subconsciously wanted to be violated. Situating the self-annihilating queer as the site of revolution obscures these kinds of problematic echoes, dismissing them from the start as too personal, particular, and material.

**The turn to the self-annihilating queer animates Mollow**'s essay, as well. She postulates queerness and disability as structuring positions that raise important questions about "self-disintegration" (305). Far more attentive to history and lived experiences, her piece grapples directly with challenges to the anti-relational strand, much like Clare reckons with challenges to anti-cure politics in Brilliant Imperfection. Yet, also like Clare's book, her essay is haunted by the disabled normate and the naturally impaired body-mind; instead of celebrating it, she wants to destroy it, but still remains within its terms. **She notes that "disability is fantasized in terms of a loss of self**, of mastery, integrity, and control, a loss that … is indissociable from sexuality" (297; emphasis in original). **She wants us to lean into this fantasy**, which requires that we accept the conflation of the self with mastery, integrity, and control in the first place.

Through the grammatical slippage of the dependent clause, **any other visions of the self** (e.g., based on interdependence, care, or empathy) **vanish**. If we accept the sovereign self, then, yes, the death and disability drives might be resources for exploding or imploding it and the systems of oppression it enables. But such explosions and implosions need not lead to **self-annihilation**, which **seems to me just another instantiation of the disembodied View from Nowhere wherein death represents transformation** into pure soul **and** thus ultimate **freedom from the** located-ness of the **body**. If we're going to explode or implode sovereign subjectivity, then **let's clear space for other notions of the self, rather than glorifying nothingness.**

Moreover, what happens if we take literal death (biological and/or social) seriously? What happens if we take material violence, which can and does end lives, seriously? In that case, it should become clear that reproductive futurism is the domain of only some children. This ideology values children only insofar as they themselves can further reproduce whiteness, heterosexuality, the gender binary, able-bodied/mindedness, and so forth. In Muñoz's words, in a world where queer youths of color too often do not get a chance to grow up, "racialized kids, queer kids, are not the sovereign princes of futurity" (95-96). The fact that the anti-relational strand pretends such questions can or should be set aside speaks to the normative positions it upholds.

**I** therefore **read these** anti-relational **pieces** with interest, but also **with growing anger.** **I am in the process of healing from over a decade's worth of chronic pain, depression, and abuse**. I am not over these things. **I learn to survive with them**, maybe even learn from them and integrate them into my self-perception, even as I refuse to romanticize or celebrate them as keys to enlightenment and transcendence. **I haven't overcome my disabilities in some** Herculean **display of** willpower and **sovereign subjecthood**. I haven't overcome them at all, but I do embrace the value of my own survival as part of my critical-political orientation toward the world.

I respect attempts to identify the excessive, the very thing that cannot be resolved, captured, or made to signify in any coherent way, and to think beyond the human. Yet **the anti-relational strain** reads very differently now that I have emerged from a kind of living death. It **angers me given how hard I fight to believe in my right to survive and exist**, not as a lone self with mastery and control, but as an interdependent self fumbling towards compassion, justice, and care. **I'm not interested in being a figurehead for** the revolution if that revolution depends on my **erasure, absence, and self-sacrifice**. I've come too close to actual suicide to see anything ecstatic about it; **I've existed too long in chronic pain to see anything liberatory about that**, either.

I know that psychoanalysis often takes bodily pain and pleasure as one of its starting points, typically imagined as the acute, extraordinary experience of orgasm. It is not the daily slog of chronic pain that inhibits not only mastery and control, but also care, compassion, and survival. Queer versions of **psychoanalysis** claim to pay attention to sexual pain and pleasure, but then **do their best to** escape and **transcend material embodiment. They focus so narrowly on the symbolic destruction of the sovereign self that they end up treat**ing **it** as if it's detached from the body, **as if it's "just" metaphor**. But **metaphors live in actual suicidal women; they are more than abstracted playthings** for academic bad boys, their closed symbolic systems, and their "white gay male crypto-identity politics" that reproduce the mind/body dualism (Muñoz 95).

**Total negativity is disempowering and devolves into the power relations they criticize – instead, you should embrace a middle ground that accepts ongoing processes of change**

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Although there are similarities between the diversity training and the town hall, dismissing them both as merely confessional spaces for airing personal grievances misses the point entirely. Stories from the town hall circulated in the halls of power and informed major institutional decisions, and the diversity training prompted the college to restructure its first-year orientation entirely. **None of these solutions was perfect**, of course, **but the desire for perfection itself troubles me**. In Ahmed's analysis of diversity work within U.K. higher education, she concludes that "**when we have to think strategically, we** have to accept our complicity; we **forgo any illusions of purity**; we give up on the safety of exteriority" (94). As my own analysis suggests, **such illusions haunt** both **the anti-cure and anti-relational strands** insofar as they wish to escape into the exteriority and purity of the View from Nowhere.

But **strategic alternatives do exist**. Concepts like the feminist killjoy, dignity in shame, the queer art of failure, and cruising utopia **hold onto the paradox between positivity and negativity**, refusing to abandon either one and getting their juice from this very tension. **These** concepts **illustrate** what Judith Butler calls "working the weakness in the norm" and "**repetition with a difference," creative riffs on the dominant, rather than complete breaks with it** (Bodies 237; "Imitation" 317). In this spirit, **I suggest reworking the** reviled/celebrated figure of the **super-crip into the figure of the surviving crip**. This conclusion takes the first tentative but hopeful steps towards fleshing out this concept more fully.

I invoke the term "crip" to signal both a reclamation of a slur and a critical-political orientation toward compulsory able-bodied/mindedness. I invoke the term "surviving" in place of "super" to foreground the paradox between positivity and negativity discussed above. If super-crip stories emphasize overcoming disability through either Western medicine and/or religion, then surviving crip stories emphasize persistence, tenacity, and obstinance in the face of structural, interpersonal, and intrapersonal violence and trauma. **Whereas the former fixates on cure** as the path to overcoming disability, **the latter highlights** the process of pursuit rather than the product of cure. Indeed, the term "surviving" indicates **ongoing, elliptical processes that loop back** on (**but do not simply repeat) themselves**, in contrast to the linear, once-and-for-all triumph implied by the term "survivor." 6 The surviving crip does not characterize death as a failure of cure or as proof of the futility of cure, but as part of the process of surviving. **This shift entails neither a rejection nor head-long embrace of death, but a reckoning with our mortality, weakness, and fragility** and our strength, resilience, and adaptability.

# 2NC

No Cards

# 1NR

#### All of this is a framework PIK. The Alt solves their role of the ballot, but without embracing totalizing depictions

Condit ’93 Celeste Condit is a Distinguished Research Professor in the Department of Communication at the University of Georgia. The author also serves as a faculty member for the University of Georgia’s Franklin College Institute for Women's Studies. “The critic as empath: Moving away from totalizing theory”, Western Journal of Communication, 57:2, 178-190.

This type of criticism requires an agonized critical persona. It is not a role with which all critics will feel comfortable, and it is not even a burden a given critic may choose to undertake on every occasion. It does not involve the repudiation of theory, but the softening of it, the fragmentation of it, and the use of it as tool rather than blueprint. Perhaps this critical approach will help us to develop a new metatheoretical framework that is self-reflexive and local rather than totalized, universalized and permanent. But in any case, critics will continue to participate in a range of activities—to take the partisan stance of those who suffer, to transmit cultural values, to increase the higher faculties of human beings by appreciative analysis of oratory, to describe human histories of discourse, and to teach the public to speak well. Hopefully, however, we can begin to admit a third critical orientation, to supplement the partisan and the universal approaches, an orientation focused on serving the society through its empathic practice. Perhaps also, in each of our critical endeavors, we might engage an empathic moment to understand what it is we do not understand already.