## 1NC

### 1NC – Topicality

Our interpretation is that affirmative teams must defend the desirability of the United States federal government substantially increasing its prohibitions on anticompetitive business practices by the private sector by at least expanding the scope of its core antitrust laws:

#### a---‘Resolved’ denotes a formal resolution.

**AWS ’13** [Army Writing Style; August 24th; Online resource dedicated to all major writing requirements in the Army; Army Writing Style, "Punctuation — The Colon and Semicolon," <https://armywritingstyle.com/punctuation-the-colon-and-semicolon/>]

The colon introduces the following:

a.  A list, but only after "as follows," "the following," or a noun for which the list is an appositive: Each scout will carry the following: (colon) meals for three days, a survival knife, and his sleeping bag. The company had four new officers: (colon) Bill Smith, Frank Tucker, Peter Fillmore, and Oliver Lewis.

b.  A long quotation (one or more paragraphs): In The Killer Angels Michael Shaara wrote: (colon) You may find it a different story from the one you learned in school. There have been many versions of that battle [Gettysburg] and that war [the Civil War]. (The quote continues for two more paragraphs.)

c.  A formal quotation or question: The President declared: (colon) "The only thing we have to fear is fear itself." The question is: (colon) what can we do about it?

d.  A second independent clause which explains the first: Potter's motive is clear: (colon) he wants the assignment.

e.  After the introduction of a business letter: Dear Sirs: (colon) Dear Madam: (colon) f.  The details following an announcement For sale: (colon) large lakeside cabin with dock

g.  A formal resolution, after the word "resolved:". Resolved: (colon) That this council petition the mayor.

#### b---‘USfg’ is the 3 branches.

U.S. Legal ’16 [U.S. Legal; 2016; Organization offering legal assistance and attorney access; U.S. Legal, “United States Federal Government Law and Legal Definition,” <https://definitions.uslegal.com/u/united-states-federal-government/>]

The United States Federal Government is established by the US Constitution. The Federal Government shares sovereignty over the United Sates with the individual governments of the States of US. The Federal government has three branches: i) the legislature, which is the US Congress, ii) Executive, comprised of the President and Vice president of the US and iii) Judiciary. The US Constitution prescribes a system of separation of powers and ‘checks and balances’ for the smooth functioning of all the three branches of the Federal Government. The US Constitution limits the powers of the Federal Government to the powers assigned to it; all powers not expressly assigned to the Federal Government are reserved to the States or to the people

#### c---‘Increase’ means to make greater.

Kristl ’4 [Kenneth T, James R May, Keri N Powell, Howard I Fox, John D Walke, David G McIntosh, Ann B Weeks, Jonathan F Lewis; October 26; Partner at Winston & Strawn LLP, Former Law Clerk to District Court Judge William C. Lee, J.D. from Chicago-Kent College of Law; Westlaw, Appellate Brief in “the State of New York v. United States Environmental Protection Agency,” WL 5846438]

The sole textual basis EPA asserts for its extraordinary position is an argument based on the word “increases” in §111(a)(4). Specifically, EPA claims that, even when a change causes emissions to rise to the highest level reached in the past ten years, it does not “increase[]” them. EPA Br. 69-71, 86. According to EPA's untenable argument, Congress did not specify how an increase is to be measured, and thus left EPA free to interpret “increases” as it wishes. Id.

The term “increases” is not an empty vessel that EPA can fill as it chooses. Instead, absent further congressional guidance, the term must be given its ordinary meaning. Engine Mfrs. Assn. v. South Coast Air Quality Management District, 124 S. Ct. 1756, 1761 (2004); Bluewater Network v. EPA, 370 F.3d 1, 13 (D.C. Cir. 2004). The ordinary meaning of “increase” is “to make greater, as in number, size, strength, or quality.” Random House Webster's Unabridged Dictionary, 2d Ed. (1999), at 969. Thus, a change that makes emissions greater “increases” them. EPA's interpretation contravenes the Act's plain meaning under Chevron Step One, or in the alternative “diverges from any realistic meaning” under Chevron Step Two. See, e.g., NRDC v. Daley, 209 F.3d 747, 753 (D.C. Cir. 2000).2

#### d---‘Expanding’ means to increase and ‘the scope’ defines permissible behavior.

Collins ’21 [Collins English Dictionary; copyright updated 2021; Collins Cobuild, “Expand the Scope,” https://www.collinsdictionary.com/us/dictionary/english/expand-the-scope]

expand the scope

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I wanted to work internationally and expand the scope of my possibilities.

Times, Sunday Times

Labour has called for the government to expand the scope of the test to include consideration of the impact of any merger on research and development and science.

Times, Sunday Times

Most opponents are small-government conservatives who are outraged at any attempt to expand the scope of government, particularly when it involves their personal healthcare decisions.

Times, Sunday Times

The move was cited by the developer to be to expand the scope of indie videogames, and not as a market strategy.

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Such results expand the scope of asymmetric hydroboration to more sterically demanding alkenes.

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Definition of 'expand'

expand

(ɪkspænd)

Explore 'expand' in the dictionary

VERB

If something expands or is expanded, it becomes larger. [...]

See full entry

COBUILD Advanced English Dictionary. Copyright © HarperCollins Publishers

Definition of 'scope'

scope

(skoʊp)

Explore 'scope' in the dictionary

UNCOUNTABLE NOUN [NOUN to-infinitive]

If there is scope for a particular kind of behaviour or activity, people have the opportunity to behave in this way or do that activity. [...]

#### e---‘Its’ means belonging to the fed.

Updegrave ’91 [W.C.; August 19; Supreme Law.org, “Explanation of ZIP Code Address Purpose,” <http://www.supremelaw.org/ref/zipcode/updegrav.htm>]

More specifically, looking at the map on page 11 of the National ZIP Code Directory, e.g. at a local post office, one will see that the first digit of a ZIP Code defines an area that includes more than one State. The first sentence of the explanatory paragraph begins: "A ZIP Code is a numerical code that identifies areas within the United States and its territories for purposes of ..." [cf. 26 CFR 1.1-1(c)]. Note the singular possessive pronoun "its", not "their", therefore carrying the implication that it relates to the "United States" as a corporation domiciled in the District of Columbia (in the singular sense), not in the sense of being the 50 States of the Union (in the plural sense). The map shows all the States of the Union, but it also shows D.C., Puerto Rico and the Virgin Islands, making the explanatory statement literally correct.

#### f---‘Core antitrust laws’ are legal statutes.

Pfaffenroth ’21 [Sonia K, Justin P Hedge, and Monique N Boyce; July 1; Partner at Arnold and Porter, Former Deputy Assistant Attorney General for Civil and Criminal Operations for the Antitrust Division of the US Department of Justice; Counsel at Arnold and Porter; Senior Associate at Arnold and Porter; Mondaq, “United States: A Comparison Of Proposed Antitrust Legislation In 2021: Federal And New York State,” https://www.mondaq.com/unitedstates/antitrust-eu-competition-/1086194/a-comparison-of-proposed-antitrust-legislation-in-2021-federal-and-new-york-state#:~:text=At%20the%20federal%20level,%20there,;1%20(2)%20the%20Federal]

At the federal level, there are three core antitrust laws: (1) the Sherman Act, in which Section 1 outlaws "every contract, combination, or conspiracy in [unreasonable] restraint of trade," and Section 2 outlaws any "monopolization, attempted monopolization, or conspiracy or combination to monopolize";1 (2) the Federal Trade Commission Act, which prohibits "unfair methods of competition" and "unfair or deceptive acts or practices";2 and (3) Section 7 of the Clayton Act, which prohibits mergers and acquisitions where the effect "may be substantially to lessen competition, or to tend to create a monopoly."3 Criminal violations of the Sherman Act carry a maximum penalty of a $100 million fine for corporations, and a maximum penalty of 10 years in prison and a $1 million fine for individuals. A prevailing plaintiff in a civil suit can recover treble damages and attorneys' fees. But federal law currently does not provide for civil penalties when the government brings an antitrust case, only injunctive relief.

Key to limits and ground – they justify a proliferation of small, uncontroversial AFF’s that avoid core generics and water down the quality of debating.

#### Two impacts:

#### 1 – Competitive Equity---an unlimited, unpredictable topic disparately raises the research burden for the negative---treat this as a sufficient win condition because fairness is the logical structure that undergirds all impacts AND controls any benefit to debate.

#### 2 – Clash---Switch-side debates over hypothetical political action is key to develop revolutionary intercommunalism. Prioritizing ideological consistency in debate encourages elitism and dogmatism over the cultivation of vanguard thought—that’s anti-Black.

Vernon, 21—Associate Professor, Department of Philosophy, York University (Jim, “Huey Newton’s Lessons for the Academic Left,” Theory, Culture & Society, Vol 38, Issue 7-8, 2021, dml) [brackets in original]

In short, Newton and Seale found that their ‘hook-up with white radicals did not give [them] access to the white community because they did not guide the white community’ outside the university (Newton and Morrison, 2009: 51), just as they had ‘problems with black students sometimes because they tend to have a detached understanding of the realities in the black community’ off campus (Seale, 1991: 211). Their continual and withering critique of ‘intellectual jivers … who sit in a fucking armchair and try to articulate the revolution while black people are dying in the streets’ at times appears as a standard call by grassroots activists to place the pressing needs of concrete praxis before the leisurely pursuit of abstract theory (Seale, 1991: 119, 33); and, indeed, Newton claims ‘when Bobby and I left Merritt College to organize brothers on the block we did so because the college students were too content to sit around and analyze without acting’ (Newton and Morrison, 2009: 99). However, Newton was far from opposed to even highly speculative theorizing; he would, after all, routinely open talks by asking his audience ‘to assume that an external world exists’ before they could procced (Hilliard and Weise, 2002: 162).4 His disillusionment with academic activists was not due to the complexity or abstraction necessary for theoretical debate; on the contrary, it was grounded in his experience that ‘when I speak on college campuses … I try to lead an audience into rational and logical discussions, but many students are looking for rhetoric and phrasemongering’ instead, which he felt indicated in his audiences not only an evasion of potentially valid, and thus needed, criticism of their own views, but an implicit elitism concerning off-campus participants in political discourse; as he put it, the students ‘either do not want to learn or they do not believe that I can think’ (Newton, 2009: 68).

Of course, Newton agreed with the white mother country radicals that the fight for black liberation was ‘in essence … not at all a race struggle [but a] struggle between the massive proletarian working class and the small, minority ruling class’ (Seale, 1991: 72); simultaneously, because that class remained internally divided by race and racism, he also held that ‘nationalism is recognized by many who think in a revolutionary manner as a distinct and natural stage through which one proceeds’, explaining, among other things, the Party’s anti-integrationist stance (Harrison, 1970: 151). He thus affirmed the necessity of developing a discourse that would ‘not only … make Blacks more proud but … make whites question and even reject concepts they had always unthinkingly accepted’ (Newton, 2009: 175), which required synthesizing race- and class-based theories of the numerous contradictions that structured social life. His experience with campus radicals, however, led him to believe that their goal, by contrast, was to find ‘a set of actions and a set of principles that are easy to identify and are absolute’ (Newton et al., 2004: 84), which not only deepened the distance between progressive theorists and those most in need of emancipatory thought, but encouraged those in elite positions to instruct, rather than to engage with and listen to, those in whose name they purportedly spoke. For Newton, to ‘attempt to explain phenomena … by taking [them] out of [their concrete] environment, [and] putting them into a category … without understanding everything else related to them’ was to ‘transform’ material, lived realities into reified abstractions that inevitably produced forms of praxis that imposed demands for an impossible ideological purity on a suffering populace living in a nest of economic, biological, psychological, and social contradictions (Hilliard and Weise, 2002: 163). This is why Newton ‘tried not to speak in such absolute … terms’ and emphasized the need for theorists to ‘analyse each instance’, rather than subsuming them under an abstract and rigid model treated as ‘an infallible guide in all cases’ (Newton et al., 2004: 26); as his thinking developed, he increasingly cautioned against theorizing that ‘does not apply to the present set of conditions [because it is] tied to a set of thoughts that approaches dogma – what we call flunkeyism’ (Hilliard and Weise, 2002: 165).

In fact, while it may seem counterintuitive given the militant positions the Panthers routinely struck in public, for Newton, the tendency among activists emerging from the academy to rigidly ‘draw … the line of demarcation, saying you are on this side and I am on the other … shows a lack of consciousness’ of the situation to be theorized (Newton, 2009: 62); not least because it is grounded in the same sort of absolute distinction between the ‘good’ human beings, cultures, and values and their ‘evil’ inversion or absence that defined the colonial mindset that black power and socialist internationalism were each formed to oppose. He reminds us that:

The African gods south of the Sahara always had at least two heads, one for good and one for evil. Now people make gods in their own image … So the African said, in effect, I am both good and evil; good and evil are the two parts of the thing that is me. This is an example of an internal contradiction.

Western societies split up good and evil, placing God up in heaven and the devil down below. Good and evil fight for control over people in Western religions, but they are two entirely different entities. (Newton et al., 2004: 24)

While the Manichean politics he encountered from both white and black campus-based activists resonates strongly with the struggle of the Good to control, instruct, or conquer the Evil, Newton’s own theorizing was based on the recognition ‘that all things are in a constant state of change, transformation, or flux’ (Hilliard and Weise, 2002: 163), because of ‘the internal contradictions in all things’, including the people themselves (Newton et al., 2004: 108). It is precisely for this reason that Newton, above all, endorses a dialectical5 understanding of social change:

This struggle of mutually exclusive opposing tendencies within everything that exists explains the observable fact that all things … are in a constant state of transformation. Things transform themselves because while one tendency or force is more dominating than another, change is nonetheless a constant, and at some point the balance will alter and there will be a new qualitative development … Now, because things do not stay the same we can be sure of one thing: the owner will not stay the owner, and the people who are dominated will not stay dominated. We don’t know exactly how this will happen, but … we can be sure that if we increase the intensity of the struggle (which is already underway), we will reach a point where the equilibrium of forces will change and there will be a qualitative leap into a new situation with a new social equilibrium. (pp. 25–26)

Thus, above all, what Newton wanted to teach the academic-led Left, is that a genuine vanguard does not reprovingly instruct the people as to what they should will, how they should struggle, or what their personal shortcomings are in the light of externally developed, inflexible, and absolute models or principles; it must proceed, rather, from a ‘great compassion for people’ (Newton et al., 2004: 54), or an understanding of, and empathy with, their inherently conflicted lives and communities. As he puts it, ‘the Black Panther Party is not based upon hate. We feel that [a] revolutionary program must be guided by a feeling of love – armed love we sometimes call it’, premised upon the ‘involvement and acceptance’ of the people not only at every stage, but more importantly ‘as they are’ in their flawed, internally contradictory state (Newton et al., 2004: 50). It is thus as much, and perhaps even more, the academic Left as the administrative Right that Newton has in mind when he laments that:

I don’t think students are taught dialectically, and one of the reasons they are not is that it would be detrimental to the bourgeois educational system to do so. I think that it is a fair statement to say that the schools are agencies of the status quo: … it would be detrimental to them to give students the tools to show [the people] that the status quo cannot stand and [thus] to analyze them out of existence. (Newton et al., 2004: 87)

Thus, while affirming the need for radical thought to emerge from spaces like the university, which can help clarify and guide the people in their ongoing efforts to resolve the contradictions of their lives, he simultaneously and strenuously warns that when radical theorists distance themselves from the community and begin to traffic in moral and political absolutes, they can easily slip into what he called ‘revolutionary cultism’; a temptation into which he admits he fell at various points in the Party’s development.

The revolutionary cultist uses the words of social change … but his actions are so far divorced from the process of revolution and organizing the community that he is living in a fantasy world. So we talk to each other on campuses … thinking these things will produce change without the people themselves. Of course people do courageous things and call themselves the vanguard, but … vanguard means spearhead, and the spearhead has to spearhead something. If nothing is behind it, then it is divorced from the masses and is not the vanguard. (Newton and Morrison, 2009: 70–71)6

What was required, then, was not so much an emphasis on praxis over theory, but a specifically dialectical mode of synthesizing theory and practice that ‘emphasizes a concrete analysis of conditions’ within actual communities and which might help lay the foundation for ‘an appropriate response to these conditions as a way of mobilizing the people and leading them to higher levels of consciousness’ (Newton and Morrison, 2009: 49). As he puts it toward the end of his statement expelling Eldridge Cleaver from the Party for

influencing us to isolate ourselves from the Black community so that it was war between the oppressor and the Black Panther Party, not war between the oppressor and the oppressed community … Our dialectical ideology and our analysis of concrete conditions indicate that declaring a spontaneous revolution is a fantasy. The people are not at that point now. This contradiction and conflict may seem unfortunate to some, but it is part of the dialectical process. (pp. 51, 53)

For Newton, the structural oppression that communities endure necessitates both that the people are driven to resist and transform their suppressed circumstances (which we can call their ‘good’) and that ‘the opinions of the people have … been molded and directed against their true interests by slick politicians and exploitative educators [whose] diversion tactics often lead the people down blind alleys or onto tangents that take them away from their true goals’ (which thus reflects their ‘evil’) (p. 57, emphasis added); and it is these internally contradictory people – not reified abstractions of them – whose situation requires concrete analysis and to whom this theorizing must ultimately be directed. This, of course, retains radical theory’s traditional goal of providing a compelling critique of the structures which have distorted the lives and opinions of the people; but such critiques can only be both accurate to the community at issue, and more importantly relevant to emancipatory praxis, if they simultaneously learn from the people so as not to impose upon them externally developed, inflexibly applied, and thus elite demands, leaving them prey to organizing by reactionary leaders who speak more directly to their flawed lives and immediate needs.

Newton’s Conception of a Theoretical Vanguard

Vanguard theory, Newton argues, must therefore proceed from the recognition that ‘revolution is a process’ (Newton and Morrison, 2009: 57, emphasis in original), one which unfolds progressively over an extended period of time as the people themselves come to increasingly identify and struggle for their true interests. Theorists, he therefore argued, can offer essential aid in guiding this process of collective self-determination, but in order to do so, they ‘cannot offer the people conclusions’ (Newton and Morrison, 2009: 57, emphasis added) regarding the utopian state to be achieved, the form of subjectivity, culture, or contribution required to pursue it, or the absolute principles upon which progressive change rests, for ‘when the revolutionary begins to indulge in … final conclusions, the people do not relate to him. Therefore he is no longer a revolutionary’ (p. 47); because the ‘only time an action is revolutionary is when the people relate to it in a revolutionary way’, theorists ‘must be ready to respond creatively to new conditions and new understandings’ that emerge from the people themselves as they progressively struggle to determine their own destiny (pp. 48, 57).

Theorizing thus remains necessary because revolutionary struggle requires the critical determination and articulation of the contradictions that dominate social relations, as well as the development of speculative forms of praxis directed at their resolution; but Newton reminds us that ‘these contradictions should be resolved in the community’, rather than by purported experts or representatives, for only this makes social change genuinely progressive by grounding it in the actualized will of the people (Newton et al., 2004: 47). Thus as it ‘tries to show the people the way to resolve these problems … the vanguard has to include all the people’, and the people as internally contradictory, in both their theoretical analysis and practical recommendations. Because, as he laments, ‘it will take time to resolve the contradictions of racism and all kinds of chauvinism’ (p. 33), and because only the people themselves can genuinely resolve them, Newton believed the vanguard’s essential task was to determine, articulate, and help build political programs that ‘increase the positive qualities [or ‘good’]’ in the people ‘until they dominate the negative [or ‘evil’] and therefore transform the situation’ (Newton and Morrison, 2009: 101).

Of course, because the people are not only externally manipulated, but internally enmeshed in varied contradictions, those working to determine these programs often benefit from a partial remove from the circumstances they seek to study. While the university is not the only institution that can fulfil the role, spaces like it, where speculative thought, grounded in even quite esoteric research, can be both developed and forwarded for vigorous and rigorous debate, are needed so that a vanguard thought – one ahead of the people in its vision and thus which may help intensify and further the people’s struggle for their own liberation – can be developed. Thus, what we typically (perhaps crudely) call ‘critical theory’ is perennially required because, as Newton puts it, if there is no-one to ‘make the people aware of the tools and methods of liberation, there will be no means by which the people can mobilize’ for their interests (Newton and Morrison, 2009: 15); however, such critical theorizing will only be ‘accepted as valid’ by its ultimate target if it not only ‘delivers a true understanding of the phenomena which affect the lives of the people’, but moreover reflects and nurtures what the people as they currently are, are currently willing to contribute to the practical resolution of social contradictions; only this marks a truly vanguard thinking, or what Newton calls a ‘philosophy which will help orient us toward goals which are in the true interests of the people’ (pp. 58–59).

One might say, then, that what Newton is suggesting is that ‘critical theory’ is in fact better understood as a collection of competing hypotheses concerning both the contradictions that determine social life and the modes of their redress. As in empirical science, such hypotheses are developed out of limited evidence, and thus are often highly speculative or diverge in sharply contrasting ways, and before confirmation have the tendency of forming into competing, sometimes quite rigid and dogmatic schools of thought; consequently, these hypotheses, much like scientific ones, can only really become theories by testing them against the relevant data set, which in the case of revolutionary or emancipatory thought can only be the people themselves, who will decide whether it reflects or guides their struggle to collectively determine their own interests by mobilizing themselves to transform their immediately lived situation. While he does not quite put things this bluntly, this is one way of grasping the following passage from his famous speech on BPP ideology delivered to students at Boston College:

I would like to give you a framework or a process of thinking that might help us solve the problems and the contradictions that exist today. Before we approach the problem we must get a clear picture of what is really going on; a clear image divorced from the attitudes and emotions that we usually project into a situation. We must be as objective as possible without accepting dogma, letting the facts speak for themselves. But we will not remain totally objective; we will become subjective in the application of the knowledge received from the external world. We will use the scientific method to acquire this knowledge, but we will openly acknowledge our ultimate subjectivity. Once we apply knowledge in order to will a certain outcome our objectivity ends and our subjectivity begins. We call this integrating theory and practice, and this is what the Black Panther Party is all about. (Newton and Morrison, 2009: 23)

This suggests that, if the goal of political theorizing is, as Newton suggests, ‘to increase our [collective] ability to deal with [the real] world and shape its development’ in a progressive manner (Newton et al., 2004: 26), then it must be as open to critique, challenge, and revision in the light of its social reception as work in the empirical sciences is in light of experimental evidence. This, at least, seems to be how Chicago chapter Chairman Fred Hampton understood the nature of the BPP’s legendary breakfast program:

Our Breakfast for Children program is feeding a lot of children and [so] the people understand our Breakfast for Children program. We sayin’ something like this – we sayin’ that theory’s cool, but theory with no practice ain’t shit. You’ve got to have both of them – the two go together. We have a theory about feeding kids free. What’d we do? We put it into practice. That’s how people learn. A lot of people don’t know how serious this thing is … What are we doing? … we are running it in a socialistic manner. People came and took our program, saw it in a socialistic fashion not even knowing it was socialism. People are gonna take our program and tell us to go on to a higher level. They gonna take the program and work it in a socialistic manner … We been educating [them], not by reading matter, but through observation and participation. By letting [them] come and work in our program. Not theory and theory alone, but theory and practice. The two go together … This is what the Black Panther Party is about. (Hampton, 1970: 139, emphases added)

Theorizing the emancipation of the people is thus incompatible with the cultist drive to compel them – say, through the pressures of social shame or physical threat – to accept independently developed conclusions, for this effectively amounts to replacing their current masters with self-proclaimed superior ones; as Newton continually reminds us, ‘this is something we have to make quite clear: eliminating the controller and assuming the place of the controller are two different things’ (Newton et al., 2004: 101). While theorists from the academy and elsewhere can and should play a vital role in both social critique and pragmatic organizing, they can do so only if they accept that ‘we can’t jump from A to Z, we have to go through all of the development [because] the people tend not to take [even] one step higher; they take half a step higher … this is how we move to higher levels’ (Newton and Morrison, 2009: 71). The job of vanguard theory, then, is essentially to ‘find out what the people will do and [determine ways to] get them to do that much’ (p. 141).

Newton’s own concept of ‘revolutionary intercommunalism’ arose from his conviction that sweeping technological change and global economic integration have ensured that ‘nations no longer exist. Nor … will they ever exist again’ (Newton et al., 2004: 31). This, he hypothesized, necessitated a break with the cultural revolution favoured by the nationalists, because it is no longer possible for Europe’s former ‘colonies [to] decolonize and return to their original existence as nations’; it also meant abandoning the revolutionary internationalism favoured by the socialists because, in his view, American empire had ‘transformed itself into a power controlling all the lands and people’ across the globe. Because nations had effectively been rendered obsolete, Newton argued that ‘the world today is [best understood as] a dispersed collection of communities’, which he defined as ‘a small unit with a comprehensive collection of institutions that exist to serve a small group of people’, although the enduring influence of varied forms of chauvinism ensured that such communities typically (although not exclusively or essentially) were often differentiated and/or interconnected by ethnic or racial identity. Newton’s hypothesis, then, implied an experimental practice of ‘organizing … Black and [other] oppressed communities’, both along and across communal lines, with an eye towards the progressive seizure of local political institutions, as well as the creation of independently organized and staffed ‘people’s institutions’ in order to ‘meet the needs of the community until we can all move to change the social conditions that make it impossible for the people to afford the things they need and desire’ (Hilliard, 2008: 3). The BPP’s famous ‘service to the people’ programs can thus be read as Newton’s own efforts to confirm his intercommunal hypothesis, with the most forceful evidence arising in the incredibly potent Rainbow Coalition formed by the Chicago chapter along with the Puerto Rican Young Lords, the white ‘hillbilly’ Young Patriots, and other community-specific vanguard parties.7

While Newton’s central theoretical concept has recently begun to attract the attention of sympathetic scholars (e.g. Narayan, 2019), a critical assessment of it obviously lies outside the purview of this article; as does a response to the numerous critiques of the BPP’s lapses in translating intercommunal theory into organizational practice made not only by scholars both hostile (Pearson, 1996) and sympathetic (Henderson, 1997), but by some rank and file Panthers, as well (Shakur, 1987). It is worth emphasizing, however, that, despite Newton’s own confidence in his hypothesis and bold predictions regarding the future its embrace might produce, he also intentionally and explicitly ‘left [his own political] program open-ended so that it could develop and people could identify with it’, as evinced by the fact that he began with very local, piecemeal, seemingly reformist actions that could only be sustained and directed through community involvement, thereby allowing the people in distinct communities to challenge, alter, or clarify his theses in an ongoing way (Newton and Morrison, 2009: 47). Intercommunalism was thus ‘not offered to them as a conclusion’ they must accept, but as a theoretical ‘vehicle to move them to a higher level’ of consciousness and action; one that was to be as informed by the theoretical vanguard as it was by their communal constituencies, as they mutually and continuously revised their shared theory and practice. Thus, while he frequently made clear that he did not like the internally contradictory reality of things, the slow development of progress, and the need for continual self-criticism of his ideas in light of their popular reception any better than his Leftist opponents, Newton argued that we ‘have to understand that most of the people are not ready for many of the things we talk about now’; consequently, even as they speculatively theorize in advance of the people, Newton – effectively summarizing his essential lesson for the academic Left – argues that the vanguard must strive to ensure that their work is never ‘too far ahead of the masses of people, too far ahead of their thinking’, so as not to alienate them from what is, of necessity, their own struggle (Newton et al., 2004: 46).

Conclusion: The Enduring Relevance of Newton’s Lessons for the Academic Left

My aim in this article has primarily been to highlight and justify the emphasis that Newton’s BPP placed on the need for would-be vanguard intellectuals to be continually and meaningfully responsible, precisely by being directly responsive, to a concrete and engaged constituency seeking its own emancipation: an emphasis, I would like to suggest briefly in closing, that actually aligns Newton with some recent critiques of the Panthers primarily grounded in the very different conception of the vanguard embraced by groups often understood to be furthering their legacy.

Adolph Reed has long argued that the

oppositional tendency in post-segregation black politics was hampered by its origin in black power ideology. Radicals – all along the spectrum, ranging from cultural nationalist to Stalinist Marxist – began from a stance that took the ‘black community’ as the central configuration of political interest and the source of critical agency … This formulation [presumes] the existence of a racial population that is organically integrated and that operates as a collective subject in pursuit of unitary interests [and thus treats] leaders or spokespersons … not so much representatives as pure embodiments of collective aspirations. (Reed, 1999: 134)

Effectively echoing Newton’s critiques of both black nationalists and white socialists for imposing their conceptions of authentic black interests onto an un-consulted populace – often grounded in a quite distinct and essentialist conception of ‘community’ – Reed claims that many contemporary radical thinkers and activists ‘simply do not see political differences among black people’ as being relevant to the analysis of, or struggle against, racial capitalism (Reed, 2000: 72). Guided more by the judgment of peers than by a confrontation with the conflicted, messier, and more pressing concerns and interests expressed by the actual consistencies under discussion, ‘the substance of [such] political theorizing [has become] a hermetic exercise in sketching a utopian alternative to current social relations’ reflective of the distance theorists enjoy from them; the result, Reed argues, has been an often hostile and demobilizing ‘debate within and between these tendencies’ that ‘centred more on … internal consistency than on apparent fit with the facts of an external, lived world or verifiably demonstrable capacities for intervening in it’ in ways that either further the interests or increase the political capacity of the actual and diverse communities meant to be liberated through them (Reed, 1999: 7).

Recent work by Cedric Johnson traces with exacting historical detail how ‘the ‘two line struggle’ between black nationalists and Marxists descended into parochialism’ (Johnson, 2007: 155) as the 1960s passed into the era of reaction, bolstering Reed’s (1999: 136) claim that for ‘both camps [it was] concern with the internal consistency of the global narrative [that] drove the elaboration of ideological positions’ regarding a presumed black community, ensuring that ‘neither Marxists nor nationalists offered programs with demonstrable payoffs comparable to those promised by mainstream politicians’ to the communities in whose name both camps claimed to speak. This tendency, Johnson (2007) claims, led theorists and many activists away from the kind of responsive social organizing which I have tried to show was key to the BPP’s theory and praxis, and into a ‘mid-seventies turn to ideological education’ based on the ‘detrimental assumption that ideological clarity must precede political work and that familiarity with the radical canon’ of texts and/or correct ideas ‘is a prerequisite to meaningful participation in social life’; and, as Johnson notes, ‘such education programs … tend … to privilege intellectuals in relation to nonelite participants’, replacing a vanguard answerable to a specific constituency with varied forms of brokerage politics where (largely self-proclaimed) elite representatives of subaltern groups speak in their name, rather than helping to facilitate the economic and political self-determination of marginalized communities (p. 163, emphases added).

As ‘radical theory’ has become increasingly ‘disconnected from positive social action’, both Johnson and Reed suggest that ‘radical imagery [has been] cut loose from standards of success or failure’ (Reed, 1999: 141) that tie it to the world of concrete organizing, leading to a kind of retreat into ‘slogans and anachronistic analogies’, or ‘potted rhetoric that asserts [the activists’] bona fides, without concern for communicating outside the ranks of believers’ (Reed, 2000: 194–195); that is, the post-1960s trends in theorizing about economically and socially marginalized constituencies have effectively removed any material

restraint on those radical tendencies’ flight into idealism because claiming [to know, speak for, or distantly support] such a base obviated two key practical tests of theories and strategies as explanations and mechanisms of mobilization: (1) whether they can persuade a significant number of actual members of specific populations targeted for mobilization, and (2) whether they can guide action efficaciously. (Reed, 1999: 17–18)

Conversely, because they have become disconnected from a genuine vanguard, long-suffering communities have become increasingly less engaged with progressive politics, strategic coalitions, and mass mobilization, and increasingly resign themselves to the limited options for advancement that remain within the current alignment, alternately embracing neoliberal or Right-populist solutions to the enduring problems of racial and economic inequality. Both Reed and Johnson have thus been sharply critical of modes of ‘contemporary organizing’ grounded in ‘the notion of black exceptionalism’, or the ‘insistence upon the uniqueness of the black predicament and on the need for race-specific remedies’ (Johnson, 2017), and have criticized, for example, the hegemonic role played by the Black Lives Matter organization on the contemporary Left, for ‘assuming a rather simplistic view of black people’s ambitions and interests and drawing a false dividing line between the interests of black and non-blacks’.

However, despite the obvious resonances between their shared critique of intellectual vanguards and the one explicated above, because both theorists hold that this view ‘descends from Black Power thinking [in that it] presumes a commonality of interest among blacks and claims [elite] authority to speak on behalf of those interests’, both credit Newton and the BPP with inspiring this transition, rather than – as we have seen above – presciently warning against its omnipresent danger and deleterious consequences. While Johnson acknowledges that the BPP ‘represented a more revolutionary alternative to the more conservative black ethnic politics’ of cultural nationalism, he nevertheless holds that their ‘embrace … of black exceptionalism abided by [many of] the same logics’ that dominate current theorizing and activism surrounding black liberation; thus, in challenging the hegemonic discourse of racial exceptionalism, he simultaneously calls for a turn away from the BPP model of organizing and from a ‘nostalgia’ for their era of influence, most vociferously in an article entitled ‘The Panthers Can’t Save Us Now’ (Johnson, 2017). Reed is even less sympathetic with Newton’s legacy, for he sees the (as we have seen above, quite fraught) example of ‘the Students for a Democratic Society’s 1969 proclamation of the Black Panther party as the “vanguard of the black revolution”’ as reflective of the ‘distortion of political judgment into a search for authenticity, hauntingly like white youth’s quest in the 1960s for the most “authentic” blues’; on the largely white, academic-led Left, he identifies a longstanding trend towards political ‘exoticism’ that eschews concrete political analysis and organizing in favor of ‘thin and simplistic definitions of good guys and bad, “true” leaders and false’ (Reed, 2000: 71–73), with ‘approved’ black spokespersons featuring prominently in the former role. It is thus in large measure the white Left’s ongoing embrace of ‘Pantherphile exoticism’ (p. 71) that grounds Reed’s dismissive view that the BPP ‘added [little more than] props and uniforms to make radical politics entirely a show business proposition’ (Reed, 1999: 72). Neither theorist, however, attends to the strong tensions between the BPP and the purported vanguards of black culturalist and white socialist resistance of their time; tensions that ultimately and tragically revealed the dangers inherent in their divergent, but similarly Manichean, worldviews.

While the BPP faced surveillance, harassment arrests, and other forms of police brutality from their inception, the first lethal violence they suffered came in early 1969, when cultural nationalists from the US organization8 (most likely at the instigation of the FBI, but in direct response to Newton’s harsh criticisms of their political program) murdered Panther representatives Bunchy Carter and John Huggins during a conflict over the newly created University of California Black Studies program, in which US sought to control the program’s hires and content, while the Panthers pushed for involving the local, off-campus community at all stages of decision-making.9 Shortly thereafter, an SDS splinter group that called itself the Weather Underground – once again, over the strenuous objections of local Panther leadership – staged the ‘Days of Rage’, which mainly consisted of vandalizing lower-middle-class areas of Chicago in an effort to ‘bring the war home’; an action that was exploited by local police to help secure the warrant that led to the state assassination of Rainbow Coalition founder Fred Hampton.10 There could hardly be starker demonstrations of the intrinsic dangers of the flunkeyism that always arises when one seeks to instruct, rather than serve the people, or confuses one’s own speculative theorizing for their authentic will.

An assessment of their critique of the contemporary Left obviously lies beyond the scope of this article; however, if Johnson is correct to claim not only that ‘black ethnic politics has reached its ends or limits as an effective set of political practices’, but, moreover, ‘that the ends or aims of contemporary African American politics must become radically democratic in form and aspirations’ (Johnson, 2007: 218), and if Reed (1999: 50–51) is correct in arguing that

encouraging popular participation is the only effective possibility for reinvigorating a progressive movement in black political life because people respond by organizing themselves when offered concrete visions that connect with their lives as they experience them, not to ideological abstractions or generic agendas that perfume narrow class programs,

then the problem is how we move from a political landscape fragmented by both the rhetoric and reality of racial division into a coalition of movements capable of effecting the transformations necessary to overcome such division, as well as the class repression that requires it; this is, of course, the very problem with which Newton struggled throughout his active career, and while his answers remain somewhat speculative, his practical efforts to confirm them through the BPP’s service programs and unique brand of coalition politics bore undeniable, considerable, and suggestive fruit. Revolutionary intercommunalism may thus be of great aid in theorizing and organizing our way through the current impasse, and remains, in my view, a hypothesis deserving of further testing; but, regardless, I hope to have shown that Newton and the BPP should be grasped as essential resources as we seek to close the seemingly widening gap between theory and practice, or more precisely, between theorists and the people. At the very least, their history and legacy serve as stark reminders of the need to continually work to ground our necessary – but necessarily speculative – theorizing in the understanding that ‘dropouts understand things students don’t’ (Newton et al., 2004: 85).

### 1NC – PIK

#### They double-turned themselves—they should have sung the song and sat down—their rhetorical connection between poetry and explanatory theory terminally destroys the effectiveness of both. Vote neg to affirm either the song without the rest of the 1AC or the rest of the 1AC without the song. Without a plan text, they have the burden of proof to justify everything in the 1AC; we should win if they can’t prove why both the song and the cards are necessary.

Kennedy, 17—American University of Paris (Kevin, “Heterology as Aesthetics: Bataille, Sovereign Art and the Affirmation of Impossibility,” Theory, Culture & Society July 28, 2017, dml)

Bataille’s conception of sovereign art, as something that **essentially withdraws from discourse**, exhibits certain similarities with Graham Harman’s object-oriented ontology, which claims that the essential feature of all objects lies in their withdrawal from or unavailability to precise or exhaustive definition. In an essay on the fiction of H.P. Lovecraft, Harman argues that philosophy and art are similar in that they both probe but never fully explain this withdrawal (see Harman, 2008). While Harman’s account is illuminating regarding the potential strangeness of all objects, he nonetheless fails to consider that philosophy, by **systematizing this strangeness**, **inevitably reduces it**. It thereby (to use Bataille’s diction) **deprives the strange** of its heterogeneous character. In the fiction of H.P. Lovecraft or Edgar Allan Poe, the strange, uncanny or heterogeneous can be experienced **because they are not subsumed within a general theory of strangeness**, which would **immediately diminish the feeling** of horror and confusion their stories so masterfully provoke. In order for sovereign art (such as the works of Lovecraft) to have the desired effect (confusion, elation, attraction, repulsion, etc.) its aesthetic sovereignty **needs to resist the anaesthetic effects of theory**. In Bataille’s essay on William Blake he clarifies this point in relation to ‘the confusion that is provoked’ (2006b: 94) by the works of the English **poet**. Here the attempts of criticism and philosophy to **account for this confusion** by forcing it into some kind of conceptual straightjacket are likened to a state of sleep, which **always petrifies** and **numbs** the **sovereign power of the work**: ‘As we try to escape from it, we pass from waking and awareness of the confusion to the sleep of logical explanation’ (2006b: 94).

Bataille’s later account of art is closer to Rancière’s delineation of Schiller’s aesthetic theory, which also insists on the radical incongruence between heterogeneous art and homogeneous thought: ‘Free appearance is the power of the heterogeneous sensible element … it is foreign to all volition, to every combination of means and end … inaccessible for the thought, desires and ends of the subject contemplating it’ (2009: 34). However, unlike Schiller, for whom, according to Rancière, ‘this strangeness … this radical unavailability … bears the mark of man’s full humanity and the promise of a humanity to come, one at last in tune with the fullness of its essence’ (2009: 34), Bataille’s conception of sovereign art is **radically divorced** from **any notion of utopian fulfillment**. In the third part of The Accursed Share, simply entitled Sovereignty, he explains the difference between traditional forms of sovereignty (such as the idea of god, the feudal lord or the fascist leader) and his notion of sovereign art: ‘Sovereign art is such only in the renunciation of, indeed in the repudiation of the functions and the power assumed by real sovereignty. From the viewpoint of power, sovereign art is an abdication. It throws the responsibility for managing things back onto things themselves’ (1993: 421). In his work of the 1930s, as we have seen, art is rejected because of its lack of revolutionary or political leverage. In Bataille’s later work this lack of efficacy in the socio-political realm becomes the mark of its sovereignty, of its sovereign rejection of responsibility and accountability. Bataille now insists that the much decried distance or **separation between the artistic** and the **political realm** in modern society **needs to be maintained** or even **made more trenchant**, as **any attempt at fusion** would **instantly compromise art’s sovereign immediacy**, its **freedom to celebrate confusion**, **disorder** and **incoherence**.11 For this reason it should **never be expected** to **create blueprints** or **models** for a **possible future society**: ‘I have continually placed the present moment **against a concern for the future** and for me poetry is **defined by concern for the present moment’** (2006a: 86).

Conversely, political action is now placed **squarely in the realm of the homogeneous**, as it is **always guided by a concern for the future**, which, according to Bataille’s definition, is a **rational concern**. **Every work of art** is **always** an act ‘**against the unacceptable world of rational utility**’ (2006a: 70), as it is aimed at an experience of immediacy **beyond the practical** and **future-oriented considerations** of everyday life. However, ‘the refusal this involves would gain from **not being confounded** with the **reasoned refusal** of **unreasonable conditions** of life’ (2006a: 70). In other words, **it would be a mistake** to attempt to **enlist the heterogeneous**, **immediate nature** of **art** and **poetry** to combat the ‘unreasonable conditions of life’, as this **always requires** a **sober analysis of those conditions**, **devoid** of the **effusive powers of attraction** and **repulsion**: ‘the mastery of [intellectual aptitude] remains the key to rigorous emancipation’ (2006a: 50). Bataille’s postwar insistence on the separation between these two spheres, the political/rational (homogeneous) and artistic/aesthetic (heterogeneous), then presents an attempt to solve the immanent contradiction that surfaced in his initial theory of heterogeneity. If, as we have seen, the sovereign/heterogeneous is posited as that which resists instrumentalization (for revolutionary or utopian goals), this new disassociation is not only warranted but implicit in Bataille’s account of heterogeneity from the very first. He now argues that the attempt to **apply** the heterogeneous to the realm of homogeneity, **the immediate** to **mediating categories**, **art** to **politics**, constitutes a **disservice to both realms**: on the one hand it **denies the effusive**, **strange**, **opaque dimension** of the sovereign artwork and **reduces the latter** to the **flatness** of a **formula** or a **service rendered**: ‘In modes of thought in which the rational and the poetic remain confounded, the mind cannot elevate itself to the conception of poetic liberty, it subordinates the instant to some ulterior goal’ (2006a: 65). On the other hand, to **infuse politics** with the perplexing power of the heterogeneous **precludes a clearheaded** and **rational appraisal** of the **real conditions of social life**, which is a **prerequisite** for **any meaningful attempt** to **bring about political change**.

### 1NC – Kritik

#### The 1ac’s resistance is framed by its imagination of a realm of discourse or knowledge that adheres to the form of given economies of desire. The aff is powerful precisely because it depicts a master who has access to certain privileges over subjects who are denied. However, desire organized thusly resists a master, without resisting mastery, and thus subscribes to a futile but nonetheless teleological project of overcoming the lack.

Rogers 15. Juliet Brough Rogers, professor of political science at the University of Melbourne (Australia), “A Stranger Politics: Resistance in Psychoanalytic Thought and Praxis” in Jacques Lacan: Between Psychoanalysis and Politics, Routledge, 2015: 186

The conundrum of change in psychoanalysis (and beyond) highlights the first of two particular problems of, and with, resistance that appear when the subject attempts such a change of rules. First, change rarely (if ever) involves the creation of what Douzinas (2013: 141) calls ‘a new political subject’. That is, subjects are always already subjected – let us say occupied – a priori and thus all imaginations of resistance are framed in a priori discourse. As such, the subjects’ imaginations, including their imaginations of the results of revolution – or of a new mode of being – are always colonized with what is available to them. This is why – for Žižek (2007) and for Lacan (2007) – in post-revolutionary states, what the subject will get is more of the same. The second problematic that haunts acts of resistance, and of more specific concern to psychoanalytic practice, is that any employment of violence as a means to an end, and particularly as an effort toward a violent unsettling of the regime, can only be understood as the effort to capture a definitive answer to the insistent and formative question to the Other, expressed by Lacan (2006) as,‘che vuoi Autre?’ – ‘what do you want from me?’ In some cases this may be a violent effort toward capture, exercised to the point of a defiance of the existence of the question. What this means is that one acts, violently, in order to produce a known future, as the answer. The two problematics of resistance overlap because the answer is always imagined in the terms/signifiers available from the past. That is, the answer appears in the frame of the categories which produce the subject, and thus recruits the first problematic: ‘you are (always) already subjected’. I’ll tackle these problematics in turn. First, ‘you are already subjected’. If we even partially accept Judith Butler’s (1997: 6) treatise on the formation of subjectivity as a series of ‘passionate attachments’ to ‘subjection’,10 then it is difficult to understand how the subject might be what Douzinas (2014) described as ‘re- or de-subjectivised’ in the first site of becoming a resisting subject.11 For the political subject of democracy, recognition is, as Claude Lefort (1989) has told us well, the condition of being a subject. This means recognition within the signifiers – let us call them biopolitical categories – allocated to the identity of the subject of democracy. The stage of political recognition is populated by signifiers which broker little dissent – by others and even by the self. In Butler’s terms, we are ‘passionately attached’ to our gender, imaginations of health, rights, and, in Lacan’s terms, the ‘goods’ – as objects and as ideas – which offer us the imagination of recognition. We are occupied as subjects through our own occupation with a recognizable identity before democracy, with the qualities (objects) that reflect that identity. This occupation allows for little, if any, dissent as to the naturalness, goodness, and reality of the signifiers that produce the subject – as signifiers which adhere fundamentally to economies of desires: as desires for recognition of identity and rights, as desires for capital. That is, the subject is occupied a priori with these categories and recognizes (and demands recognition) via these categories. If we accept the premises of subjection framed above then the argument follows that the resisting subject is still a subject, but one who looks for recognition beyond the common political forms. That is, we can say that the resisting subject is still ‘passionately attached’ to the ideas and objects which offer recognition, but these may be recognition by an alternative political party, a Cause or, in Lacanian psy- choanalysis, we would say s/he attaches to (another) Master’s discourse. They may resist one Master, but they chose another Master. They do not resist mastery. And here we have the basic difficulty with theories and actions of resistance. These difficulties are that somehow, in some way, any acts of resistance always become modes of, in Lacan’s terms, the desire for (another) Master (2007). Resistance, understood this way, is a state of being that is always already subjectivized within the parameters of its own claims, or within the parameters of the subject’s imagination of its goals. This is the obvious reference made by Lacan in his comments to the students who participated in the ‘resistances’ of 1968 in France (and elsewhere). As he says, ‘What you aspire to as revolutionaries is a Master. You will get one’ (Lacan 2007: 207).14 The provocative comment to the students – some of whom have come to listen to him and some who have come to (apparently) resist him – is a comment on their acting out the discourse of the Master that they imagine they can overcome, through listening (or even objecting) to another Master, namely, Lacan. In this attempt at resistance which falls prey to its own conditions of subjection, we can say that the subjectivity of the resisting subject – the student – is preoccupied with the signifiers available to resist, where the best they can hope for is to be re-occupied by the imagination of securing (another) truth. This hope, at least for the students in France at this time – understood through Lacan (and his discussions in 1969) – is the hope for the Other’s knowledge. A knowledge which the subject presumes the Other has. A knowledge which is imagined to be able to be accessed and had. A knowledge which is presented as the answer to the question ‘che vois Autre?’ And here appears the second psychoanalytic concern with resistance: resistance as a belief in an access to an answer, or, in its most extreme or crude terms, resistance as psychosis. Resistance, understood as a desire for a Master, becomes a performance of what the subject imagines is the answer. The answer as a closed course of action with a fixed teleological imagination, such that the resisting subject might say: ‘If I do this I will be this’, or ‘if I do this then the final result will be this’, or, in its psychotic form, ‘if I do this the world will be this’. It is important to stress, however, that this may not follow for all acts of resistance – which I will postulate later – but when Lacan says of the students in France that what they want is a Master, this form of psychotic achievement of an answer is precisely what he is referring to. Theirs is the desire for a discourse that holds within it the knowledge that the subject imagines is required (and can be acquired/obtained/had) to achieve a perfection of the signifier, an imagination that the subject can acquire, what Lacan (2007: 14–15) describes as the ‘Other’s jouissance’. The students, in Lacan’s suggestion, want to resist in order to obtain the answer when it is the existence of an answer at all they are supposedly resisting.

#### Their commitment to a politics of critique, disorientation, and interruption papers over the patriarchal economy of desire that forms the substrate of hegemonic politics. The ultimate function is to sustain the order of mastery that produces the conditions of possibility for imperialization

Lundberg 12 [Christian O. Lundberg, Director of Cultural Studies and Associate Professor of Rhetoric at The University of North Carolina at Chapel Hill, 2012, *Lacan in Public: Psychoanalysis and the Science of Rhetoric*, pub. University Alabama Press, p. 165-175]

Contemporary and classical liberal democratic theories presume that the demand is a way of exerting agency and, further, that the more firmly the demand is lodged, the greater the production of an agential effect. The Lacanian framing of the demand sees the relationship as exactly the opposite: the more firmly one lodges a demand, the more desperately one clings to the legitimate ability of an institution to fulfill it. Hypothetically, demands ought reach a kind of breaking point where the inability of an institution or order to proffer a response should produce a reevaluation of the economy of demand and desire. In analytic terms, this is the moment of subtraction, where the manifest content of the demand is stripped away and the desire that underwrites it is laid bare. The result of this “subtraction” is that the subject is in a position to relate to its desire, not as a set of deferrals, avoidances, or transposition but rather as an owned political disposition. As Lacan frames it, demanding subjects are either learning to reassert the centrality of their demand or coming to terms with the impotence of the Other as a satisfier of demands: “But it is in the dialectic of the demand for love and the test of desire that development is ordered. . . . [T]his test of the desire of the Other is decisive not in the sense that the subject learns by it whether or not he has a phallus, but in the sense that he learns that the mother does not have it.”39 The point of this disposition is to bring the subject to a point where they might “recognize and name” their own desire and, as a result, become a political subject in the sense of being able to truly argue for something without being dependent on the other as a support for or organizing principle for political identity. Thus, desire has both a general status and a specific status for each subject. It is not just the mirror that produces the subject and its investments but the desire and sets of proxy objects that cover over this original gap. As Easthope puts it: “Lacan is sure that everyone’s desire is somehow different and their own—lack is nevertheless my lack. How can this be if each of us is just lost in language . . . passing through demand into desire, something from the Real, from the individual’s being before language, is retained as a trace enough to determine that I desire here and there, not anywhere and everywhere. Lacan terms this objet petit a . . . petit a is different for everyone; and it can never be in substitutes for it in which I try to refind it.”40 Though individuated, this naming is not about discovering a latently held but hidden interiority, rather it is about naming a practice of thinking the uniqueness of individual subjects as a product of discourses that produce them. Thus, this is an account of political subjectivization that is not solely oriented toward or determined by the locus of the demand but that is also determined by the contingent sets of coping strategies that orient a subject toward others and a political order and serve as the condition of possibility for demands. As Lacan argues, this is the point where a subject becomes a kind of new presence or a new political possibility: “That the subject should come to recognize and to name his desire; that is the efficacious action of analysis. But it isn’t a question of recognizing something which would be entirely given. . . . In naming it, the subject creates, brings forth, a new presence in the world.”41 Alternatively, subjects can stay fixated on the demand, but in doing so they forfeit their desire, or as Fink argues, “an analysis . . . that . . . does not go far enough in constituting the subject as desire leaves him or her stranded at the level of demand . . . unable to truly desire.”42 A politics defined by and exhausted in demands is by definition a hysterical politics. The hysteric is defined by incessant demands on the other at the expense of ever articulating a desire that is theirs. In the Ethics of Psychoanalysis, Lacan argues that the hysteric’s demand that the Other produce an object is the support of an aversion toward one’s desire: “the behavior of the hysteric, for example, has as its aim to recreate a state centered on the object, insofar as this object . . . is . . . the support of an aversion.”43 This economy of aversion explains the ambivalent relationship between hysterics and their demands. On one hand, the hysteric asserts their agency, even authority, over the Other. Yet, what appears as unfettered agency from the perspective of a discourse of authority is also simultaneously a surrender of desire by enjoying the act of figuring the other as the one with the exclusive capability to satisfy the demand. Thus, “as hysterics you demand a new master: you will get it!” At the register of manifest content, demands are claims for action and seemingly powerful, but at the level of the rhetorical form of the demand or in the register of enjoyment, demand is a kind of surrender. As a relation of address the hysterical demand is more a demand for recognition and love from an ostensibly repressive order than a claim for change. The limitation of the students’ call on Lacan does not lie in the end they sought but in the fact that the hysterical address never quite breaks free from its framing of the master. The fundamental problem of democracy is not articulating resistance over and against hegemony but rather the practices of enjoyment that sustain an addiction to mastery and a deferral of desire. Hysteria is a politically effective subject position in some ways, but it is politically constraining from the perspective of organized political dissent. If not a unidirectional practice of resistance, hysteria is at best a politics of interruption. Imagine a world where the state was the perfect and complete embodiment of a hegemonic order, without interruption or remainder, and the discursive system was hermetically closed. Politics would be an impossibility: with no site for contest or reappropriation, politics would simply be the automatic extension of structure. Hysteria is a site of interruption, in that hysteria represents a challenge to our hypothetical system, refusing straightforward incorporation by its symbolic logic. But, stepping outside this hypothetical non-polity, on balance, hysteria is politically constraining because the form of the demand, as a way of organizing the field of political enjoyment, requires that the system continue to act in certain ways to sustain its logic. Though on the surface it is an act of symbolic dissent, hysteria represents an affirmation of a hegemonic order and is therefore a particularly fraught form of political subjectivization.

#### We don’t need an alternative besides our framework of analysis – the fantasy will reveal itself as long as we continue asking questions to expose their concealment of the lack – in other words, it’s your job to confuse and frustrate them via a refusal to partake in their politics

Dean 6 [Jodi, Professor of Political Science at Hobart and William Smith Colleges, *Zizek’s Politics,* Taylor & Francis: London and New York, 2006, p. xvii-xx]

By inserting popular culture into his writing, and himself into popular culture, Zizek enacts the way enjoyment colors or stains all thinking and acting. What this means, as I set out in detail in Chapter Three, is that there is a deep nonrational and libidinal nugget in even the most rational, formal ways of thinking. Again, it is not simply that popular culture is at the core of the theoretical enterprise of his books—it is that enjoyment is. Enjoyment is an unavoidable component of any philosophical effort (though many try to deny it). Zizek thus emphasizes the inevitable stain on philosophy, on thought, as he tries to demonstrate a way of thinking that breaks with (Zizek often uses Lacan's term traverses) the fantasy of "pure reason."

This leads to another key element of Zizek's thought: the possibility of taking the position of the excess. As I explain in discussions of his readings of St. Paul and Lenin, Zizek theorizes revolutionary politics as occurring through the occupation of this excessive place. Paul endeavors to put the Christian message to work, to establish new collectives beyond old oppositions between Greeks and Jews. Lenin also breaks with the given, arguing against all around him and against Marxist orthodoxy that the time for revolution is now, that it cannot be predicted, awaited, but must be accomplished with no assurances of success. Like Paul, he puts truth to work, organizing it in the form of a revolutionary political Party.

Zizek emphasizes that Lacan conceptualized this excessive place, this place without guarantees, in his formula for "the discourse of the analyst" (which I set out in Chapter Two). In psycho-analysis, the analyst just sits there, asking questions from time to time. She is some kind of object or cipher onto which the analysand transfers love, desire, aggression, and knowledge. The analysand, in other words, proceeds through analysis by positing the analyst as someone who knows exactly what is wrong with him and exactly what he should do to get rid of his symptom and get better. But, really, the analyst does not know. Moreover, the analyst steadfastly refuses to provide the analysand with any answers whatsoever. No ideals, no moral certainty, no goals, no choices. Nothing. This is what makes the analyst so traumatic, Zizek explains, the fact that she refuses to establish a law or set a limit, that she does not function as some kind of new master.7 Analysis is over when the analysand accepts that the analyst does not know, that there is not any secret meaning or explanation, and then takes responsibility for getting on with his life. The challenge for the analysand, then, is freedom, autonomously determining his own limits, directly assuming his own enjoyment. So, again, the position of the analyst is in this excessive place as an object through which the analysand works through the analytical process.

Why is the analyst necessary in the first place? If she is not going to tell the analysand what to do, how he should be living, then why does he not save his money, skip the whole process, and figure out things for himself? There are two basic answers. First, the analysand is not self-transparent. He is a stranger to himself, a decentered agent "struggling with a foreign kernel."8 What is more likely than self-understanding, is self-misunderstanding, that is, one's fundamental misperception of one's own condition. Becoming aware of this misperception, grappling with it, is the work of analysis. Accordingly, second, the analyst is that external agent or position that gives a new form to our activity. Saying things out loud, presenting them to another, and confronting them in front of this external position concretizes and arranges our thoughts and activities in a different way, a way that is more difficult to escape or avoid. The analyst then provides a form through which we acquire a perspective on and a relation to our selves.

Paul's Christian collectives and Lenin's revolutionary Party are, for Zizek, similarly formal arrangements, forms "for a new type of knowledge linked to a collective political subject."9 Each provides an external perspective on our activities, a way to concretize and organize our spontaneous experiences. More strongly put, a political Party is necessary precisely because politics is not given; it does not arise naturally or organically out of the multiplicity of immanent flows and affects but has to be produced, arranged, and constructed out of these flows in light of something larger.

In my view, when Zizek draws on popular culture and inserts himself into this culture, he is taking the position of an object of enjoyment, an excessive object that cannot easily be recuperated or assimilated. This excessive position is that of the analyst as well as that of the Party. Reading Zizek as occupying the position of the analyst tells us that it is wrong to expect Zizek to tell us what to do, to provide an ultimate solution or direction through which to solve all the world's problems. The analyst does not provide the analysand with ideals and goals; instead, he occupies the place of an object in relation to which we work these out for ourselves. In adopting the position of the analyst, Zizek is also practicing what he refers to as "Bartleby politics," a politics rooted in a kind of refusal wherein the subject turns itself into a disruptive (of our peace of mind!) violently passive object who says, "I would prefer not to."10 Thus, to my mind, becoming preoccupied with Zizek's style is like becoming preoccupied with what one's analyst is wearing. Why such a preoccupation? How is this preoccupation enabling us to avoid confronting the truth of our desire, our own investments in enjoyment? How is complaining that Zizek (or the analyst) will not tell us what to do a way that we avoid trying to figure this out for ourselves?11

### 1NC – Case

#### 1---Vote neg on presumption---

#### a---Pornotroping---the 1AC speaks on instances of black storytelling and violence against black people without any material ways to solve it---that makes the violence fungible, which turns case

#### b---This is offense. Symbolically affirming their method despite its lack of ties to material resistance strengthens power.

Rigakos and Law, 9—Assistant Professor of Law at Carleton University AND PhD, Legal Studies, Carleton University (George and Alexandra “Risk, Realism and the Politics of Resistance,” Critical Sociology 35(1) 79-103, dml)

McCann and March (1996: 244) next set out the ‘justification for treating everyday practices as significant’ suggested by the above literature. First, the works studied are concerned with proving people are not ‘duped’ by their surroundings. At the level of consciousness, subjects ‘are ironic, critical, realistic, even sophisticated’ (1996: 225). But McCann and March remind us that earlier radical or Left theorists have made similar arguments without resorting to stories of everyday resistance in order to do so. Second, everyday resistance on a discursive level is said to reaffirm the subject’s dignity. But this too causes a problem for the authors because they:

query why subversive ‘assertions of self’ should bring dignity and psychological empowerment when they produce no greater material benefits or changes in relational power … By standards of ‘realism’, … subjects given to avoidance and ‘lumping it’ may be the most sophisticated of all. (1996: 227)

Thus, their criticism boils down to two main points. First, everyday resistance fails to tell us any more about so-called false consciousness than was already known among earlier Left theorists; and second, that a focus on discursive resistance ignores the role of material conditions in helping to shape identity.

Indeed, absent a broader political struggle or chance at effective resistance it would seem to the authors that ‘powerlessness is learned out of the accumulated experiences of futility and entrapment’ (1996: 228). A lamentable prospect, but nonetheless a source of closure for the governmentality theorist. In his own meta-analysis of studies on resistance, Rubin (1996: 242) finds that ‘discursive practices that neither alter material conditions nor directly challenge broad structures are nevertheless’ considered by the authors he examined ‘the stuff out of which power is made and remade’. If this sounds familiar, it is because the authors studied by McCann, March and Rubin found their claims about everyday resistance on the same understanding of power and government employed by postmodern theorists of risk. Arguing against celebrating forms of resistance that fail to alter broader power relations or material conditions is, in part, recognizing the continued ‘real’ existence of identifiable, powerful groups (classes). In downplaying the worth of everyday forms of resistance (arguing that these acts are not as worthy of the label as those acts which bring about lasting social change), Rubin appears to be taking issue with a locally focused vision of power and identity that denies the possibility of opposing domination at the level of ‘constructs’ such as class.

Rubin (1996: 242) makes another argument about celebratory accounts of everyday resistance that bears consideration:

[T]hese authors generally do not differentiate between practices that reproduce power and those that alter power. [The former] might involve pressing that power to become more adept at domination or to dominate differently, or it might mean precluding alternative acts that would more successfully challenge power. … [I]t is necessary to do more than show that such discursive acts speak to, or engage with, power. It must also be demonstrated that such acts add up to or engender broader changes. In other words, some of the acts of everyday resistance may in the real world, through their absorption into mechanisms of power, reinforce the localized domination that they supposedly oppose. The implications of this argument can be further clarified when we study the way ‘resistance’ is dealt with in a risk society.

Risk theorists already understand that every administrative system has holes which can be exploited by those who learn about them. That is what makes governmentality work: the supposed governor is in turn governed – in part through the noncompliance of subjects (Foucault, 1991a; Rose and Miller, 1992). For example, where employees demonstrate unwillingness to embrace technological changes in the workplace, management consultants can create:

a point of entry, but also a ‘problem’ that their ‘packages’ are designed to resolve. … In short, consultants readily constitute certain forms of conduct as ‘resistance to technology’ as this gives them some purchase on its reform by identifying a space in which expertise can be brought to bear in the exercise of power. Resistance consequently plays the role of continuously provoking extensions, revisions and refinements of those same practices which it confronts. (Knights and Vurdubakis, 1994: 80)

This appears to be a very different kind of resistance from that contemplated by Rubin, but perhaps not so different from that of the authors whom he and McCann and March critique: those whose analysis ends at the discursive production of noncompliance. Instead, the above account is of a resistance that almost invariably helps power to work better. A conclusion in the present day that ominously foreshadows the futuristic, dystopic risk assemblage described by Bogard (1996).

Another example of the ‘resolution’ of resistance proposed above is the institution of a tool library described by Shearing (2001: 204–5). In this parable, a business deals with the issue of tool theft on the part of workers by installing a ‘lending library’ of tools instead of engaging in vigorous prosecution and jeopardizing worker morale. While the parable is meant to indicate a difference between actuarial and more traditional (moral) forms of justice, it also demonstrates how an act that may be considered ‘resistant’ is incorporated without conflict into the workplace loss-prevention scheme – an eminently preferable, ‘forward-looking’ solution within the logic of risk management. The same is possible in the case of more discursive forms of resistance. If I do not see myself as a Guinness man, for example, market researchers will do their best to adapt Guinness to the way I do see myself (Miller and Rose, 1997). The end result, of course, is that I purchase the beer. As manifested in a form of justice (Shearing and Johnston, 2005), it always consolidates, tempers emotions, cools the analysis, reconciles factions, and always relentlessly moves forward, assimilating as it grows. In this sense, therefore, Bogard’s ‘social science fiction’ actually pre-supposes and logically extends Shearing’s (2001) rather cheery and benevolent rendering of risk thinking. In this context of governmentality theory – as self-described and lauded for its political non-prescription by its own pundits – the acts or attitudes described as resistant are, in the end, absorbed by those who govern. Resistance as an oppositional force – that pushes against or has the potential to take power – is theoretically and politically neutralized. In the neutralization process, power is reproduced.

So, along with McCann and March’s observations that everyday resistance adds little to our understanding of false consciousness and that it denies the role of material factors in shaping identity, we can add Rubin’s two main criticisms of everyday resistance: it relies on an inaccurate understanding of power, and acts of resistance which supposedly emancipate actually may reinforce domination. All four of these criticisms demand the same thing: to know what is really going on, to get an adequate grasp of the social.

#### c---Debatability---they provide no concrete or new strategy that hasn’t already been done---that makes them undebatable because we can never predict what the 2AC spin will be---proves all our t arguments because even if its possible to debate them, it is not plausible

#### 2---You can’t just talk your way out of capitalist desires.

Fleming and Banerjee, 16—Professor of Business and Society and Director of the Modular Executive MBA programme AND Professor of Management and Director of the Executive PhD program at Cass Business School, City University London (Peter and Subhabrata Bobby, “When performativity fails: Implications for Critical Management Studies,” human relations, 2016, Vol. 69(2), 257–276, dml)

In their influential analysis of Critical Management Studies (CMS), Fournier and Grey (2000) argue that CMS scholarship is driven by three basic principles: denaturalization, reflectivity and non-performativity. Denaturalization deconstructs the seemingly immutable ‘realities’ and ‘rationalities’ of managerialism while exposing the wealth of alternatives that reside in the shadows of organizational life. Reflectivity challenges the dominance of positivism in the methodologies of mainstream management research, revealing how all social scientific investigation is underpinned by political assumptions. Drawing on Lyotard’s (1984) notion of instrumental performativity, the principle of nonperformativity rejects the means-ends rationality that governs many organizational situations, especially under neoliberal capitalism characterized by a brazen cost-minimization/ profit-maximization logic (Fournier and Grey, 2000).

The principle of non-performativity has recently been questioned in a number of articles published in this journal and elsewhere. These authors suggest that by critically distancing themselves from the concrete activities of managers, researchers may miss opportunities to intervene and make a difference for the better. For example, in their influential article, Spicer et al. (2009: 538) argue that the principle of non-performativity needlessly isolates CMS from organizational practitioners. This in turn fosters a corrosive ‘cynicism and negativism’ whereby scholars ply grand critical theories that have little relevance to everyday organizational challenges. Others similarly maintain that the principle of non-performativity fails to offer ‘practical’ guidelines for managers (King and Learmonth, 2014); misses crucial opportunities to ‘collaborate’ with middle-managers and stubbornly objects to becoming ‘more relevant to practice’ (Wickert and Schaefer, 2014: 7); is elitist in how it ignores practitioner management texts in favour of ‘canonical perspectives’ associated with Marx, Foucault and the Frankfurt School (Hartmann, 2014: 619, also see Clegg et al., 2006).

These scholars recommend a renewed commitment to performativity so that critical knowledge can have an impact on the practices of managers and lead to emancipatory change. Most assertive in this regard are Spicer et al. (2009) and Wickert and Schaefer (2014) and their respective notions of critical performativity and progressive performativity. Both articles draw upon wider philosophical studies of performativity to discern its potential for CMS researchers hoping to make meaningful interventions. In particular, they apply Austin (1963) and Butler’s (1990, 1993) influential insight about the way language creates reality (rather than just describe it). Armed with this insight, it is claimed that CMS researchers can change organizational practice (for the better) by altering how language is used by managers. Modified speech may lead to modified and thus emancipatory behaviour. Such critical performativity ‘involves active and subversive intervention into managerial discourses and practices’ (Spicer et al., 2009: 538). Instead of worrying about emancipation on a grand scale, more modest microemancipatory practices might ‘stimulate the performative effects of language in order to induce incremental, rather than radical, changes in managerial behaviour’ (Wickert and Schaefer, 2014: 1). This means getting closer to managers rather than critiquing them from afar.

We agree that CMS scholars should be reflecting on how their critical findings might translate into concrete change. Otherwise why bother being critical in the first place? Moreover, we applaud recent efforts – including the advocates of critical and progressive performativity – to rethink how CMS research might make a difference to organizational practices. Our motivation for entering this discussion, however, derives from a nagging doubt. We are concerned that the emphasis on discursive performativity as a change mechanism risks presenting an overly optimistic view of (a) the power of language to alter institutionalized organizational practices associated with neoliberal capitalism and (b) the capability of CMS scholars alone to reorder in situ how managers make sense of governing imperatives like profit-maximization, shareholder value, consumer responsiveness and so forth. While there may be situations in which critical and/ or progressive performativity may ‘talk into existence new (counterbalancing) behaviours and practices’ (Wickert and Schaefer, 2014: 3), we also propose that, realistically speaking, such attempts would just as likely fail given the preponderant pressures of economic rationality in many business contexts. Missing in the aforementioned calls for a wider appreciation of (discursive) performativity, therefore, are the strict boundary conditions that Austin (1963) and Butler (1990, 1993, 2010) themselves place around the notion.

Our article contributes to the ongoing discussion about the challenge of making CMS performative by addressing two central questions. First, rather than automatically assume their success, how might discursive performative approaches (such as critical and progressive performativity) fail to enact desired material changes and for what reasons? Answering this question will provide a better understanding of the practical contingencies that can determine whether these new performativities are the best method for endeavouring to influence organizations. Second, in light of the constraints on the performative potential of language, what other possible avenues are available to the CMS community for having an impact (however modest) on organizational practices and routines?

The article is structured in four parts. First, we provide an overview of the founding CMS principle of non-performativity and analyse recent calls for critical research to become more performative, giving particular attention to the two articles that have recently appeared in this journal. Second, we identify the circumstances under which it is more realistic to expect discursive performativity to fail rather than succeed. Corporate Social Responsibility (or CSR) is here highlighted as a failed performative in managerial and mainstream discourses. Third, the article posits alternative methods that the CMS community might use to help make organizations less exploitative and more equitable. Fourth, we conclude by discussing the broader role of critique in management studies at this juncture. Our overall aim is to continue the ongoing dialogue about performativity in the CMS community and hopefully inform new avenues to achieve its stated objectives in business and society.

Critical Management Studies and the question of performativity

We will not provide a detailed overview of CMS as that has been done extensively elsewhere (see e.g. Adler et al., 2007; Alvesson et al., 2009; Banerjee, 2011a; Fournier and Grey, 2000; Spicer et al., 2009). CMS is characterized by a diversity of theoretical and philosophical perspectives. For instance, the 2013 Critical Management Studies conference held in Manchester comprised of 25 streams involving a wide range of topics such as critical perspectives on strategy, globalization, international business, diversity, feminism, race theory, human resource management, marketing, accounting, postcolonialism, sexuality, gender, postmodernism and environmentalism. CMS was established as a division in the Academy of Management in 2008. The domain statement of the CMS division describes its mission:

CMS serves as a forum within the Academy for the expression of views critical of established management practices and the established social order. Our premise is that structural features of contemporary society, such as the profit imperative, patriarchy, racial inequality, and ecological irresponsibility often turn organizations into instruments of domination and exploitation. Driven by a shared desire to change this situation, we aim in our research, teaching, and practice to develop critical interpretations of management and society and to generate radical alternatives. Our critique seeks to connect the practical shortcomings in management and individual managers to the demands of a socially divisive and ecologically destructive system within which managers work. (CMS, 2014)

Thus, CMS challenges the fundamental normative assumption that managerial notions of efficiency are universally desirable, and that pursuing profit motives can only lead to positive outcomes for the workforce and society. Moreover, CMS is driven by the desire (even if it does not always articulate the means) to transform existing power relations in organizations with a view to encouraging less oppressive practices that do not harm social and environmental welfare. As Fournier and Grey (2000: 16) argue, ‘to be engaged in critical management studies means, at the most basic level, to say that something is wrong with management, as a practice and body of knowledge, and that it should be changed’.

Along with de-naturalization and reflexivity, Fournier and Grey (2000) suggest that the principle of non-performativity is crucial to the CMS project: What exactly do Fournier and Grey (2000) mean by non-performativity? Let us imagine a CMS researcher studying changing employment practices in the United Kingdom. S/he gains access to a subsidiary of a multinational enterprise that has started to use zero-hours employment contracts to maximize profits for its parent company. These contracts have been widely condemned as exploitative and unjust since they insist employees always be on call but guarantee zero-hours of paid work (see Guardian, 2013). Our non-performative orientated CMS researcher would not be interested in generating knowledge that enables the efficiency and instrumentalization of this new employment system. Nor would s/he be overly sympathetic to the operational manager’s ‘point of view’ because employees are so obviously disadvantaged and suffering as a result. So what is our CMS scholar seeking to achieve in undertaking this research? Generally speaking, change hopefully. But here is the nub of the problem. How can critical researchers make an effective intervention while tenaciously remaining aloof (both ideologically and practically) of the concrete activities being described? What aspects of performativity, whether critical or progressive, can engage with this clearly exploitative practice to create a fairer outcome? If zero-hours contracts are practices created by the language of neoliberal capitalism, what other utterances have the power and agency to counter these practices?

Towards a performative Critical Management Studies?

Recent commentators have addressed questions like these by suggesting that CMS scholars must stop being so negative about the idea of working with managers to help bring about practical change. In their strident critique of Fournier and Grey (2000), Spicer et al. (2009) maintain that,

. . . a potential consequence of holding strong to the credo of anti-performativity is that CMS withdraws from attempts to engage with practitioners and mainstream management theorists who are at least partially concerned with issues of performativity . . . an anti-performative CMS satisfies itself with attempts to shock the mainstream out of its ideological slumber through intellectually ‘pissing in the street’. (Spicer et al., 2009: 542)

Critical scholars should instead become actively involved with everyday practitioners and engage with the language they use in an attempt to construct new realities and opportunities.

Following Spicer et al. (2009), Wickert and Schaefer (2014: 20) also implore the CMS community to have ‘greater impact on what managers actually do’. They are concerned that critical scholars fail to provide ‘knowledge for dealing with those aspects of managerial life that have been identified as problematic . . . and overlooks potential points of engagement with managers’ (Wickert and Schaefer, 2014: 5). Middle-managers in particular ought to be enlisted by CMS researchers because they are likely to be less aligned with organizational elites and potentially more sympathetic with frustrated subordinates to trigger progressive social change. For this reason too, Hartmann (2014: 626) argues the CMS community could also engage with managerial texts that are often dismissed in favour of critical theory, Marxism and feminism, in an attempt to subvert mainstream approaches and shift the discourse towards more emancipatory objectives instead. At least managerial texts provide a non-alienating ‘vocabulary to think progressively about alternatives without setting itself against the goals of organizations (i.e. it is not directly opposed to performative ends)’.

Critical and progressive performativity

To rectify the pitfalls of non-performativity, Spicer et al. (2009) posit ‘critical performativity’ as a practical alternative for CMS scholars. This model of impact can be achieved through an affirmative stance (getting close to the object of critique to reveal points of revision), an ethic of care (providing space for management’s viewpoint and collaborating with them to achieve emancipatory ends), pragmatism (being realistic about what can be achieved given structural constraints), engaging potentialities (leveraging points of possibility for changing managerial practices in an incremental rather than radical ‘revolutionary’ manner) and asserting a normative orientation (ideals for ‘good’ organizational practice).

Three implications of this approach are noteworthy. First, Spicer et al. (2009) move beyond Fournier and Grey’s (2000) Lyotardian conceptualization of performativity (i.e. input/output maximization) by drawing on other philosophical traditions that highlight how language/speech might count as social action (see Gond and Cabantous [2015] for an extended overview of this literature in the social sciences and philosophy). Austin (1963) and Butler’s (1990, 1993) notion of performative utterances (i.e. words that are also deeds) is considered especially important in this regard. Rather than functioning only as a secondary descriptor, language can also perform reality, as when a judge utters ‘I sentence you to . . .’ CMS researchers might thus create equitable organizational practices by intervening in management discourse and experimenting ‘with metaphors that might be floating around in the organization’ (Spicer et al., 2009: 547). Second, an ethic of affirmation and care implies that CMS ought to listen to management’s side of the story and engage in a ‘loving struggle’ (p. 548) with their language rather than simply criticize: ‘CMS needs to appreciate the contexts and constraints of management . . . from this follows some degree of respect and care’ (Spicer et al., 2009: 545). Third, CMS must be less ‘utopian’ in its emancipatory ambitions. Incremental and piecemeal change is more doable given the economic pressures managers confront in their daily routines and practices.

A similar set of reforms are outlined by Wickert and Schaefer (2014) in their notion of ‘progressive performativity’. The weakness of CMS for them is that it ‘provides only limited guidance on how (counterbalancing) values could be embedded into organizational practices and procedures in collaboration with, rather than in opposition to, managers’ (Wickert and Schaefer, 2014: 7, emphasis in original). They too advance a broader understanding of performativity related to language: ‘The performative element, we suggest, requires researchers to “activate” the language that managers use . . . In that way, CMS scholars may support managers to “talk into existence” new (counterbalancing) behaviours and practices’ (Wickert and Schaefer, 2014: 3). Two elements of progressive performativity follow from this proposition. First, through micro-level engagement CMS researchers can actively ally themselves with selected managers (preferably middlemanagers) to raise awareness and identify alternative speech acts. Second, this may lead to reflexive conscientization, whereby scholars help create discursive spaces ‘in which managers are gently “nudged” to reflect on their actions and the organizational processes to which their actions relate . . . [it seeks to] raise the critical consciousness of managers’ (Wickert and Schaefer, 2014: 3).

This can only be credibly achieved, according to Wickert and Schaefer, if scholars put aside the classical emancipatory ideals of CMS since they discourage micro-collaborations with managers, introduce concepts that alienate practitioners and ultimately make progressive change seemingly impossible. Utopianism, in particular, according to Wickert and Schaefer, introduces ‘complex problems [that] fill people with anxiety and limit their capacity to think and act creatively’ (Wickert and Schaefer, 2014: 14). They recommend non-utopian and ‘small-win’ initiatives instead, ‘moving forward by actively working towards incremental, rather than radical transformation of unfavourable social conditions’ (Wickert and Schaefer, 2014: 9–10).

Limitations of the new performative turn in Critical Management Studies

Space does not permit a full elaboration of the critical and progressive models of performativity being recommended to CMS researchers. But it is no exaggeration to suggest that the argumentation involved presents a rather caricatured image of the CMS community when exhorted to ‘overcome its often hypocritical and unproductive claims that its output has no performative intent whatsoever’ (Spicer et al. 2009: 554). As Alvesson et al. (2009: 10, emphasis in original) argue, non-performativity ‘emphatically does not mean an antagonistic attitude to any type of performing’. CMS only refrains from instrumentally contributing to the mean-ends rationality of corporate managerialism. It is not against all impact, since that would render its criticism something of a self-serving exercise that rightly ought to be admonished. Having said that, advocates of a new performativity do have a good point when they highlight the vagueness and ambiguity around what mechanisms of impact CMS actually does favour. How can the community help make a practical difference to organizational life so that they are less exploitative and more equitable?

Critical and progressive performativity may hold promise in this regard. However, we feel these models of influence carry overtly optimistic assumptions about the power of language to change certain structural realities as well as the capabilities of CMS scholars to perform emancipatory change through discourse and micro-level engagement. There may certainly be some cases where getting close to managers, empathizing with their constraints and manipulating their language may indeed yield the (micro) fulfilment of aspects of the CMS mission. For example, scholars have engaged with managers in developing critical perspectives on leadership (Cunliffe, 2009; Cunliffe and Eriksen, 2011) and promoting reflexivity in managerial practice (Barge, 2004). However, we are concerned that the conceptualizations of performativity proposed lack a realistic appreciation of the accumulated social forces guiding organizational behaviour in these institutionalized contexts, including the profit motive, shareholder value, cost externalization, means-ends efficiency and so forth. While these forces are no doubt social and linguistically constructed too (e.g. see Callon [2010] in relation to the economy), they have also been politically and institutionally embedded over time and cannot simply be talked away. It is these conditions, we argue, that need to be taken into consideration when assessing the impact of CMS scholarship. Without a wider political analysis of organizations, institutions and markets, the capacity to perform economic rationality differently will be limited, which in turn restricts the scope for politics, political subjectivity and dialogue (see Cochoy et al., 2010). Hence, we would expect the mechanisms recommended by critical and progressive performativities to frequently fail rather than succeed.

#### 3---Current economic models are too entrenched to critique away—they should be responsible for proving solvency, not just a bigger impact.

Russi and Haskell, 15—Senior Lecturer in Sociology, Azim Premji University AND Assistant Professor, Mississippi College School of Law (Luigi and John, “Heterodox Challenges to Consumption-Oriented Models of Legislation,” Unbound: Harvard Journal of the Legal Left, 9:13, 2015, dml)

The difficulty of following these critiques from American Legal Realists and these other heterodox authors to any normative conclusion, however, seems two-fold. On the one hand, to think outside of consumption seems in some ways to border on a theological aspiration, to be ushered into the responsibility of remaking society according to some almost other-worldly dimensions: an economic order that conceives progress beyond growth, a socio-political structure that allows for systemic change without reducing the possibilities of human freedom, the normative agenda to substantiate egalitarian relationships, a global order that preserves the victories of industrial capitalism while simultaneously transcending its costs (ecological, human, etc.). On the other hand, critiques of consumption-led governance seem both anachronistic and violent. They are anachronistic because they either too readily rely on the possibilities of the Enlightenment assumption that there is a clear set of ‘truths’ that once disseminated to the population will enact meaningful change (e.g., if particular industries or products are demonstrated to be unsustainable to the environment, populations will demand alternatives) or they overly invest in the possibility of some benevolent, universalizing spirit that is capable of trumping the politico-economic exigencies of personal well-being (e.g., individuals are naturally willing to collectively do the right thing for the greatest amount of people even at personal cost in a consistent manner). They are violent because in calling for systemic change, such reversals would almost undoubtedly entail significant and most likely intensely hostile opposition from entrenched actors who benefit from the current economic legal arrangements. A liberal mode of economic management (e.g., consumerism) is itself undoubtedly more coercive and violent than its advocates tend to admit (e.g., it is part of the very problems it claims to address), but where the fundamental point of disagreement arises is over the question whether the current trajectory is occasioning a level of lost opportunity costs that warrant the effort and violence most likely necessary to enact an alternative mode of political life. Furthermore, if we accept the proposition of the necessity of coercive change, it still begs the question to what extent its proponents within intellectual circles are really willing to fully participate and accept the potential costs of radical struggle – they may, to put it vulgarly, simply have too much comfort to lose. To what extent, in short, are current left-oriented calls within academia and policy circles merely reflecting the more general postmodern crisis of identity versus the partisan militant residing at any revolutionary core? In giving normative bite to any alternative model, as the American Legal Realist Robert Hale pointed out, it seems undoubtedly the case that any future system would only find new constraints and forms of violence to sustain its cohesiveness.

[T]he systems advocated by professed upholders of laissez-faire are in reality permeated with coercive restrictions of individual freedom, and with restrictions, moreover, out of conformity with any formula of “equal opportunity” or of “preserving the equal rights of others.” Some sort of coercive restriction of individuals, it is believed, is absolutely unavoidable, and cannot be made to conform to any Spenserian formula.161

If fundamental reform to consumer-centric governance is inherently violent – in that it will necessarily create only new winners and losers, and not without potentially violent conflict and disruption – the challenge is therefore not just a question of ethics or political will (e.g., the current distribution of resources is unjust/violent), but the feasibility of re-conceptualizing efficiency, both in terms of strategy and tactics: in other words, upon what standard might we measure progress (or stated differently, what are the lost opportunity costs of continuing on the current trajectory versus an alternative economic model), and how might this be actually accomplished.162 To set out on such a task is exactly the stakes of future progressive scholarship, and upon which we wish to close our study with a brief reflection.

#### 4---Their args about technologies overcoding desires are wrong.

Beardsworth, 10—Head of the School of Politics and International Studies and Professor of International Politics at the University of Leeds (Richard, “Technology and Politics: A Response to Bernard Stiegler,” Cultural Politics (2010) 6 (2): 181–199, dml)

Just as Stiegler gives us a technological reading of political economy, so he also gives a technological reading of libidinal economy. (They are obviously one and the same reading given his synthesis of both to describe the specificity of cognitive capitalism; I have broken them down here for analytical purposes.) Since the 1990s Stiegler re-thinks the Freudian problematic through technics (see Stiegler 1996b). Technics constitutes the condition of sexuality qua desire. This critique of Freud inscribes the whole of the psychical apparatus within the technical history of epiphylogenesis. It is clear that human sexuality has both evolved and is altered through technical developments. Stiegler is right to insist, with the paleontologist Leroi-Gourhan and Gilles Simondon, that hominization is a technical process of evolution and psychic and collective individuation. That said, sexuality is not reducible to technics. Human sexuality, together with the problematic of desire that it underpins, both transcends technological determination and is itself dependent on many variables. There are depth psychological constants (for example, the Oedipus complex) that determine the transgenerational legacy of the id beyond technical evolution. To argue otherwise (as Stiegler does; see 1996b) is not to engage with the autonomy of the depth psychological. What with the neurosciences' penetration into the mind–body complex, we are probably only now beginning to under stand this autonomy and multi-causality.

Stiegler is therefore correct, following Herbert Marcuse, to place technics within the evolution of sexuality and the vagaries of desire. There would be no Oedipus complex, specific to human animals, without the technological evolution of the human. But he goes too far when he makes the relation between technics and desire one of unilateral determination. The above argument that the “psychotechnologies” are attempting “to control the id,” if not “the psychical apparatus in general” (2009: 31), is one consequence of this unilateral determination. This is another technologically determinist judgment. It makes a background condition (technology) into a radical determination of the psychic apparatus as a whole. Such determinism tempts Stiegler into arguing for a general “crisis of spirit” at the moment of cognitive capitalism.

Let me recall in this context that, for Freud, sublimation (the turning of desire into law) constitutes a complex process that is dependent on many contingent factors. In distinction to all other animals, humans sublimate because they are diphasic: we undergo the latency period and, therefore, puberty—due, without doubt, to our technological specificity. As a result of this diphasic nature, the human animal turns its love of its protectors into an identification that, with the reversals of puberty, comes to structure and occupy the space of the superego. Identifying with our parents (and their parents, etc.) or taking distance from them constitutes, from the beginning, a complex process of love and hate that may lead, from puberty onwards, to too rigid a superego or too dissipated a one (or rather, to variations in-between). Freudian psychoanalysis suggests that it is very difficult to generalize with regard to this development. The absence of identifiable, recurrent, and protecting love can indeed create an uncoordinated psyche. It leads, in this case, to other forms of parental identification that are always ongoing in the infantile years precisely because the id transcends technically organized memory. Until the nuclear family is literally dissolved and not replaced by another form of social organization, we cannot consequently speak of a new generation that has lost its primary identifications and, therefore, following the Freudian logic of sublimation, lost a sense of the future, of law, and of justice. There are too many variables at play within the depth psychological dynamic of infantile protection and care for Stiegler to be so clear. Under new conditions of technology, one must be proactive and prudently regulate Internet flows (regarding collective security, obscenity, etc.). One must, however, wait to see what new forms of parenthood adopt the hyperindustrial support and what new forms of sublimation will come to structure the coming generations' sense of conscience. These new forms may be weaker than either traditional or modern forms of the close social bond. But this cannot be a cause of excessive concern—unless this polemical pitch is judged to be the right means to attract political concern and change public policy (and even here, I am unsure that it is). Ontologically speaking, these forms may lead to more innovative and creative behavior as much as to destructive and self-destructive behavior. I am arguing that we cannot know at this very early stage of our hyperindustrial age, although Stiegler is nevertheless right to call for critical synthesis. The political adoption of the hyperindustrial support will take time—as did monotheism to adopt non-orthographic writing and the social contract to adopt the alphabetical word.

The above uncertainty regarding the direction of the contemporary technology–human symbiosis constitutes, in Stiegler's terms, the “ambivalence” of technology. In Freudian terms, it is more simply the complexity of the human mind–body complex (on these themes, see Beardsworth 1996b). In these processes there is a constant dialectic between “negative” and “positive” sublimation: here, the reduction of law to capitalism on the one hand, and the embedding of capitalism within artistic and legal forms on the other. Stiegler cuts the knot of this ambivalence too quickly, or rather, generalizes too fast from almost exclusively French examples of de-sublimation (see Stiegler 2008a, esp. on the advertising techniques of Canal J.).

Regarding Freud, I would argue, in sum, that Stiegler gives a strong, original reading of contemporary affective life through the bridging of technology and the psyche. Conversely, it is a technological re-reading of Freud that flattens out the vagaries of human affect and human conscience, preventing a nuanced, comparative account of the relation between contemporary consumerism and normative thought and behavior. As a result, public education may be posited too quickly by Stiegler as the right political response.

This is not to deny the need for change in public education: far from it. The Internet clearly poses a problem. As the contemporary teacher knows, Internet-surfing produces a form of consciousness that is adept at “copy and paste,” but finds synthesis and judgment increasingly difficult. Stiegler's politics of critical reflection, with its emphasis on the vital role of education, is in this sense persuasive. That said, I would wish to keep a sense of global perspective. As is well-known, use of the Internet was crucial to the election of Barack Obama: it helped create a cultural transformation that proved strong enough to shift the American political landscape to the center. The use of mobile phones has transformed the electoral process in West Africa. The Internet is, in other words, already highly creative politically. Education must certainly help to supplement this emerging creativity with the art of judgment. Obama's domestic fate regarding healthcare reform since the campaign has shown, at the same time, how powerful the traditional media remain in shaping political perception and interests. Progressive liberal politics in one of the most technologically savvy of countries depends as much today on restructuring the power-bases of the traditional media as it does on providing an education in response to capitalist-led technological transformation of human memory. Stiegler would not disagree with this last point. As I said at the beginning of this paper, his political voluntarism was in the 1990s singular on the French theoretical continent. It means, to my mind, however, that philosophico-political reflection should consider the political adoption of technology at several levels of analysis and of policy, in a spirit of prudence, and with a sense of intellectual limits.

Conclusion

I have addressed the work of Stiegler through the names of Marx and Freud. In doing so, I have attempted to suggest that his work goes too quickly over what puts a break on the destructive side to capitalism. The future political project of democracy is, without doubt, to embed capitalism at the world level. And democratic freedom means that one must renounce gratifying one's immediate desires. This means political institution and self-restraint. Stiegler focuses rightly, and sometimes brilliantly, on the urgency of the political today, and on the importance of a political adoption of contemporary forms of industry within a general intellectual framework of retentional finitude. This latter framework of analysis is theoretically innovative and disciplinarily rich. Not to analyze the forms of institutional change at the appropriate level and not to give credit to the specificities of sublimation within capitalism tend, however, to make capitalism's field and dynamic too uniform, and Stiegler's responses to it too unilateral and too general (if not, too French). As a result, his theoretical world turns too quickly, at the precise moment when a slower speed and a finer set of distinctions are needed. Not that there is not enormous danger in our present world, not that a sense of urgency is not vital. Our description of it requires, however, theoretical terms that exposit it in its complexity so that theory can provide, precisely, the occasion for suitable political adoption and decision.

## Block

### Topicality

#### Here’s a solvency advocate. Expanding antitrust to include privacy solves.

Day and Stemler, 20—Assistant Professor, University of Georgia, Terry College of Business AND Assistant Professor, Indiana University, Kelley School of Business (Gregory and Abbey, “Are Dark Patterns Anticompetitive?,” Alabama Law Review 72, no. 1 (2020): 1-46, dml)

Online manipulation threatens privacy on two fronts. First, by making platforms addictive, platforms can boost the time spent on their interfaces, thereby increasing surveillance and amounts of data collected. Second, through online manipulation, platforms can reduce one's autonomy by invading individual decision-making—such tactics implicate decisional privacy. Part II.A surveys the impact of online manipulation on various notions of privacy, Part II.B traces the consequences of online manipulation on decisional privacy, and Part II.C reviews the scarcity of privacy laws pertaining to such manipulation. Given the inability of current privacy regimes to govern online manipulation, the following discussion sets the stage for Part IV, which asserts that existing antitrust laws offer a superior remedy.

A. Privacy and Decisional Privacy

Privacy is an elusive concept, conceptualized as many things: "the ability to control information, the right to be let alone, ... secrecy, intimacy, autonomy, and freedom." 120 To simplify matters, we rely on Daniel Solove's approach, which eschews a unified definition and instead views privacy on a spectrum of control.121 The privacy harms theorized by Solove originate from four activities: (1) the collection of personal information; (2) the dissemination of information; (3) the analysis of that information to derive insights; and (4) the use of insights to influence.1 22

Applying Solove's framework, first, platforms can collect a virtually unlimited amount of data through the Attention Cycle.1 23 Second, platforms can inadvertently disseminate data via porous security or intentionally transfer data through direct and indirect sales.1 24 Third, platforms can capitalize on inferences drawn from data by profiling users. Consider Uber, which has developed technology to identify when a user is intoxicated (is she holding her smartphone at an odd angle or walking in a staggered manner?). 125 Also, Tinder tracks interactions to calculate a "secret internal Tinder rating" for each user to match potential paramours, 126 and Airbnb has innovated algorithms to calculate a user's "trustworthiness score"-predicting "narcissism, Machiavellianism, or psychopathy"-drawn from the surveillance of one's social media, public records, blog posts, presence of false profiles, and other sources. 127

But the greatest harm may, fourth, derive from the privacy costs associated with influence, or decisional privacy. Decisional privacy erodes when manipulation invades internal thought processes, 128 reduces free will,1 29 or interferes with a user's self-interest.130 For autonomy to be possible, users must enjoy reasonable means to select among options to achieve their goals. 131 If persons are free of manipulation, they can roughly account for the reasons underlying their choices. 132

The Cambridge Analytica scandal of 2018 is a prime example of eroded decisional privacy. Investigations by the New York Times, The Observer of London, and The Guardian revealed that Facebook allowed Professor Aleksandr Kogan to access and sell the personal data of over 50 million Americans. 133 The data's purchaser, Cambridge Analytica, used it to influence political opinions while "'circumvent[ing] users' awareness of such influence." 134 These tactics included psychological profiles meant to identify individuals who are prone to persuasion via misinformation and suggestion to take certain political actions. 135 As stated by Cambridge Analytica's co-founder: "We exploited Facebook to harvest millions of people's profiles [and] built models to exploit what we knew about them and target their inner demons." 136 The FTC, implying the importance of decisional privacy, noted that remedial action was necessary given how "Facebook undermined consumers' choices."137

B. The Individual and Societal Costs of Online Manipulation

When interfaces and platforms impair decisional privacy, the injuries can be substantial. On one level, the Attention Cycle itself can invade decisional privacy. In fact, on occasion, recognized disorders, like internet and gaming addictions, can develop, animated by traditional symptoms of dependency, such as excessive use, withdrawal, and tolerance. 138

Research on this topic has even found physiological changes of the brain. Using structural Magnetic Resonance Imaging (sMRI), heightened levels of internet usage and gaming have been shown to cause gray matter recession. 139 Gray matter of the brain's surface controls the processing of information, such as speech, emotion, and motor control. 14 Tissue erosion was most pronounced-waning between 100 /-2 0 /--in users suffering from the greatest addictions. 141 Importantly, the shrinking of gray matter in the left posterior limb is associated with impaired self-control, which strengthens digital addiction. 142 Another area of atrophy was found in the frontal lobe, which governs planning and organizational skills. 143 One study of WeChat users deduced that reduction of gray matter leads users to experience enhanced reward sensitivity as well as impulsivity, suggesting that digital addiction begets more addiction.144

This type of dependency can even lead to alterations in the brain resembling prolonged narcotics abuse.1 45 One study, published in 2020, found that collegiate internet gamers who forewent gaming displayed withdrawal symptoms mirroring that of cocaine users.1 46 This creates particular concern when accounting for the rate of affected adolescents whose brains are still in the midst of developing.1 47

Internet addiction may also alter dopamine receptors. Scholarship has found that dopamine released during online activities diminishes the availability of D2 receptors.148 Lengthier addictions display greater changes.1 49 And like with the research on gray matter, the effects of prolonged exposure mirror narcotics usage. 150 Specifically, "a decrease in the number and function of D2 receptors, observed both in animals and in humans ... is functionally correlated to the enhancement in drug craving, drug intake and relapse." 151 Bolstering these findings, scholarship asserts that internet addiction is the cause of receptor damage rather than vice versa, 152 as increased exposure leads to increased damage.1 53 According to research published in the last year, debate exists about this topic, yet the majority of scholarship and the DSM-5 agree that online addiction entails a form of disorder. 154

In important part, the physiological effects of internet addiction are also shown to cause an array of economic and social problems. One of the primary findings links the Attention Cycle to heightened anxiety. Cortisol is a hormone that regulates the body's "alarm system" (i.e., the anxiety associated with fight or flight).1 55 When individuals separate from their devices, the body releases cortisol, generating survival reflexes and anxiety.156 Other problems associated with internet addiction include social impairment,15 7 risk-taking,158 depression,1 59 sleep deprivation,1 60 self-injurious behaviors, 161 impaired social capabilities,1 62 and, of course, altered decision-making.1 63

Even though internet addiction may occur without manipulation, firms have sought to design interfaces to embellish this outcome. Consider the company Dopamine Labs, which designs algorithms for clients that are meant to exploit dopamine in the most effective, addictive manners.1 64 With "just a few lines of code," their claim is that neuroscience and artificial intelligence allow them to "keep their users around longer and doing more. Way more. Up to 60% more." 165 As Anderson Cooper questioned, "Is Silicon Valley programming apps or are they programming people?" 166

### PIK

#### Form outweighs content—the only response to their defacement of sung value is to articulate a vow of silence—you can agree with the value of everything they’ve said and still vote neg to pull the rug out from under ourselves and affirm their inability to meet the burden of proving their analysis was sufficient to activate their song’s value

**Kennedy, 17**—American University of Paris (Kevin, “Heterology as Aesthetics: Bataille, Sovereign Art and the Affirmation of Impossibility,” Theory, Culture & Society July 28, 2017, dml)

The second and interconnected problem is posed by the fact that we **cannot escape the homogeneous** by **merely introducing terms** such as **heterogeneous**, **aesthetic**, etc., which **inevitably remain at the service** of an epistemological project. **Even to posit such terms already gives** the outside of thought and reason the **semblance of something stable** and **accessible**: ‘the fact of introducing the immediate into the categories of language **always creates difficulties** … it sets in motion a system that is **completely contrary to its nature**’ (2006a: 95). This is why, according to Bataille, **every account** of the heterogeneous **must include a disavowal of its own claims** as to the ‘nature’ of the heterogeneous, to **highlight the impossibility of its own undertaking**. Bataille is unambiguous in elucidating what this position implies for art theory and literary criticism: ‘**Any commentary** which **does not simply say** that commentaries are **useless** and **impossible** moves away from the truth **at the very moment when it might come close to itself**’ (2006b: 94).

This statement seems to suggest that one should simply stop talking about art and literature once and for all and make a perpetual and irreversible vow of silence. But even a vow of silence needs to be articulated. Bataille’s insistence on the uselessness of commentaries occurs in his own commentary on the works of Blake, which, to be sure, painstakingly uncovers some of the basic traits of Blake’s poetry and thus partakes in rather than halts the philosophical appropriation of art. A heterological aesthetics would therefore neither refute the claim that art contains an epistemological, objective dimension nor deny the value of unearthing or homogenizing it. Neither would it deny that a work of art may be defined according to its use-value, be it in terms of the money it fetches on the art-market, its castigation of social wrongs, the factual knowledge it imparts, or even its specific ‘distribution of the sensible’. What it would show, however, is, firstly, that all these approaches (capitalist, political, philosophical) share a basic premise: here art is **always judged according to something exterior** to the actual aesthetic experience. Secondly, it would insist on both the importance of acknowledging this experience and the concurrent impossibility of accounting for it within discourse: ‘thought measuring the beyond of things where it has no access is necessarily negative and it cannot take something that it denies for a thing’ (2004: 168). It is thus only with regard to the sovereign power of the work, in relation to its aesthetic immediacy, that ‘all commentaries are useless’. Yet, and this would be the third and **most important aspect**, the **uselessness of commentaries** (of a heterological aesthetics) is **necessary** for the **absence of utility**, for **heterogeneity itself to appear**. In other words, to **safeguard the aesthetic sovereignty** of the work of art, we **always** need to ‘**pull the rug from under [ourselves]**’ (2006a: 94) by **affirming our own inability** to **furnish any form of proof** regarding its sovereign or heterogeneous status.

#### *Internally incoherent* – our counter-advocacy is a *refinement* of the 1AC performance – they don’t have *ownership* of their speech acts – if it’s true that we can’t capture their discourse, then you can’t either and the 1AC can’t change anything and there’s no reason to vote AFF

--“capture discourse” means understand it, internalize it, make it our own – i.e. no difference between persuasion and theft in this context

--otherwise change is impossible because we can’t undo past positions we’ve taken

--partial concession is necessary to have a debate in a timed format; we don’t have to disagree with everything they say

Young 11 (Kelly Young, Assistant Professor of Communication and Director of Forensics, Wayne State University, “Impossible Convictions: Convictions and Intentionality in Performance and Switch-Side Debate,” Contemporary Argumentation and Debate, vol.32, 2011, http://www.cedadebate.org/cad/index.php/CAD/article/view/279/248)

Fourth, contemporary speech act theory provides new avenues for permutations or citation of performances in debates. In many performance debates, it is common to hear performance teams argue that opposing teams’ attempts to run plan/performance-inclusive counterplans (PICs), permutations, or other attempts to operate within a performative framework are insincere, inauthentic, or constitute a form of intellectual plagiarism (Zompetti, 2004). Put differently, these efforts should be rejected because they are fake or parasitic performances. However, as Derrida (1988) contends, efforts to regulate speech acts with an organizing center of intention or sincere beliefs undermine the citationality, excess, and structural play of discourse. For both Derrida (1988) and Butler (1997), this approach is flawed for two reasons. First, the attempts to govern speech acts will unavoidably fail because recirculation of discourse is inevitable. Additionally, speech acts always produce excess meanings that are beyond our sovereign control. Second, these regulative approaches provide very limited rhetorical agency as they reject the possibility of re-signification. For instance, without the possibility of citationality, harmful language cannot be reappropriated for new cultural and political uses. Likewise, the strategic use of essentialized identities to expose the shortcomings of such representations becomes nearly impossible within this perspective of communication (Spivak, 1996). For example, productive critiques of gender and racial identities through parody would likely be excluded if sincerity and intentions regulate acceptable performances. Additionally, if discourse is limited in agency due to intentions and sincerity, then it likely has little power to change reality. Simply put, one cannot simultaneously posit a strong (e.g., discourse changes reality) and weak (e.g., discourse is severely constrained by prior beliefs and intent) theory of discursive agency. While performance teams might find the prospect of having their opponents strategically capturing their speech acts unfair, there seems to be greater disadvantages associated with the attempts to strictly police insincere performances. However, this does not mean that these teams are left with no defense against permutations, PICs, or other capture strategies. Indeed, this review of speech act theory suggests that the opposition’s citation of the speech act must have some discursive effect or force. While I argue that effect is rather difficult to assess within a single debate round, Salih and Butler (2004) provide a solution to this problem. In discussing the progressive potential of strategic essentialism, Salih and Butler (2004) argue that re-signification of representations and terms can operate as sites for productive contestations over the meaning and exclusiveness of these identities and discourse. As a result, the debate about whether or not permutations or PICs of a performance can move away from questions of conviction and intent and instead focus on argumentative effectiveness, which could examine the exclusions and consequences created by the differences that remain between the performance team and their opponents’ orientations. Put rather simply, the debate returns to a question of net-benefits rather than one of mutual exclusivity regulated by true beliefs. Thus, the desire to exclude permutations and PICs solely because they are insincere should be rejected if performance teams want to maintain the strong theory of discursive agency that they need in order to justify the impact of their arguments.