# UK R1 – West Georgia CF AFF v MSU MM NEG

# 1NC

### 1

#### 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.

#### Interp – the aff team must disclose the advocacy they’re defending or confirm that they’re reading a new aff at least 15 minutes before the round – key to clash and takes out all defense on T.

### 2

#### 1 - The 1AC’s value stands on its own---responding to it with judgement and the ballot is a hollow validation that siphons off political energy and draws them into the oppressive gaze of the academy---vote Negative to decline affirmation

Phillips 99 – Dr. Kendall R. Phillips, Professor of Communication at Central Missouri State University, PhD in Speech Communication from Pennsylvania State University, MA in Speech Communication from Central Missouri State University, BS in Psychology and Sociology from Southwest Baptist University, “Rhetoric, Resistance, and Criticism: A Response to Sloop and Ono”, Philosophy & Rhetoric, Volume 32, Number 1, p. 96-101

My concern with this movement centers around an issue that Sloop and Ono seem to take as a given, namely, the role of the critic. On one hand, calling for the systematic investigation of existing marginalized discourses is a natural extension both of critical rhetoric (see McKerrow 1989, 1991) and of the general ideological turn in criticism (see Wander 1983). On the other hand, the ease of transition from criticism in the service of resistance to criticism of resistance may obscure the need to address some fundamental issues regarding the general function of rhetorical criticism in an uncertain and contentious world. Beyond licensing the critic to engage in political struggle, Sloop and Ono advocate the pursuit of covert resistant discourses.

Such a move not only stretches our understanding of rhetoric and criticism, but also alters significantly the relationship between critic and out- law. Critical interrogation of dominant discursive practices in the service of political/cultural reform is supplanted in favor of positioning covert out- law communities as objects of investigation. Invited to seek out subversive discourses, the critic is positioned as the active agent of change and the out-law discourse becomes merely instrumental. Rather than academic criticism acting in service of everyday acts of resistance, everyday acts of resistance are put into the service of academic criticism.

Rhetorical resistance

That we are "caught within conflicting logics of justice that are culturally struggled over" (Sloop and Ono 1997, 50) and that rhetoric is employed in these struggles seems an uncontroversial statement. Despite the theoretical miasma surrounding judgment, Sloop and Ono accurately note, the material process of rendering judgments (and of disputing the logics of litigation) continues in the world of actually practiced discourse. In the materially contested world, rhetoric is utilized both by those seeking to secure the grounds of dominant judgment and by those seeking to undermine or supplant dominant cultural logics with some out-law notion of justice.

The distinction between these two cultural groups, "in-law" and out- law, however, deserves some consideration prior to any discussion of the role of the critic as implied in the out-law discourse project. The discourse of the dominant or those within the bounds of superordinate logics of litigation is reminiscent of Michel De Certeau's (1984) strategic discourse. For De Certeau, strategies are utilized by those who have authority by virtue of their proper position. Strategies exploit the institutionally guaranteed background consensus by which power relations (and litigations) are maintained and advanced. In contrast, tactics are utilized by those having no proper place of authority within the discursive economy who must seek opportunities whereby the discourse of the dominant might be undermined and contested. To extend Sloop and Ono's definition, out-law discourses are those that can (and, by their analysis, do) take advantage of situations (e.g., race riots) to disrupt the regularity of dominant cultural groups.

The ongoing struggle between strategically instituted cultural dominants and the "out-law always lurk[ing] in the distance" (66) is acknowledged, even celebrated, by Sloop and Ono. What their acknowledgment fails to provide, however, is a clear need for critical intervention. Indeed, quite the reverse is presented: It is the critic (particularly the left-leaning critic) who needs out-law discourse. While the struggles over justice, equality, and freedom have gone on, the left-leaning critics are those who have theoretically excluded themselves from the disputes. The study of out-law dis- courses, then, provides a means to reinvigorate the intellectual and re-institute (academic) leftist thinking into popular political struggles (53-54). Thus, Sloop and Ono's project incorporates three types of rhetoric: the rhetoric of the in-law, presumably the traditional object of critical attention; the rhetoric of the out-law, the study of which may transform our understanding of judgment as well as reinvigorate leftist democratic critiques; and the rhetoric of the critics who, having lost their political po- tency, can exploit the discourse of the out-law to promote ideological struggles. It is to this critical rhetoric that I now turn.

Resistance criticism

Sloop and Ono (1997) clearly state the relationship they envision between the rhetorical critic and out-law discourse: "Ultimately, we will argue that the role of critical rhetoricians is to produce 'materialist conceptions of judgment,' using out-law judgments to disrupt dominant logics of judgment" (54; emphasis added). Here the critic seeks out vernacular discourse (60), focuses on the methods and values embodied in these communities (62), listens to and evaluates the out-law community (62-63), and chooses appropriate discourses for the purpose of disrupting dominant practices (63). Essentially, it is the critic who seeks out marginalized discourses and returns them to the center for the purpose of provoking dominant cultural groups (63).

Despite acknowledging the efficacy of out-law discourses, Sloop and Ono assume that the critiques generated and presented by the out-law community have only minimal effect. The irony, and indeed arrogance, of this assumption is evident when they claim: "There are cases, however, when, without the prompting of academic critics, out-law discourses serve local purposes at times and at others resonate within dominant discourses, disrupting sedimented ways of thinking, transforming dominant forms of judgment" (60; emphasis added). Sloop and Ono seem to suggest that such locally generated critiques are the exception, whereas the political efficacy of the academic critic is the rule. This seems an odd claim, given that the justification for their out-law discourse project is the lack of politically viable academic critique and the perceived potency of out-law conceptions of judgment. Their suggestion that out-law communities are in need of the academic critic contradicts not only the already disruptive nature of existing out-law discourses (the grounds for using out-law discourse), but also the impotence of contemporary critical discourse (the warrant for studying out-law discourse).

By this I do not mean that the critiques and theories generated by academically instituted intellectuals have not been incorporated into subversive discourses. Just as out-law discourses inevitably mount critiques of dominant logics, so, too, the perspectives on rhetoric and criticism generated by academics are used in resistance movements. Feminist critiques of patriarchy, queer theories of homophobia, postcolonial interrogations of race have found their way into the service of resistant groups. The key distinction I wish to make is that the existence of criticism (academic or self-generated) in resistance does not necessitate Sloop and Ono's move to a criticism of resistance.

What Sloop and Ono fail to offer is an adequate argument for "taking public speaking out of the streets and studying it in the classroom, for treating it less as an expression of protest" (Wander 1983, 3) and more as an object for analysis and reproduction within the political economy of the academy. Philip Wander made a similar charge against Herbert Wicheln's early critical project, and this concern should remain at the forefront of any discussion aimed at expanding the scope and function of criticism. Sloop and Ono offer numerous directives for the critic without addressing whether the critic should be examining out-law discourses in the first place. While it is too early to suggest any definitive answer to the question of criticism of resistance, some preliminary arguments as to why critics should not pursue out-law discourses can be offered:

(1) Hidden out-law discourses may have good reasons to stay hidden. Sloop and Ono specifically instruct us that "the logic of the out-law must constantly be searched for, brought forth" (66) and used to disrupt dominant practices. But are we to believe that all out-law discourses are prepared to mount such a challenge to the dominant cultural logic? Or, indeed, that the members of out-law communities are prepared to be brought into the arena of public surveillance in the service of reconstituting logics of litigation? It seems highly unlikely that all divergent cultural groups have developed equally, or that all members of these groups share Sloop and Ono's "imperial impulse" (51) to promote their conceptions and practices of justice.

(2) Academic critical discourse is not transparent. Here I allude to the overall problem of translation (see Foucault 1994; Lyotard 1988; Lyotard and Thebaud 1985; Zabus 1995) as an extension of the previous concern. Critical discourse cannot become the medium of commensurability for divergent language games. Are we to believe that the "use" of out-law dis- course by critics to disrupt dominant practices can fail to do violence to these diverse/divergent logics? Are out-law discourses merely tools to be exploited and discarded in the pursuit of returning leftist academic dis- course to the center?

(3) Perhaps the academic translation of out-law discourse could be true to the internal logic of the out-law community. And, perhaps the re-presentation of out-law logic within the academic community will bestow a degree of legitimacy on the out-law community. Nonetheless, the effect of legitimizing out-law discourse is unknown and potentially destructive. In an effort to siphon the political energy of out-law discourse into academic practice, we may ultimately destroy the dissatisfaction that serves as a cathexis for these out-law discourses. It seems possible that academic recognition might take the place of struggle for material opportunities (see Fraser 1997). But, will academic legitimation create any material changes in the conditions of out-law communities? I mean to suggest, not that it is better to allow the out-law community to suffer for its cause, but rather that incorporating the struggle into an (admittedly) impotent academic critique does not offer a prima facie alternative.

(4) Criticism of resistance denies the practical and theoretical importance of opportunity. Returning to De Certeau's notion of tactics, the crucial element of these discursive moves is their use of opportunity to disrupt the proper authority of the dominant. The kairos of intervention provides the key to undermining "in-law" discourses. But when is the "right moment in time" for the academic reproduction of out-law discourse? Mapping the points of resistance (ala Foucault and Biesecker) entails interrogating "in-law" discourses for their incongruities and contradictions, not turning the academic gaze upon those communities waiting for an opportunity. Out-laws do not lurk in the forefront (66), hoping to be exposed by academic critics; they wait for the right moment for their disruption. Rhetoricians can provide rhetorical instructions for seeking opportunities and for exploiting these opportunities (literally making the culturally weaker argument the stronger), but this does not justify interrogating (intervening in) the cultural logics of the marginalized.

The concerns raised here are not designed to dismiss Sloop and Ono's provocative essay. The divergent critical logic they outline deserves careful consideration within the critical community, and it is my hope that the concerns I raise may help to further problematize the relationship between

resistance and rhetorical criticism.

Rhetorical criticism

As I have suggested, my purpose is to use the provocative nature of Sloop and Ono's project to extend disputes regarding the ends of rhetorical criticism. Diverging perspectives on the ends of criticism have been categorized by Barbara Warnick (1992) as falling along four general lines: artist, analyst, audience, and advocate. Leah Ceccarelli (1997) discerns similar categories around the aesthetic, epistemic, and political ends of rhetorical criticism.

The out-law discourse project presents clear ties to the notion of critic as advocate. For Sloop and Ono, the critic is an interested party, discerning (and at times disputing) the underlying values and forces contained within a discourse. Additionally, however, the out-law discourse critic is an analyst focusing on the hidden, aberrant texts of the out-law and "rendering] an incoherent or esoteric text comprehensible" (Warnick 1992, 233). Now, I am not suggesting that a critic must serve only one function or that the roles of advocate and analyst are mutually exclusive; rather, these entanglings of power (political ends) and knowledge (epistemic ends) are inevitable. My concern is that we not neglect the complexity of these entanglements. Turning covert out-law discourses into objects of our analyses runs the risk of subjecting them both to the gaze of the dominant and to the power relations of the academy. As the works of Michel Foucault (especially 1979, 1980) aptly illustrate, practices presented as extending such noble goals as emancipation and humanity may endow institutions of confinement and objectification. Any justification for studying out-law dis- course because doing so may extend our political usefulness in the pursuit of emancipatory goals must not obscure the already existing power relations authorizing such studies. Our attempts to extend our domains of knowledge and expertise (authority) must not be pursued unreflexively.

#### 2 - No one will take them seriously --- degrades into ineffectiveness and cynicism

Torgerson ’99

(Douglas Torgerson is Professor of both Political Studies and Environmental and Resource Studies at Trent University in Peterborough, Ontario. The Promise of Green Politics. October 1999 –modified for language that may offend - available via http://www.ecobooks.com/books/promisegreen.htm)

"What would be the consequences of ~~viewing (~~considering) green politics more as a comedy than as a tragedy? The very suggestion might seem frivolous, but the advantages of thinking in terms of comedy rather than tragedy were strongly suggested by Joseph W. Meeker's The Comedy of Survival, which appeared during the early phases of the green movement but has unfortunately not received the attention it deserves. "The problem with an unequivocal endorsement of a comic politics seems obvious. Without clear principles to guide action toward appropriate goals, there is a risk of ineffectiveness, opportunism, and cynicism. As Meeker himself emphasized, the comic protagonist is seldom much of a hero, and is more likely to be a rogue, rascal, scoundrel, knave, fool, picaro, tramp -- a survivor, perhaps at any cost. Comic politics, if it takes an ironic stance outside the spectacle of politics, risks a lack of concern about either principles or consequences, a lack of purpose."--p.86

#### We can defend the rest of the aff strategy and negate only certain parts. 2NR consolidation is best and we can subtract 2AC frames.

#### Only conditional tests of limited agreement incentivize narrow testing of their specific claims. Requiring us to disprove the entire aff forces extreme impact turns that lack nuance and political utility.

### Case

#### ( ) Presumption.

#### The 1AC may be intriguing and may have made you giggle though I doubt it – but it’s ultimately an academic FYI. There’s a diagnosis, but little discussion of solutions. How does the Aff alter the alter ?... How might it re-distribute privilege.

#### Sure, the 1AC implicitly critiques Topicality and Lincoln Garrett – but that alone isn’t a reason to vote for them. Vote neg on presumption - K Affs still have solvency burdens. We aren’t Lincoln Garrett and debatedocs isn’t on the chain.

#### Wilson says that both teams playing the same game is key to their fun offense. T and disclosure theory prove we’re not – no offense.

#### Their ivory tower theorization isn’t just D – it’s offense. It’s inaction in the face of social and political violence.

Ruddick ‘15

Lisa - Associate Professor, Department of English, University of Chicago - From the Chapter: “When Nothing Is Cool”- From the Book in The Future of Scholarly Writing: Critical Interventions, edited by Angelika Bammer and Ruth-Ellen Boetcher Joeres (New York: Palgrave Macmillan, 2015). – September - Modified for potentially objectionable language. In one instance part of the card continues to footnote #2 – no text is omitted. This card spans pages 71-76.

Is there something unethical in contemporary criticism? This essay is not just for those who identify with the canaries in the mine, but for anyone who browses through current journals and is left with an impression of deadness or meanness. I believe that the progressive fervor of the humanities, while it reenergized inquiry in the 1980s and has since inspired countless valid lines of inquiry, masks a second-order complex that is all about the thrill of destruction. In the name of critique, anything except critique can be invaded or denatured. This is the game of academic cool that flourished in the era of high theory. Yet what began as theory persists as style. Though it is hardly the case that everyone (progressive or otherwise) approves of this mode, it enjoys prestige, a fact that cannot but affect morale in the field as a whole. The reflections that follow focus largely on English, my home discipline and a trendsetter for the other modern language disciplines. These days nothing in English is "cool" in the way that high theory was in the 1980s and 1990s. On the other hand, you could say that what is cool now is, simply, nothing. Decades of antihumanist one-upmanship (re-raising) have left the profession with a fascination for shaking the value out of what seems human, alive, and whole. Some years ago Eve Kosofsky Sedgwick touched on this complex in her well-known essay on paranoid reading, in which she identified a strain of "hatred" in criticism (8). Also salient is a more recent piece in which Bruno Latour has described how scholars slip from "critique" into "critical barbarity," giving "cruel treatment" to experiences and ideals that non-academics treat as objects of tender concern (239-40). Susan Fraiman's powerful analysis of the academic privileging of a "cool male" intellectual style is concerned with many of the same patterns I consider here. And a full lineage for what follows would go back to two landmark articles of 1987, in which Barbara Christian and Jane Tompkins warned of an element of inhumanity in poststructuralist theory. I hope to show that the kind of thinking these scholars, among others, have criticized has survived the supposed death of theory. More, it encourages an intellectual sadism that the profession would do well to reflect on. Why has it been hard for this community to shift away from norms that confuse sophistication with ruthlessness, even as dissenting voices periodically appear and new trends keep promising to revitalize the field? The pages that follow, in proposing some answers, touch on the secret life of groups. My first focus is an article by Judith Halberstam that embodies a certain bad-boy manner that was fashionable in the 1990s. I then turn to more recent criticism that reflects the same intellectual style. Throughout I use concrete scholarly examples, rather than just generalize about the discipline, because the patterns that concern me can be subtle and hard to spot. Without concrete analysis, I would have little to offer those who sense that there's something wrong with criticism but (as Hiatt says) "can't put their finger on" the problem. Yet the examples are not intended to give the impression that individual scholars are misbehaving. Everyone is responding to the same intellectual force field, one that "appears to have neither head nor center," as Christian wrote in the 1980s when high theory became hegemonic (54). The problem is systemic. Repeatedly, we will find scholars using theory—or simply attitude— to burn through whatever is small, tender, and worthy of protection and cultivation. Academic cool is a cast of mind that disdains interpersonal kindness, I-thou connection, and the line separating the self from the outer world and the engulfing collective. Ultimately I will suggest that within English as a human system, this gestalt works to create a corps of compliant professionals. Novices subliminally absorb the message that they have no boundaries against the profession itself. The theories they master in graduate school are such as to make their own core selves—or what D. W. Winnicott would call their "true selves"—look suspect and easy to puncture analytically. What by contrast is untouchable, and supports a new and enhanced professional self, is what Slavoj Zizek, without apparent irony, has called "the inherent correctness of theory itself." FN2 FN2 "[This series] is neither 'pluralist' nor 'socially sensitive': unabashedly avowing its exclusive Lacanian orientation, it disregards any form of correctness but the inherent correctness of theory itself." This belongs to the front matter of each volume published in the Lacanian scries SIC, edited by Slavoj Zizck and Renata Salccl. Halberstam's article hardly represents the best theoretical work of the 1990s. I begin with this piece because it embodies, almost in caricature, a studied coldness that enjoyed a vogue in that decade and has influenced subsequent criticism. Readers who know the novel The Silence of the Lambs or Jonathan Demme's film adaptation will recall the murderer Buffalo Bill, who fashions a cloak from the skins of his female victims. In a well-known reading of the film, Halberstam suggests that Bill is as much "hero" as villain. For he "challenges the...misogynist constructions of the humanness, the naturalness, the inferiority of gender" (Halberstam 177). By removing and wearing his victims' feminine skin, Bill refutes the idea that maleness and femaleness are carried within us. "Gender," Halberstam explains, is "always posthuman, always a sewing job which stitches identity into a body bag" (176). The corpse, once flayed, "is no woman"; "it has been degendered, it is postgender, skinned and fleshed" (170). Halberstam blends her perspective uncritically with the hero-villain's posthuman sensibility, which she sees as registering "a historical shift" to an era marked by a destruction of gender binaries and "of the boundary between inside and outside" (177).3 In her more responsible, empirical work on gender identities, Halberstam has described some of the ways in which society does "stitch" people into genders that are taken for natural. But in this more fanciful piece, she reads a fictional text allegorically, to suggest that there is no selfhood at all beneath our cultural stitching. For if Bill pulls each victim apart without concern for an "inner life," it is apparently because there is no such thing as an inner life. Not only gender but also "Identity... proves only to be skin deep" (170, 175). Bill "hates identity" and addresses his victims as "it" (164, 170). He enacts "a carnage of identity" (164). Yet the article gives us no terms in which to describe this as unhealthy or cruel behavior. An extensive, diverse academic conversation has, of course, questioned the ideals of the inner life and the bounded individual, on the strength of various critiques of liberal individualism. Some of the most powerful scholarship of the last decades is rooted in this more or less Marxist intellectual tradition.4 Among other things, this work has shown how liberal theory, in presuming that "man" is ideally self-possessed and autonomous, overlooks the shaping influence of the market and of social relationships. Yet antiliberalism has many variants. In its cool variant, it denies the value or even the existence of human individuality and personal self-boundaries— an attitude arguably remote from Marx's own.5 In place of compassion for the fictional victim, Halberstam offers a heady identification with the "hero" who dismantles the victim to the glory of a field-honored theory about the artificiality of gender. The abstractions trump the human realities: this is the mark of sexy academic thought. A reviewer hailed Halberstam's article as modeling "exciting possibilities for feminist and queer criticism of contemporary horror films" (Curtin review 152). And the essay was well enough regarded to have been reprinted in an anthology showcasing posthumanist criticism, and again in the award-winning Transgender Studies Reader (Badmington 58-68; Strykcr and Whittle 574-83). The editors of the latter volume introduce the essay not as an account of a peculiar fictional world but as a theoretical intervention offering a new perspective on the actual nature of subjectivity. They write, "[Halberstam] looks beyond available categories of gendered person-hood and sexed embodiment to develop a new, potentially post-human, construct of the self" (Stryker and Whittle 574). But what is a "construct of the self" that suggests that beneath the skin, no one is home? While no one would say that theoretical work like this should be excluded from the conversation, it seems fair to ask why it should be overvalued. Let us assume a proposition that most American psychoanalysts would find uncontroversial, namely that human beings, unless autistic or seriously troubled, have inner lives—ideally rich ones—and a degree of self-cohesion. As students are brought into our profession, they typically learn to see this view as that of "mainstream psychology," which in turn is fraught with bourgeois ideology (see Gil, "Before Intimacy"). Their theoretical training, as a rule, gives them scant exposure to the many contemporary theories that validate the human potential for inwardness and psychic integrity.6 Instead, they are assigned theories arguing, at an extreme, that the very border between "inner" and "outer" worlds is "maintained for the purposes of social regulation and control."7 They will also occasionally encounter work that uses the profession's radical critique of interiority and autonomy to make the shattering of selves look edgy and progressive. I nowhere mean to suggest that the profession does not offer good criticisms of U.S. ideology. The problem is the scorn for self-cohesion that has wound itself in with the project of social critique. As I have already begun to suggest, an intellectual regime so designed discourages initiates from identifying with their own capacity for centered, integrated selfhood. Some will identify instead with the aggressor, turning against the soft "interiority" that the profession belittles. As a more moderate option, students can adopt a neutral historicist voice that allows them to handle the inner life—someone else's—as a historical curiosity, without attributing value to it. (As one of my interviewees ruefully remarked, "You can write about anything so long as it is dead.")8 Either way, the distanced attitude toward inwardness takes a toll. The management scholar Ann Rippin borrows an image from a fairy tale to describe the "silver hands" with which organizations endow their members. Recruits to professional organizations, Rippin writes, are trained in glossy but dehumanized ways of speaking and feeling. The work they learn to do "is silver service done at arm's length, hygienically, through a polished, highly wrought intermediary instrument." In time, she writes, many of those so socialized "report feeling unable to bring their whole selves to work, [and] being obliged to dismember or disaggregate themselves, having to suspend feelings, ethics, values on occasion" (Rippin 360). I think our profession has its own version of silver-handedness, imprinted in part by theoretical orthodoxies according to which we never had a "whole self" to lose in the first place. Nothing inherently makes the theories that dismiss the idea of integrated selfhood better than the alternatives; they are just preferred by this academic community.9 I believe that when a scholar traffics in antihumanist theories for purposes of professional advancement, his or her private self stands in the doorway, listening in. When it hears things that make it feel unwanted— for example, that it is a "Kantian" or "bourgeois" fantasy—it can go mute. I have spoken with many young academics who say that their theoretical training has left them benumbed. After a few years in the profession, they can hardly locate the part of themselves that can be moved by a poem or novel. It is as if their souls have gone into hiding, to await tenure or some other deliverance. The poststructuralist critique of the self, though associated with progressive politics, has an unobserved (under-discussed), conservative effect on the lived world of the profession. It protects the institutional status quo, by promoting the evacuation of selves into the group. In the story behind the story, the decen-tered subject is the practitioner who internalizes the distaste for the inner life and loses touch with the subjective reserves that could offset his or her merger with the profession. What is correspondingly strengthened is the cohesion of the collective. For our profession, alienated in various ways from the American mainstream, needs members who will band together. One way to get members to commit to the group and its ideology is to make them feel ashamed of the varied, private intuitions and desires that might diversify their interests. I recently surveyed the last nine years of publication in ELH: English Literary History to check my sense of the field against a core sample of contemporary criticism. I chose ELH for review because it is a distinguished, mainstream academic journal, one that does not have biases marking it off from the discipline of English as a whole. (My colleague W. J. T. Mitchell, doubtless speaking for many, writes, "ELH has been the gold standard of literary scholarship for as long as I can remember.")10 More, it is a journal I have long admired myself. The work it selects has a literary-critical delicacy, an erudition, and a relative lack of cant that make for interesting, often surprising reading. I reasoned that if there was an ideological problem in English—pervasively—I would find its imprint even in the best, most flexible (top) journal I could identify and one that could hardly be called doctrinaire. And if I did not find the problem here, that would be informative as well. What I found, overall, was that in the course of the nine-year span, a small but annually growing number of articles challenges the high-theoretical pieties, a pattern that suggests that the much discussed death of theory is not entirely illusory. But if high theory is dead, it still speaks (conveys) from the grave, determining which ideas go without saying and which by contrast require cautious, rigorous defense. As to the question whether it is good or even possible to have a self, I found that the work published in ELH largely—but not unanimously—defers to the field-honored notion that selfhood and privacy either are illusions or are actual experiences that reflect a worthless bourgeois ideology. We often find a left-inflected approbation for whatever is collective and anonymous, sometimes conjoined with a postmodern affinity for what is flat or depthless.

### Extra

#### Parodic criticism fails and is easily co-opted to support authoritarianism --- the Aff’s normative direction is necessary to enable progressivism

Nussbaum 99 – Martha Nussbaum is professor of law and philosophy at the University of Chicago – New Republic – FEBRUARY 22 1999 – available on lexis

Suppose we grant Butler her most interesting claims up to this point: that the social structure of gender is ubiquitous, but we can resist it by subversive and parodic acts. Two significant questions remain. What should be resisted, and on what basis? What would the acts of resistance be like, and what would we expect them to accomplish? Butler uses several words for what she takes to be bad and therefore worthy of resistance: the "repressive," the "subordinating," the "oppressive." But she provides no empirical discussion of resistance of the sort that we find, say, in Barry Adam's fascinating sociological study The Survival of Domination (1978), which studies the subordination of blacks, Jews, women, and gays and lesbians, and their ways of wrestling with the forms of social power that have oppressed them. Nor does Butler provide any account of the concepts of resistance and oppression that would help us, were we really in doubt about what we ought to be resisting. Butler departs in this regard from earlier social-constructionist feminists, all of whom used ideas such as non-hierarchy, equality, dignity, autonomy, and treating as an end rather than a means, to indicate a direction for actual politics. Still less is she willing to elaborate any positive normative notion. Indeed, it is clear that Butler, like Foucault, is adamantly opposed to normative notions such as human dignity, or treating humanity as an end, on the grounds that they are inherently dictatorial. In her view, we ought to wait to see what the political struggle itself throws up, rather than prescribe in advance to its participants. Universal normative notions, she says, "colonize under the sign of the same." This idea of waiting to see what we get--in a word, this moral passivity-- seems plausible in Butler because she tacitly assumes an audience of like- minded readers who agree (sort of) about what the bad things are-- discrimination against gays and lesbians, the unequal and hierarchical treatment of women--and who even agree (sort of) about why they are bad (they subordinate some people to others, they deny people freedoms that they ought to have). But take that assumption away, and the absence of a normative dimension becomes a severe problem. Try teaching Foucault at a contemporary law school, as I have, and you will quickly find that subversion takes many forms, not all of them congenial to Butler and her allies. As a perceptive libertarian student said to me, Why can't I use these ideas to resist the tax structure, or the antidiscrimination laws, or perhaps even to join the militias? Others, less fond of liberty, might engage in the subversive performances of making fun of feminist remarks in class, or ripping down the posters of the lesbian and gay law students' association. These things happen. They are parodic and subversive. Why, then, aren't they daring and good?

#### This destroys the alt --- makes it entirely counter-productive

Nussbaum 99 – Martha Nussbaum is professor of law and philosophy at the University of Chicago – New Republic – FEBRUARY 22 1999 – available on lexis

There is a void, then, at the heart of Butler's notion of politics. This void can look liberating, because the reader fills it implicitly with a normative theory of human equality or dignity. But let there be no mistake: for Butler, as for Foucault, subversion is subversion, and it can in principle go in any direction. Indeed, Butler's naively empty politics is especially dangerous for the very causes she holds dear. For every friend of Butler, eager to engage in subversive performances that proclaim the repressiveness of heterosexual gender norms, there are dozens who would like to engage in subversive performances that flout the norms of tax compliance, of non-discrimination, of decent treatment of one's fellow students. To such people we should say, you cannot simply resist as you please, for there are norms of fairness, decency, and dignity that entail that this is bad behavior. But then we have to articulate those norms--and this Butler refuses to do.

#### \*\*Parodic resistance is an ivory tower inactive violence--- direct political action is more emancipatory

Nussbaum 99 – Martha Nussbaum, 2-22-1999, “Professor of Parody,” New Republic, p ln

What precisely does Butler offer when she counsels subversion? She tells us to engage in parodic performances, but she warns us that the dream of escaping altogether from the oppressive structures is just a dream: it is within the oppressive structures that we must find little spaces for resistance, and this resistance cannot hope to change the overall situation. And here lies a dangerous quietism. If Butler means only to warn us against the dangers of fantasizing an idyllic world in which sex raises no serious problems, she is wise to do so. Yet frequently she goes much further. She suggests that the institutional structures that ensure the marginalization of lesbians and gay men in our society, and the continued inequality of women, will never be changed in a deep way; and so our best hope is to thumb our noses at them, and to find pockets of personal freedom within them. "Called by an injurious name, I come into social being, and because I have a certain inevitable attachment to my existence, because a certain narcissism takes hold of any term that confers existence, I am led to embrace the terms that injure me because they constitute me socially." In other words: I cannot escape the humiliating structures without ceasing to be, so the best I can do is mock, and use the language of subordination stingingly. In Butler, resistance is always imagined as personal, more or less private, involving no unironic, organized public action for legal or institutional change. Isn't this like saying to a slave that the institution of slavery will never change, but you can find ways of mocking it and subverting it, finding your personal freedom within those acts of carefully limited defiance? Yet it is a fact that the institution of slavery can be changed, and was changed-- but not by people who took a Butler-like view of the possibilities. It was changed because people did not rest content with parodic performance: they demanded, and to some extent they got, social upheaval. It is also a fact that the institutional structures that shape women's lives have changed. The law of rape, still defective, has at least improved; the law of sexual harassment exists, where it did not exist before; marriage is no longer regarded as giving men monarchical control over women's bodies. These things were changed by feminists who would not take parodic performance as their answer, who thought that power, where bad, should, and would, yield before justice. Butler not only eschews such a hope, she takes pleasure in its impossibility. She finds it exciting to contemplate the alleged immovability of power, and to envisage the ritual subversions of the slave who is convinced that she must remain such. She tells us--this is the central thesis of The Psychic Life of Power--that we all eroticize the power structures that oppress us, and can thus find sexual pleasure only within their confines. It seems to be for that reason that she prefers the sexy acts of parodic subversion to any lasting material or institutional change. Real change would so uproot our psyches that it would make sexual satisfaction impossible. Our libidos are the creation of the bad enslaving forces, and thus necessarily sadomasochistic in structure. Well, parodic performance is not so bad when you are a powerful tenured academic in a liberal university. But here is where Butler's focus on the symbolic, her proud neglect of the material side of life, becomes a fatal blindness. For women who are hungry, illiterate, disenfranchised, beaten, raped, it is not sexy or liberating to reenact, however parodically, the conditions of hunger, illiteracy, disenfranchisement, beating, and rape. Such women prefer food, schools, votes, and the integrity of their bodies. I see no reason to believe that they long sadomasochistically for a return to the bad state. If some individuals cannot live without the sexiness of domination, that seems sad, but it is not really our business. But when a major theorist tells women in desperate conditions that life offers them only bondage, she purveys a cruel lie, and a lie that flatters evil by giving it much more power than it actually has.

#### Nuanced testing is a better model of engagement to improve praxis.

Williams 15 – Douglas Williams, Third-Generation Organizer, BA in Political Science from the University of Minnesota at Morris, MPA from the University of Missouri Columbia, Doctoral Student in Political Science at Wayne State University, internally quoting Freddie DeBoer, Lecturer at Purdue University and PhD in Rhetoric and Composition from Purdue University and MA in English with a Concentration in Writing and Rhetoric from The University of Rhode Island, The South Lawn, <https://thesouthlawn.org/2015/03/10/the-dead-end-of-identity-politics/> [language modified]

What conversation is there to be had around that? It is as if the mere existence of her identity inoculates her from any critique. How did we get here?

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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. But critique drift demonstrates why a[n] [effective] ~~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~~ [undermines] 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.”

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.

#### 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?

#### Their K doesn’t link to us---the university isn’t monolithic. BUT we have offense---it locks in the status quo they’ve K’d.

Tolson – internally quoting Wellmon – ‘15 This card is an excerpt from Chad Wellmon’s new book. Wellmon is a faculty fellow at the Institute for Advanced Studies in Culture at the University of Virginia. Wellmon’s book is titled: Organizing Enlightenment: Information Overload and the Invention of the Modern Research University - Jay Tolson is Editor of The Hedgehog Review, a publication of the Institute for Advanced Studies in Culture at the University of Virginia. A journalist, editor, author, and critic, Tolson covered religion, culture and ideas for U. S. News & World Report after working for more than decade as the literary editor and editor of the Wilson Quarterly – Article Title: “Media Excess, Disruption, and the Future of the University” – HEDGEHOG REVIEW: Critical Reflections on Contemporary Culture - March 11th – ellipses in original – modified for potentially objectionable language - Available at: <http://iasc-culture.org/THR/channels/THR/author/jtolson/>

In his new book, Organizing Enlightenment: Information Overload and the Invention of the Modern Research University, literary historian Chad Wellmon, a faculty fellow at the Institute for Advanced Studies in Culture, argues against those who claim that the research university is an outmoded, bureaucratic institution ripe for disruption. Recounting the emergence of the research university in another era of media excess, this one driven by print, he focuses on what has always distinguished the research university—an ethics of knowledge. And this, he claims, is needed now more than ever. Here is an excerpt from the afterword of his book: Misgivings about specialized science and disciplinarity have returned in recent jeremiads about the research university from within its most elite ranks. Harvard professor Louis Menand writes that the “structure of disciplinarity that has arisen with the modern research university is expensive; it is philosophically weak; and it encourages intellectual predictability and social irrelevance. It deserves to be replaced.” Similarly, CUNY professor Cathy Davidson has criticized the research university as an “archaic, hierarchical, silo’d apparatus of the nineteenth century.” Our institutions of higher learning have “managed to change far more slowly than the modes of inventive, collaborative, participatory learning offered by the Internet” and other online and digital technologies. Unlike some of the more general critiques of the university’s disciplinary structure, however, Davidson’s critique is more focused on what is actually at stake. Our universities are “stuck,” she writes, “in an epistemological model of the past.” Our digital age entails not just new and better technologies but an entirely different notion of what constitutes true knowledge: how it is produced, authorized, and disseminated. The disciplinary organization of knowledge is antiquated and dispensable. The very structures and forms of knowledge are changing, and, for Davidson at least, the disciplinary research university is being left behind. In her more recent work on the future of education, Davidson embraces the potential of digital technologies to undo the authority structure of the research university and spur “collaborative” forms of knowledge production. And yet, in what she describes as a “field guide and survival manual for the digital age,” her Now You See It: How the Brain Science of Attention Will Change the Way We Live, Work, and Think, she relies on that same authority structure she seems eager to escape. She bases her “guide” for the digitally perplexed on what she calls “the science of attention.” She grounds her argument in the authority of modern, disciplinary-based science as she cites study after study, all of which are legitimated by the authority of the disciplinary order of the modern research university. Davidson’s bad faith is a testament to just how enduring a system the research university ethic is. But it has endured *not* because it was a rigid, hierarchical system, a Weberian iron cage, a Foucauldian panopticon, but rather because it has sustained communities of people engaged in a common pursuit. Research universities have never overcome the fragmentation of knowledge or realized anything like a universal knowledge. But what they have done is organize intellectual labor, traditions, and desires more effectively over the past two hundred years than any other technology. To dismiss the research university as an antiquated bureaucratic “apparatus” defined by constraint and enforceable standards is to overlook the ways in which its continuity and stability depended on the transformation of actual people…. At this particular moment of technological and institutional change, we need motivating ideals to orient our institutions and ourselves. The idea of the research university is more than its bureaucratic structures. However haltingly, the research university embodies ideals and virtues that scholars both inside and outside the university hold dear. This is where primarily structural accounts of the research university as simply a bureaucratic system, seemingly lacking human agents who endow it with meaning and life, can offer no compelling vision (approach) for a future research university. These cool, distant accounts of the research university, so redolent of Weber’s description of any other modern, rational system, see (observe) nothing at stake, just the inexorable logic of another modern bureaucracy. They (ignore) overlook the persons and norms that have always been the core of the research university. Anthony Grafton describes this attitude best: the “loss of patience, or faith, or interest in specialized knowledge” is ultimately a capitulation to the absoluteness of the bureaucratic system of the contemporary research university. Such an attitude belies a thoroughly structural account that omits the research university’s most basic feature: its underlying ethic. These more radically functional accounts, however descriptively illuminating, can never answer a basic question: why would anyone choose to devote herself (themselves) to specialized knowledge and an institution such as the research university? The research university reproduces itself by forming people into its culture. Its survival relies on the decisions of actual people, not simply on the abstract totalizing mechanisms of an institution. Advocates of the contemporary research university need to recognize and embrace its most central feature: the fact that it embodies a set of norms, practices, and virtues central to modern knowledge. Whatever its myriad failings and bureaucratic functions, the research university sustains what scholars hold in common and commit themselves to—an ethics of knowledge.

#### Their K fails and we control uniqueness - only moving from their K and working-within systems can solve.

Harkavy ‘6 Ira, Associate Vice President and founding Director of the Barbara and Edward Netter Center for Community Partnerships (University of Pennsylvania), professor of history, urban studies, education, and Africana studies (University of Pennsylvania), Chair of the National Science Foundation’s Committee on Equal Opportunities in Science and Engineering, Chair of the International Consortium on Higher Education, Civic Responsibility, and Democracy, B.A., M.A., and Ph.D. in History (University of Pennsylvania), “The Role of Universities in Advancing Citizenship and Social Justice in the 21st Century,” Education, Citizenship and Social Justice, March, 1.1, doi: 10.1177/1746197906060711

Toward a Strategy to Help Higher Education Practically Realize Its Democratic Mission Having briefly – and perhaps over simply – identified the obstacles that prevent higher education from realizing its democratic mission, I turn now to the really hard, really significant, question. What is to be done to release higher education from the dead hand of Plato and the live hands of commodification and the disciplinary fallacy? More specifically, what is a practical strategy that would help American higher education overthrow Plato and institute Dewey, reject commodification and disciplinary guildism, and practically realize its democratic mission? In my view, the first step is to clarify and even redefine the purpose of undergraduate education. Refocusing the Ends of Undergraduate Education In the foreword to Educating Citizens, Lee Shulman, President of the Carnegie Foundation for the Advancement of Teaching (the book’s publisher) emphasized the critically important role colleges play in the development of the virtues and understanding vital for democratic citizenship. Observing that a democratic society required an ‘educated citizenry blessed with virtue as well as wisdom’, Shulman hailed the book’s demonstration that achieving the requisite: combination of moral and civic virtue accompanied by the development of understanding occurs best when fostered by our institutions of higher education. It does not occur by accident, or strictly through early experience. Indeed, I argue that there may well be a critical period for the development of these virtues, and that period could be the college years. During this developmental period, defined as much by educational opportunity as by age, students of all ages develop the resources needed for their continuing journeys through adult life. (2003: viii, emphasis added) Shulman’s astute observation helps us see the critically important role that, in a wide variety of ways, colleges play in the lifelong, all-encompassing development of all the different types of personnel who, directly and indirectly, control and operate the American schooling system. If their critically formative years at college neither contribute to their own development as democratic citizens nor concretely demonstrates to them how schools can function to produce democratic citizens, they will necessarily reproduce what they have learned – more precisely, failed to learn in college. As a result of that disastrously flawed reproductive process, the schooling system will be incapable of developing an effective program for democratic citizenship. Put another way, I agree with Lee Schulman that American colleges constitute the strategically important component of American universities when the goal is to help develop an American schooling system capable of producing students who possess the set of attributes they must possess to function as democratic citizens. But what might impel our universities to embrace this goal actively as well as rhetorically? Shame and Cognitive Dissonance For many years Lee Benson and I have argued that the immoral state of America’s cities and the enlightened self-interest of colleges and universities would lead higher education to embrace significant partnerships with their communities (Benson and Harkavy, 1991, 1992, 2000, 2002; Harkavy, 1996, 1997, 1999, 2000; Harkavy and Puckett, 1994). More significantly, we argued that the increasingly obvious, increasingly immoral, contradiction between the increasing status, wealth and power of American universities – particularly elite research universities – and the increasingly pathological state of a great many American cities would shame them into taking action to reduce the contradiction. In addition, we argued that universities would not only be pressured by external agencies (e.g. federal and state governments) to work hard to improve the quality of their local schools and communities but would increasingly recognize that it was in their own enlightened self-interest to do that. It has recently become clear to us, however, that we seriously underestimated the ability of universities to effectively resist making substantive changes of the kind many academics have been advocating since the 1980s. Probably the main form of resistance has been for universities to make eloquent rhetorical pledges of support for ‘community engagement’ and then fail to put ‘their money (and other necessary resources) where their mouth is’. Aside from deploring it, what can practically be done to overcome or reduce that hypocritical form of university resistance to change? That’s the problem. What’s the solution? Part of the solution, we believe, is to follow Derek Bok’s (2003) lead in Universities in the Marketplace and apply the powerful social psychological theory of cognitive dissonance. President Bok did not explicitly cite that theory. But he used it with devastating effect in his book length demonstration that ‘the commercialization of higher education’ not only fundamentally contradicts traditional ‘academic standards and institutional integrity’ but, in a ‘process [which] may be irreversible’, threatens to sacrifice ‘essential values that are all but impossible to restore’ (2003: 208). In A Theory of Cognitive Dissonance (1957) Leon Festinger published in book form the theory that became one of the most influential theories in social psychology. Summarized in oversimplified form, the theory focuses on ‘the feeling of psychological discomfort produced by the combined presence of two thoughts that do not follow from one another (e.g. smokers who agree that smoking is very unhealthy but continue to smoke). Festinger proposed that the greater the discomfort, the greater the desire to reduce the dissonance of the two cognitive elements’ (Harmon-Jones and Mills, 1999: cover blurb). In Universities in the Marketplace, President Bok clearly wanted to produce such great discomfort among university administrators and faculty members who either engaged in commercial activities or tolerated them that they would feel compelled to change their behavior. In similar fashion, the egalitarian values proclaimed in the Declaration of Independence have long been invoked in American history to produce the cognitive dissonance and great discomfort indispensable to ‘agitators’ who wanted to abolish slavery, win equal rights for women, overcome segregation and achieve similar egalitarian goals. Learning from history and following President Bok’s lead, this article is designed to support the *campaign* he began – to shame universities into translating their democratic rhetoric into practical action. Taking a leaf from Lincoln Steffen’s (1957) famous muckraking work on The Shame of the Cities, as we see it, that campaign, in effect, tries to overcome ‘The shame of the universities’. A highly effective way to conduct the campaign, I believe, would make use of Alexander Astin’s powerful essay, ‘Liberal education and democracy: The case for pragmatism’. In effect, like Derek Bok, Astin skillfully used the theory of cognitive dissonance to develop a devastating critique of the hypocrisy of universities that rhetorically proclaim that their mission is to help their students become responsible democratic citizens and then do almost nothing positive to realize that mission. In fact, as Astin (1997: 221) observed, by their antidemocratic organization and functioning, ‘by their obvious preoccupation with enhancing [their] resources and reputations’ and in a variety of other ways, universities strongly contribute to their students accepting the ‘values of materialism, competitiveness, and individualism’. Guided by cognitive dissonance theory and American history (and the history of other countries’ reforms and revolutions), I am convinced that a sustained, massive, many-sided campaign to expose and denounce university hypocrisy can produce sufficient ‘great discomfort’ to help change American university behavior for the better. But in itself such a *campaign* will not bring about the radical changes we support. A comprehensive strategy to bring those changes about needs additional prongs, two of which we briefly describe below. act locally In her edited volume, Building Partnerships for Service-Learning, Barbara Jacoby (2003) and her colleagues emphasize that creating effective, democratic, mutually-beneficial, mutually-respectful partnerships should be a primary, if not the primary, goal for service-learning in the first decades of the 21st century. Jacoby calls on colleges and universities to focus their attention on improving democracy and the quality of life in their local communities. Here Jacoby is echoing one of John Dewey’s most significant propositions; ‘Democracy must begin at home, and its home is the neighborly community’ (1954 [1927]: 213). Democracy, Dewey emphasized, has to be built on face-to-face interactions in which human beings work together cooperatively to solve the ongoing problems of life. In effect, Jacoby and colleagues have updated Dewey and advocated this proposition: Democracy must begin at home, and its home is the engaged neighborly college or university and its local community partner. The benefits of a local community focus for college and university problem solving courses and programs are manifold. Ongoing, continuous interaction is facilitated through work in an easily accessible local setting. Relationships of trust, so essential for effective partnerships and effective learning, are also built through day-to-day work on problems and issues of mutual concern. In addition, the local community also provides a convenient setting in which a number of a community problem solving courses based in different disciplines can work together on a complex problem to produce substantive results. Work in a college or university’s local community, since it facilitates interaction across schools and disciplines, can create interdisciplinary learning opportunities. And finally, the local community is a real world site in which community members and academics can pragmatically determine whether the work is making a real difference, whether both the neighborhood and the institution are better as a result of common efforts. Focus on Significant, Community-Based, Real World Problems To Dewey, knowledge and learning are most effective when human beings work collaboratively to solve specific, strategic, real world problems. ‘Thinking’, he wrote (1990a [1910]: 11), ‘begins in . . . a forked road situation, a situation which is ambiguous, which presents a dilemma, which poses alternatives’. A focus on universal problems (such as poverty, unequal health care, substandard housing, hunger, and inadequate, unequal education) that manifest themselves locally are, in my judgment, the best way to apply Dewey’s brilliant proposition in practice. To support the argument, I turn to the example I know best, Penn’s work with its local ecological community, West Philadelphia. The example reveals that not only is the act of learning transformed through such efforts, but grappling with significant, local problems also has the capacity to begin mending a fractured academic community because the very enterprise depends upon the participation of a multiplicity of faculty and administrators from across the university.

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#### Prohibitions must forbid by law.

LUNGREN 91 --- DANIEL E. LUNGREN Attorney General, State of California, OFFICE OF THE ATTORNEY GENERAL, September 26, 1991 , https://oag.ca.gov/system/files/opinions/pdfs/91-306.pdf

In the recent case of City of Redwood City v. Dalton Construction Co. (1990) 221 Cal.App.3d 1570, 1573, the court drew the following distinction between a regulation and a prohibition:

". . . The distinction between a regulation and a prohibition is well understood in municipal law. [Citation.] The term `prohibit' means `[t]o forbid by law; to prevent; - not synonymous with "regulate."' [Citation.] The term `regulate' means `to adjust by rule, method, or established mode; to direct by rule or restriction; to subject something to governing principles of law. It does not include a power to suppress or prohibit [citation].' [Citation.]"

## Frames

#### A -- The Aff deployed terms from that lexicon. It’s irrel if it was intentional OR even a disingenuous deployment that aspired to K neolib. Speech acts grow more potent when such deployments are removed.

Kipnis ‘7

Andrew Kipnis - Senior Fellow and Professor Andrew Kipnis in The Department of Anthropology, The Australian National University – “Neoliberalism reified: suzhi discourse and tropes of neoliberalism in the People's Republic of China” - Journal of the Royal Anthropological Institute (N.S.) 13,383-400 - #E&F – modified for language that may offend - obtained via J-Stor database.

Another problem is that neoliberal policies, *however defined*, may be sincerely or disingenously pursued. Often enough, powerful *social actors* ~~mouth~~ (deploy) neoliberal slogans or ideology of one form or another in a crass attempt to grab power or exploit others. There may be no intention of actually enacting neoliberal policy or striving for neoliberal goals. This issue should be of crucial interest to those who believe (as the author of this article does not) that neoliberalism is systemic in the contemporary world. If neoliberalism is a systemic 'discourse' (as some governmen-tality theorists would have it), then it reproduces itself by producing 'responsibilized' subject/citizens who re-create neoliberal institutions. From this vantage, disingenuous applications of neoliberal discourse would thus work to undermine neoliberal-ism. But if neoliberalism is an 'ideology' that serves merely to mask the true workings of class domination, then disingenuous applications of neoliberal ideas are central to the reproduction of neoliberalism. In such a case, the actual production of autonomous, responsible citizen/subjects would undermine neoliberalism. Few who write as if neoliberalism were systemic in the contemporary world demonstrate awareness of this contradiction.

#### C -- Neolib discourse *creates realities* which re-frame the social violence cited by the Aff. That link turns case … it’s also external offense via neolib’s perpetuation of sexualized, racialized, and socio-economic repression.

Della Faille ‘15

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This paper will attempt to show that social scientists studying development issues must consider these common ideas with considerable caution. We argue that words are, in fact, actions. And as such, they must be investigated. We contend that an examination of underdevelopment and "developing" societies must go beyond an artificial divide between discourse and action. But also, that it must not limit its definition of discourse to an act of deception. Otherwise, we run the risk of misunderstanding social problems, which is the basis for much social action and collective mobilization in the "developing" world. We will also propose in this paper a number of ways to examine language and discourse that go beyond received ideas. We will attempt to show that they are integral parts of action - whether scholarly, activist, administrative or otherwise - against underdevelopment. In the first place, we will focus most of our explanation on how neoliberal governance and policymaking use language, social representation and discourse to achieve their goals. Using example of neoliberal discourses, we will attempt to show how the main ideologies of the various contemporary development discourses transforms our perception and understanding of development problems. This transformation, we argue, exists both in imposing the use of specific words and in successfully controlling means of communication.

We will begin with a quick presentation of discourse and a definition of neoliberal ideologies. Then, we will demonstrate how discourse analysis could study neoliberal discourses by applying to documents about a natural disaster in the Philippines. After this demonstration, we present other various examples of discourse analysis as it applies to development discourses. Then, we present some of the major approaches and methodologies of discourse analysis. Before concluding, we will present some ethical considerations for the analysis of development discourses.

Words of Caution

A paper about language and discourse would fall short of its goal to draw attention to the use of language if it did not contain at least some form of criticism of usages of the word "development". We argue that calling societies "developing" is actually making a normative statement about the past trajectory, current status and expected future of these societies. Social scientists may contend that political, scientific, ethical or lay statements about development and underdevelopment are in fact "problematizations" of human societies. A problematization is a process by which social relations, practices, rules, institutions, and habits previously established are suddenly viewed as doubtful and problematic (Foucault 2001). The word "development" itself may carry different meanings around the world (Thornton et al. 2012). The understanding and expectations of actions in the name of "development" are conditioned by social representations and interpretations. However, we contend that development discourses are problematizations of the "developing" world because they transform the history of societies of Latin America, Asia, Africa and some parts of Europe into a long story of troubles and failures. They do that in order to justify social transformations and interventions (Escobar 1994). We also contend that they are problematizations because they produce cultural discourses that apply specifically to "developing" countries, and therefore reinforce ideas about the perceived superiority of "developed" countries over the rest of the world (Mohanty 1984).

This paper refuses to hierarchize societies based on perceptions of their economic achievement, their form of political governance or the global recognition of their cultural products. We recognize that discourses about "development" are problematizations, and that perceptions of any social, political or cultural inferiority of these regions, countries or populations must be criticized. We therefore use the term "developing" for some societies, not as a normative statement on regions, countries, and populations viewed as economically, socially, politically or culturally inferior to the "developed world", but rather as an unfortunate shortcut to describe regions and countries in which actors desire to act in the name of "development". There is a wealth of scholarly literature on criticism of the use of the word "development", some of which is evoked further in this paper.

We will give further explanations that might help you better understand why we must be cautious when comparing societies in terms of their perceived "development". Now that we explained why we, in this paper, are cautious of talking about "development" and "underdevelopment", let us very briefly present some aspects of discourse and its analysis.

Understanding discourse and its analysis

If discourse analysis is getting more recognition in development studies, before we further embark in this paper it must be noted that if you chose to study discourse, you might encounter disapproval (Ziai 2015). As we have argued elsewhere, discourse analysis is often viewed with reservations or criticized in the context of the study of "development" and "underdevelopment" (Delia Faille 2011; 2014). But very often, the criticism comes from misunderstanding of what discourse actually is. Discourse analysts face many commonly held ideas, as per the examples we have provided in the introduction of this paper. We believe that the best way for social scientists to justify the analysis of words, language and communication is to approach it with a clear definition of discourse that relates to the study of social relations and also to present convincing analysis. This section attempts to clarify our definition of discourse analysis and the following sections will attempt to illustrate how this analysis relates to the study of social relations and "development".

Social scientists studying discourses are examining the social and institutional constraints of language. At the conceptual level, language can be apprehended either as a social fact determined by material conditions and social domination, or as a field of social activity with specific rules and a social environment where meaning, social relations, and society are produced. Most discourse analysts adopt the latter conception. They attempt to reveal the strategies that aim to convey cultural values and ideologies, whether implicitly or explicitly. They define language as the production of meaning and the results of acts of communication that are conditioned by collective rules and social codes. Through the use of language, social groups and individuals come to build their identity, describe themselves, interact, and share ideas. Language is thus more than the use of specific vocabularies and grammars. It is an organized sequence of social acts that is not limited to speech or utterance. Some analysts study images and material artefacts as sequences of social acts and social strategies to convey ideologies.

In the 1960s French and British philosophers, sociologists and political scientists began to understand the production of language in terms of communication strategies. This new direction was dubbed the "linguistic turn" of humanities and social sciences (Rorty 1967). Based on several decades of debate in literary study, linguistics and anthropology, discourse analysis emerged as a new discipline. It proposed a way to see language as a field of social confrontation and struggles. Discourse is therefore understood as the social usage of language and studied as a social practice and a materialization of social relations. It means that discourse analysts are interested in the social practice of using language to put forward agendas, to express dissent, to defend a position, or to transmit values. They also study acts of silencing and censoring - such as prohibiting other worldviews from circulating and being heard. Therefore, discourse analysts see language as a series of social processes and they acknowledge that language is not limited to otherwise unrelated individual acts.

Discourse analysis could be described as a political understanding of the use of language in the context of unequal access to platforms of decision making, economic resources, and social recognition. As we will attempt to demonstrate throughout this paper, the study of discourse is not limited to looking for hidden agendas, lies or the uttering of meaningless and empty words. Deception is only one of the strategies used to convey worldviews, and it is not necessarily the most effective or even the most interesting for discourse analysts.

Some schools of discourse analysis criticize social reproduction of gender inequality, racism and social class. Critical Discourse Analysis is an example of this field. For this school of thought, discourse analysis is the social study of language, its social constraints and its effects (Fairclough 2001). Through language, social groups come to represent society in a way that perpetuates domination, positive or negative discrimination, and social repression. Critical discourse analysts look at the perpetuation of social conflicts and unequal relations of power. They examine issues related to gender, sexuality, social class, and ethnicity.

While our presentation of neoliberal discourses and its analysis does not fall totally under the umbrella of the school of Critical Discourse Analysis, this paper demonstrates how to analyse discourse in the context of the study of global inequalities, social discrimination and repression. We are critical of the current state of global politics, economy and society as it reproduces and reinforces inequalities. Therefore, the next section presents a critical analysis of neoliberalism understood as an ideology whose aim is to impose its ~~worldviews~~ (perspective) and the interest of the actors it attempts to defend and whose interests this ideology is putting forward in the context of development discourses.