# Minneapple R2 1AC v Westwood AP

## 1AC

### Framing

#### The resolution is a question of what states ought to do so actor specificity is a side constraint on the framework debate.

#### The state necessitates the paradox of exclusion — the necessary determination of who belongs to the state requires the exclusion of who doesn’t while including everyone makes exercising rights impossible, Mouffe 2k

(Chantal Mouffe, Professor at the Department of Political Science of the Institute for Advanced Studies. June 2000. “The Democratic Paradox”)

“In order to illustrate his point, Schmitt indicates that, even **in modem democratic states** where universal human equality has been established**, there is a category of people who are excluded as foreigners or aliens and that there is therefore no abso­lute equality of persons**. He also shows how the correlate of the equality among the citizenry found in those states is a much stronger emphasis on national homo­geneity and on the line of demarcation **between those who belong to the state and those who remain outside it**. This is, he notes, to be expected and, **if** this were not the case and **a state attempted to realize the universal equality of individuals in the political realm without concern for national or any other form of homogeneity, the consequence would be a complete devaluation of political equality and of politics itself.** To be sure, this would in no way mean the disappearance of substantive inequalities, but says Schmitt,‘**they would shift in another sphere, perhaps separated from the political and concen­trated in the economic, leaving this area to take on a new, disproportionately decisive importance**. Under the conditions of superficial political equality, **another sphere in which substantial inequalities prevail** (today for example the economic sphere) will dominate politics.’ It seems to me that, unpleasant as they are to liberal ears, those arguments need to be considered carefully. They carry an important warning for those who believe that the process of globalization is laying the basis for worldwide democratization and cosmopolitan citizenship. They also provide important insights for understand­ing the current dominance of economics over politics**. We should indeed be aware that without a demos to which they belong, those cosmopolitan citizen pilgrims would in fact have lost the possibility of exercising their democratic rights of law­making**. They would be left, at best, with their liberal rights of appealing to transna­tional courts to defend their individual rights when those have been violated. In all probability, such **a cosmopolitan democracy**, if it were ever to be realized, **would not be more than an empty name disguising the actual disappearance of democratic forms of government** and indicating the triumph of the liberal form of governmental rationality that Foucault called ‘govermentality’. True, by reading him in that way, I am doing violence to Schmitt’s questioning since his main concern is not democratic participation but political unity. He con­siders that such a unity is crucial because without it the state cannot exist. But his reflections are relevant for the issue of democracy since he considers that in a demo­cratic state, **it is through their participation in this unity that the citizens can be treated as equals and exercise their democratic rights**. Democracy, according to Schmitt, consists fundamentally in the identity between rulers and ruled. It is linked to the fundamental principle of the unity of the demos and the sovereignty of its will. **But for the people to rule it is necessary to determine who belongs to the peo­ple.** "Without any criterion to determine who are the bearers of democratic rights, the will of the people cannot take shape. It could, of course, be objected that this is a view of democracy which is at odds with the liberal democratic one and some would certainly claim that this should not be called democracy but populism. To be sure, Schmitt is no democrat in the liberal understanding of the term and he had only contempt for the constraints imposed by liberal institutions on the democratic will of the people. But the issue that he raises is a crucial one, even for those who advocate liberal democratic forms. **The logic of democracy does indeed imply a moment of closure which is required by the very process of constituting the ‘people’. This cannot be avoided, even in a liberal democratic model, it can only be negotiated differently. But this can only be done if this closure and the paradox that it implies are acknowledged. By stressing that the identity of a democratic political community hinges on the possibility of drawing a frontier between ‘us’ and ‘them’,** Schmitt highlights the fact that **democracy always entails relations of inclusion/exclusion.** This is a vital insight that democrats would be ill-advised to dismiss because they dislike its author. One of the main problems with liberalism—and one that can endanger democracy—is precisely its incapacity to conceptualize such a frontier. As Schmitt indicates, the central concept of liberal discourse is ‘humanity’, which, as he rightly points out, is not a political concept and does not correspond to any political entity. **The central question of the political constitution of ‘the people’ is something that liberal theory is unable to tackle adequately because the necessity of drawing a ‘frontier’ is in contradiction with its universalistic rhetoric**. Against the liberal emphasis on ‘humanity’, it is important to stress that the key concepts in concep­tualizing democracy are the ‘demos’ and the ‘people’.” (41-44)

#### Even if that’s not always true it’s specifically true in the context of this resolution—it’s a question of what is the just way for distinct states ought to channel disputes.

#### Next, if the state require exclusion, the goal of politics should not be to overcome the us/them distinction. Instead, we should reorient the us/them distinction towards agonism instead of antagonism – this means recognizing the Other’s right to their own ideas without labeling them an enemy to destroy. This constructs a polity despite the us/them distinction. Mouffe 10 bracketed for glang:

\*Bracketed for Gendered Language\* Chantal Mouffe, political theorist, 7-25-2010, "Chantal Mouffe: Agonistic Democracy and Radical Politics," Pavilion #15, http://pavilionmagazine.org/chantal-mouffe-agonistic-democracy-and-radical-politics/

I myself argue that only by taking account of the political in its dimension of antagonism can one grasp the challenge democratic politics must face. Public life will never be able to dispense with antagonism for it concerns public action and the formation of collective identities. It attempts to constitute a ‘we’ in a context of diversity and conflict. Yet, in order to constitute a ‘we’, one must distinguish it from a ‘they’. Consequently, the crucial question of democratic politics is not to reach a consensus without exclusion which would amount to creating a ‘we’ without a corollary ‘they’ but to manage to establish the we/they discrimination in a manner compatible with pluralism. ¶ According to the ‘agonistic pluralism’ model that I developed in The Democratic Paradox (London: Verso, 2000) and On the Political (London: Routledge, 2005), pluralist democracy is characterised by the introduction of a distinction between the categories of enemy and adversary. This means that within the ‘we’ that constitutes the political community, the opponent is not considered an enemy to be destroyed but an adversary whose existence is legitimate. His [Their] ideas will be fought with vigour but [their]his right to defend them will never be questioned. The category of enemy does not disappear, however, for it remains pertinent with regard to those who, by questioning the very principles of pluralist democracy, cannot form part of the agonistic space. With the distinction between antagonism (friend/enemy relation) and agonism (relation between adversaries) in place, we are better able to understand why the agonistic confrontation, far from representing a danger for democracy, is in reality the very condition of its existence. Of course, democracy cannot survive without certain forms of consensus, relating to adherence to the ethico-political values that constitute its principles of legitimacy, and to the institutions in which these are inscribed. But it must also enable the expression of conflict, which requires that citizens genuinely have the possibility of choosing between real alternatives.

#### Thus, the standard is consistency with agonistic pluralism.

#### Impact Calc –

#### A] There are 3 ways states can orient themselves with the us/them distinction: First, universality, in which they falsely deny the distinction’s existence, second, antagonism, in which you try to destroy the other, and third, agonism in which you accept the others’ difference. Since the resolution is a question of how states should interact, the only way to deny my framework is to prove either antagonism or false universality is better than agonism.

#### B] Agonism posits the conditions for truth construction – that means it functions as a metaethical constraint on other ethics and they aren’t competitive with our principle.

#### Prefer the standard additionally–

#### 1] K solvency –

#### A] Only a state that accepts opposing views can ever be open to radical revision – other systems insist on their own foundation and can’t accommodate changing views that make them exclusionary or illegitimate. Controls the internal link to other evaluative mechanisms: agonism makes it possible to implement them AND be receptive of the demands of justice to come

#### B] Controls the internal link to all K alts and radical politics – the ability to speak out and fight for particular reforms is guaranteed by the agonistic mindset – alternatives shut down the collective ability to communicate to others to advance that agenda.

#### 2] Rules cannot determine their own application: we reason within a framework of language and norms, but how to apply each of those norms in to a new situation is radically indeterminate. For example, there is nothing inherent in an arrow that shows a direction. Only agonism accounts for the diversity of interpretations of our norms. Democratic citizenship has diverse forms, none of which can be privileged a priori. If agents have different perspectives, there is no way to formulate a correct understanding – we need to accommodate different practices.

#### 3] Performativity – debate assumes that difference exists, which is specifically true for switch side debate, and debate must protect the right to disagree without being targeted for your difference to ensure safety. That is a constitutive necessity of discourse spaces that outweighs on a pre and post fiat layer.

#### A] it is specific to the judge’s obligation in the debate space, not just educational space

#### B] switch side debate could not exist without agonism, making it a pre-requisite to being in debate in the first place so participating in debate concedes it

#### 4] Contradictions – willing lack of inquiry is a contradiction in terms because the assertion of a statement presupposes the validity of judgments in relation to a community of testers. Putnam 90:

A RECONSIDERATION OF DEWEYAN DEMOCRACY HILARY PUTNAM\* Walter Beverly Pearson Professor of Mathematical Logic, Harvard University. 1990

In Apel's presentation of the argument,45 the act of stating some- thing has certain formal presuppositions: **the speaker implicitly** or explicitly **claims** **that** what he is saying is true (if **the statement** is descrip- tive) or normatively right (if the statement is normative), or **possesses** still other kinds of **validity** (in the case of other kinds of statements)." The speaker implicitly or explicitly claims to be sincere: "**I say that p, but I am not sincere in saying this" is self-defeating**, if intended as a "constative" speech act (an act of asserting that p). The speaker implic- itly or explicitly claims to be able to give reasons: in most circumstances, **"I claim that p, but I can give no reason" will fail in a rational discus- sion**. And there are still other conditions of this kind that need not con- cern us in this sketch of the position.47 Apel and Habermas further explain that **the idea of a fully justified statement is that the statement can withstand tests and criticism.** **This is implicit in the practice of discussing whether or not a given statement really is fully justified.** At the same time, they draw on the work of Peirce and the later work of Wittgenstein to argue that the idea of a statement whose complete and final warrant is wholly available to the speaker him- or herself-who neither needs nor can profit from the data of others-is an empty and fallacious idea. **The idea of a statement which is true (or normatively right) or one which can withstand tests and criticism, is empty unless we allow any statement claimed to be true to be tested by an ongoing community of testers, or at any rate, critics.** **The upshot is that if I am a participant in a rational discussion (or wish to be, and therefore refrain from pragmatically contradicting my declared intention to participate in such a discussion), then I am committed to the idea of a possible community of inquirers.**

#### 5] Motivation – Ethics must recognize the right to provide and contest opinions – otherwise, people could disagree have no reason for them to accept standards. Morality would just be a hypothetical imperative, which can’t produce an obligation. Merely justifying why an ethical theory is “true” does not matter if a person would never bind themselves to it.

### Contention

#### Plan: Resolved: A just government ought to recognize an unconditional right of workers to strike.

#### Recognizing the right to strike allows workers to engage in a form of violence, but one that can remain in the control of the state, and not escalate out of control of the law. Crepon and Bez 19:

Crépon, Marc, and Micol Bez. "The Right to Strike and Legal War in Walter Benjamin's “Toward the Critique of Violence”." Critical Times 2.2 (2019): 252-260.

If we wish to understand how the question of the right to strike arises for WalterBenjamin in the seventh paragraph of his essay “Zur Kritik der Gewalt,” it is impor­tant to first analyze the previous paragraph, which concerns the state’s monopoly on violence. It is here that Benjamin questions the argument that such **a monopoly derives from the impossibility of a system of legal ends to preserve itself as long as the pursuit of natural ends through violent means remains.** Benjamin responds to this dogmatic thesis with the following hypothesis, arguably one of his most impor­tant reflections: “To counter it, one would perhaps have to consider the surprising possibility that **law’s interest in monopolizing violence visàvis the individual is explained by the intention not of preserving legal ends, but rather of preserving law itself.** [This is the possibility] that **violence, when it does not lie in the hands of law, poses a danger to law,** not by virtue of the ends that it may pursue but **by virtue of its mere existence outside of law.” In other words, nothing would endanger the law more than the possibility of its authority being contested by a violence over which it has no control. The function of the law would therefore be, first and foremost, to contain violence within its own boundaries.** It is in this context that, to demonstrate this surprising hypothesis,Benjamin invokes two examples: the right to strike guaranteed by the state and the law of war. Let us return to the place that the right to strike occupies within class strugle.To begin with, **the very idea of such a struggle implies certain forms of violence. The strike could then be understood as one of the** recognizable **forms** that **this violence can take.** However, **this analytical framework is undermined as soon as this form of violence becomes regulated by a “right to strike,” such as the one recognized by law in France in 1864. What this recognition engages is,** in fact, **the will of the state to control the possible “violence” of the strike.** Thus, **the “right” of the right to strike appears as the best, if not the only, way for the state to circumscribe within** (and via)**the law the relative violence of class struggles.** We might consider this to be the per­fect illustration of the aforementioned hypothesis. Yet, there are two lines of questioning that destabilize this hypothesis that we would do well to consider. In other words, **nothing would endanger the law more than the possibility of its authority being contested by a violence over which it has no control.** The function of the law would therefore be, first and foremost, to contain violence within its own boundaries. It is in this context that, to demonstrate this surprising hypothesis, Benjamin invokes two examples: the right to strike guaranteed by the state and the law of war

#### That links to my framework – objectivity is impossible so procedures for agonism have to be institutionalized, Mouffe 6:

Chantal Mouffe, [Chantal Mouffe (French: [muf]; born 17 June 1943)[1] is a Belgian political theorist, formerly teaching at University of Westminster.[2] She is best known for her contribution to the development—jointly with Ernesto Laclau, with whom she co-authored Hegemony and Socialist Strategy—of the so-called Essex School of discourse analysis,[3][4] a type of post-Marxist political inquiry drawing on Gramsci, post-structuralism and theories of identity, and redefining Leftist politics in terms of radical democracy. Her highest cited publication is Hegemony and Socialist Strategy: Towards a Radical Democratic Politics.[5] She is also the author of influential works on agonistic political theory, including Agonistics: Thinking the World Politically and The Democratic Paradox.] 2000, “The Democratic Paradox” //LHP AV

In coming to terms with pluralism, **what is really at stake is power and antagonism and their ineradicable character**. This can only be grasped from a perspective that puts into question the objectivism and essentialism which are dominant in democratic theory. In Hegemony and Socialist Strategy,' we delineated an approach that asserts that **any social objectivity is constituted through acts of power**. This means that **any social objectivity is ultimately political and has to** show the traces of the acts of **exclusion** which govern its constitution; **what**, following Derrida**, can be referred to as its 'constitutive outside'**. This point is decisive. It is **because every object has** inscribed in **its very being something other than itself** **and** that as a result, **everything** **is constructed as difference**, **that its being cannot be conceived as pure 'presence' or 'objectivity'**. **Since the constitu-tive outside is present within the inside** as its always real possibility, **every identity becomes purely contingent**. This implies that **we should not conceptualize power as an external relation taking place between two pre-constituted identities**, **but rather as constituting the identities themselves.** **This** point of confluence between objectivity and power **is** what we have called **'hegemony'**. When we envisage democratic politics from such an anti-essentialist perspective, we can begin to understand that, for democracy to exist, **no social agent should be able to claim any mastery of the foundation of society.** This signifies that the relation between **social agents becomes** more **democratic** **only as far as they accept the particularity and the limitation of their claims; that is, only in so far as they recognize their mutual relation as one from which power is ineradicable**. **The democratic society cannot be conceived any more as a society that would have realized the dream of a perfect harmony in social relations. Its democratic character can only be given by the fact that no limited social actor can attribute to herself or himself the representation of the totality**. **The** main **question** **of democratic politics** **becomes** then not how to eliminate power, but **how to constitute forms of power** which are **compatible with democratic values**. To acknowledge the existence of relations of power and the need to transform them, while renouncing the illusion that we could free ourselves completely from power — **this** **is** what is specific to the project that we have called **'radical and plural democracy'**. **Such** a project **recognizes that** the specificity of modern **pluralist** **democracy** — even a well-ordered one — **does not reside in the absence of domination** and of violence **but in the establishment of** a set of **institutions** **through which they can be limited and contested.** **To negate the ineradicable character of antagonism and to aim at a universal rational consensus** **— this is the real threat to democracy**. Indeed, **this can lead to violence being unrecognized and hidden behind** appeals to **'rationality'**, as is often the case in liberal thinking which disguises the necessary frontiers and forms of exclusion behind pretenses of 'neutrality'

### ROB

#### The role of the ballot is to evaluate the truth or falsity of the resolution through a normatively justified framework via fair, safe, and educational arguments. no tricks, yes phil and yes theory. Prefer it –

#### 1] Reciprocity – normative frameworks provide a reciprocal burden of justifying an obligation with the ability to turn them – other frameworks are arbitrarily impact exclusive and don’t articulate a 1-1 burden

#### 2] Philosophy – only our role of the ballot incentivizes nuanced discussions over the interactions of different ethical theories. That comes first –

#### A] constitutivism – LD debate is a values debate which means the intrinsic purpose of the activity is philosophical discussion

#### B] hijacks any voter – the question of why those are good relies on philosophical justification, ie constitutivism or something.

### Theory

#### 1] 1ar theory paradigm –

#### A] the aff gets it – otherwise the neg can engage in infinite abuse, making debate impossible

#### B] drop the debater because the 1ar is too short to win theory and substance

#### C] no RVIs – the 2nr has enough time and the 2ar needs strategic flexibility

#### D] competing interps – 1ar interps aren’t bidirectional and reasonability incentivizes brute force defensive dumps

#### 2] 1ar theory first –

#### A] Strat skew – short 2AR means I need to collapse to one layer to counter the long 2N collapse

#### B] Epistemic Indict – if the 1N was abusive then my ability to respond was skewed so you can’t truly evaluate the 1nc

#### C] Magnitude – the 1nc has 7 minutes of potential abuse whereas I have 6

#### D] Investment – it’s a much larger strategic loss because 1min is ¼ of the 1AR vs 1/7 of the 1NC which means there’s more abuse if I’m devoting a larger fraction of time

#### 3] Yes aff rvi – a] time skew – 4 minute 1ar has to hedge against a 7 minute 1nc and counter a long 6 minute 2n collapse, no rvi make the 1ar virtually impossible and structurally behind on the debate which means we need rvi to be able to collapse to something in the 2ar and win

#### 4] Presumption and permissibility affirm –

#### A] statements are true till false – if I said my name was Prateek, you would believe me absent evidence to the contrary

#### B] we shouldn’t need proactive justification for things – that means we couldn’t do things like drink water C] affirming is harder – the 1ar has to answer 7 minutes of offense and hedge against a 6 minute 2nr collapse and empirics, Shah 2-13:

Sachin Shah, [LHP Debater, Attended TOC 2018 and TOC 2019, Broke at TOC 2019, 5 on AP Stats, Computer Science Major, Experience with side bias stats] February 13, 2020, “A Statistical Analysis of Side-Bias on the 2020 January-February Lincoln Douglas Debate Topic by Sachin Shah”<http://nsdupdate.com/2020/a-statistical-analysis-of-side-bias-on-the-2020-january-february-lincoln-douglas-debate-topic-by-sachin-shah/?fbclid=IwAR2P0AZqQtSiwMZlCpia-Fy1zFOdHn6JrGtcYgGulqeimd-V0a1xbaIMYYs> //LHP AV

It is also interesting to look at the trend over multiple topics. In the rounds **from** 142 TOC bid-distributing tournaments (September 20**17** – 20**20** YTD), **the neg**ative **won 52.75%** of ballots (p-value < 0.0001, 95% confidence interval [52.3%, 53.2%]). This suggests **the bias might be structural, and not topic specific, as this data spans nine different topics** [3]. Given a structural advantage for the negative, **the aff**irmative **may be justified** in being granted **a substantive advantage** **to compensate** for the structural skew. This could take various forms **such** **as** granting the affirmative **presumption** ground, tiny **plans**, **or** **framework choice**. Whatever form chosen should be tested to ensure the skew is not unintentionally reversed. Therefore, this analysis confirms that affirming is in fact harder again on the 2020 January-February topic. So, once again, don’t lose the flip!

#### D] Epistemics – we wouldn’t be able to start a strand of reasoning since we’d have to question that reason – means that presuming neg is incoherent because it relies on some presumptive truths.

#### E] Presuming obligations is logically safer since it’s better to be supererogatory than fail to meet an obligation

#### F] nothing in the aff will trigger it – punish them for moving the debate away from valuable substantive education

#### G] risk analysis, Ross 6:

Jacob Ross (Philosopher, USC “Rejecting Ethical Deflationism,” Ethics 116. July 2006. JDN.<https://www.jstor.org/stable/10.1086/505234>

Another kind of nondiscriminating theory is ethical nihilism. This is the view that the notions of good and bad and of right and wrong are illusions and that, objectively speaking, no option or state of affairs is better than any other, nor are any two options or states of affairs equally good. Thus, while uniform theories assign the same value to all of our options, nihilistic theories don’t assign values to any of our options. Now suppose once again that I have a degree of credence of .01 in TL from the previous example, but this time I have a degree of credence of .99 in a nihilistic theory, TN. And again suppose that I must decide between sending the trolley to the right and sending it to the left. In this case we could reason as follows. According to TL, it would be better for me to send the trolley to the left than to send it to the right. And so my credence in TL gives me pro tanto subjective reason to send the trolley to the left. The only way this could fail to be the most rational option would be if my credence in [nihilism] TN gave me a sufficiently strong countervailing subjective reason to send the trolley to the right. But TN implies that there would be nothing valuable or disvaluable about either alternative. And so my credence in TN gives me no subjective reason to favor either alternative. Hence the pro tanto subjective reason to send the trolley to the left is unopposed, and so this is the rational option. I would choose this same option if I were to deliberate on the basis of TL alone. Thus, taking into account TN has no effect on what I ultimately choose, and so TN can harmlessly be excluded from consideration in deciding how to act. That is, I can harmlessly reject the nihilistic theory and deliberate on the supposition that the nondeflationary theory, T, is true.

#### 5] No 2n theory arguments and paradigm issues. a) overloads the 2AR with a massive clarification burden b) it becomes impossible to check NC abuse if you can dump on reasons the shell doesn't matter in the 2n – outweighs on magnitude C) It kills the 2ar since I’d have to answer 6 min of new offense in 3 min.

#### 6] cx checks solve – there’s no abuse if I provide whatever you need before your prep time, asking in cx for me to meet your interps solves abuse