## 1

#### Interpretation: topical affirmatives defend implementing a policy aciton.

#### Violation—they don’t

#### Recognition is defined as legal authority in the context of international law.

**Britannica N.D**, world- renowned encyclopedia//Aanya https://www.britannica.com/topic/recognition-international-law

Recognition is a process whereby certain facts are accepted and endowed with a certain legal status, such as statehood, sovereignty over newly acquired territory, or the international effects of the grant of nationality.

**Recognition means policy action. Merriam-Webster N.D.** //Aanya https://www.merriam-webster.com/dictionary/recognize

to accept and approve of (something) as having legal or official authority ‘The U.S. government has now recognized the newly formed country.’ ‘They refused to recognize the treaty.’

#### “Ought to be” indicates a state of affairs and obligates an actor with the ability to bring about that state of affairs.

Hage 01 Jaap [Maastricht University, Law, Faculty Member, chair of Jurisprudence (Legal Theory) at the University of Maastricht (Netherlands)] “Contrary to Duty Obligations: A Study in Legal Ontology” in Bart Verheij, Arno R. Lodder, Ronald P. Loui and Antoinette J. Muntjewerff (eds.), Legal Knowledge and Information Systems. Jurix 2001: The Fourteenth Annual Conference. Amsterdam: IOS Press, 2001, pp. 89-102. IB

On the other interpretation, ought-to-be norms prescribe to see to it that the obligatory state of affairs is achieved or maintained, depending on whether the ideal state in question already obtains. Briefly stated. the obligation is to see to it that the obligatory state of affairs obtains. On this interpretation, the ought to be norm is ‘really' an ought-to-do norm in disguise, it is an incomplete ought-to-do norm, because it leaves the actor unspecified. This deficiency can be remedied, however, by saying that the actors are those who are responsible for seeing to it that the obligatory state of affairs is achieved or maintained.

#### Just implies a legal interpretation.

Us Legal, Inc., "Just Law and Legal Definition,", <https://definitions.uslegal.com/j/just/> //Aanya

The literal meaning of the term 'just' is fair, impartial, evenhanded, candid, or reasonable. It can also mean right or fair according to law. The term can be defined in a wider sense to mean ethically, morally and legally correct or right; lawful. Depending upon conformity to or in opposition to law all human actions are either just or unjust. Anything just would be in perfect harmony with the rights of others.

#### Recognize means acknowledgement.

Oxford Dictionary ND

**acknowledge** the existence, validity, or legality of.

#### Resolved means the affirmative must defend the implementation of a policy action.

**Parcher 1** (Jeff, Fmr. Debate Coach at Georgetown University, February, http://www.ndtceda.com/archives/200102/0790.html)

Pardon me if I turn to a source besides Bill. American Heritage Dictionary: Resolve: 1. To make a firm decision about. 2. To decide or express by formal vote. 3. To separate something into constituent parts See Syns at \*analyze\* (emphasis in orginal) 4. Find a solution to. See Syns at \*Solve\* (emphasis in original) 5. To dispel: resolve a doubt. - n 1. Frimness of purpose; resolution. 2. A determination or decision. (2) The very nature of the word "resolution" makes it a question. American Heritage: A course of action determined or decided on. A formal statemnt of a deciion, as by a legislature. (3) The resolution is obviously a question. Any other conclusion is utterly inconcievable. Why? Context. The debate community empowers a topic committee to write a topic for ALTERNATE side debating. The committee is not a random group of people coming together to "reserve" themselves about some issue. There is context - they are empowered by a community to do something. In their deliberations, the topic community attempts to craft a resolution which can be ANSWERED in either direction. They focus on issues like ground and fairness because they know the resolution will serve as the basis for debate which will be resolved by determining the policy desireablility of that resolution. That's not only what they do, but it's what we REQUIRE them to do. We don't just send the topic committee somewhere to adopt their own group resolution. It's not the end point of a resolution adopted by a body - it's the prelimanary wording of a resolution sent to others to be answered or decided upon. (4) Further context: the word resolved is used to emphasis the fact that it's policy debate. Resolved comes from the adoption of resolutions by legislative bodies. A resolution is either adopted or it is not. It's a question before a legislative body. Should this statement be adopted or not. (5) The very terms 'affirmative' and 'negative' support my view. One affirms a resolution. Affirmative and negative are the equivalents of 'yes' or 'no' - which, of course, are answers to a question

#### Precision first—anything else justifies the aff arbitrarily jettisoning words in the resolution which decks predictable limits. 1AR counterinterps predicated on their ethical theory miss the boat—they must counter-define terms.

#### Vote neg for ground and limits—Philosophical effects of a right to strike aren’t germane to the topic—governments research implications of legal recognition rather than ivory-tower ethics discussions. Semantics frame topic lit and negative prep burdens—their interp promotes stale debates with no specific evidence which prevents rigorous testing and clash. Topic lit is about recognition as a policy, not an ethical theory — the topic is incoherent without political context. Their interp moots every core policy position: they’ll skirt DA links and CP competition since they’re contingent on implementing a policy option and they can say it’s not intentional.

#### TVA – Defend that strikes DESTROY unions – they decrease support for them and cause harm to communities. At worst, there’s nothing instrumental to the rez that mandates they defend union legitimacy since it’s not a word in the topic.

**Boldea 19** Boldea Patrick [University of California-Berkeley] “Striking Out: Why Strikes Weaken Union Positions Politically” Berkeley Political Review, 2019. MB

The GM strike, beginning in September of 2019, is set to be the largest strike of the past 18 years. In fact, 2018 as a whole saw the largest number of strikes in decades and support for labor unions has polled at a 20 year high with candidates like Bernie Sanders highlighting their importance in his economic and political strategies. Many left-leaning individuals often express admiration for the union golden era of the 1940s and 50s, when there were sometimes as many as 400 strikes of over 1000 people per year and union membership was at a historic high. With all the positive rhetoric surrounding unions, it may be difficult for someone to understand why anyone, aside from cartoonish caricatures of capitalist pig-men in coat and tails, would ever dislike unions. However, the unintended consequences of the GM strike highlight the ways in which the main tool of unions, the strike, is deeply flawed from a political economy perspective. With a decline in union membership and manufacturing in the US and the interconnectivity of global supply chains, the benefits of a strike fall to fewer and fewer hands while the direct consequences of the strike can still cause great harm to the local economy. Many in America live paycheck-to-paycheck, and strikes can have a strong impact on the financial well-being of the strikers who have to tighten their belt or go into debt. In communities that rely on money from manufacturing workers to spend, this can cause an intense ripple effect that can be felt for miles. If Bob the tire quality control specialist doesn’t have any money, then he doesn’t buy coffee from his local diner, which in turn affects the income of the cooks in the diner who may then forgo purchases at other stores. This is essentially the so-called “virtuous cycle” of economic growth working in reverse, which can cause an intense contraction, which some fear could cause a recession locally as well as statewide. Thusly, even ordinary working people in an area attached to a factory town have a vested interest in ensuring union strikes are ended quickly and do not happen often. This generally results in anti-union legislation or in legislation to cement union desires into public policy without causing the type of damage typically associated with strikes. Locals near an autoplant are not the only people that have direct financial stake in ensuring strikes don’t happen. Suppliers up and down the chain are also deeply affected and even more intimately attached to these strikes. Within GM itself, roughly 10,000 non-union workers have been placed on furlough as a result of the strike mentioned at the beginning of the piece. This is because without unionized labor in certain fields, the whole cycle of production shuts down, and everyone involved is unable to continue working. With chains of supply so directly interlinked, a stop at any point, union or non-union, could cause a work-stop for all other points in the chain. Workers in Canada and Mexico have also been placed on unpaid furlough, causing them to lose income without any possibility of gain and with no incentive on behalf of their American counterparts to represent their competing interests. Auto parts suppliers to GM, such as American Axle & Manufacturing Holdings, have already reported having to lay off workers due to projected losses from the strike. Car dealerships, which are up the supply chain from the plant, have reported hardships in servicing GM cars due to shortages of materials as well. This point brings me to the last victim of strikes: the wider public. America is fundamentally a consumption heavy economy. Our strength relies on our ability to purchase and consume. Almost 70 percent of our GDP comes from consumption. Any reduction in consumption affects the economy as a whole in a big way, and strikes cause a reduction in production and consumption of the product in question and other products inadvertently. If prices or parts get too scarce, that causes prices to go up and consumers to be shut out of the market. Even worse than that, many states such as Tennessee rely almost exclusively on sales tax for government revenue (California still nets about 20 billion a year in sales taxes). A strike not only affects consumers but also affects the most vulnerable members of our society who rely on government sponsored welfare. In conclusion, part of the reason for the decline in political support for unions is due to incredible destructive and disruptive power of strikes. While national labor standards laws can be achieved through the ballot box, the picket line drives a wedge between union interests and the rest of society. Unions should stick to grassroots and political organization because, while strikes can bring them short term gains, they hurts those around them and expose the single-minded interest that unions have for their membership and the ability to disregard and harm their community at large.

**Pragmatic feminism is more ethical – you can use legalism to attack injustice without becoming a defense of the state’s other reps**

**-need to combine macro and micro-political resistance to challenge the Patriarchy**

**Armstrong 14**(Susan M. Armstrong is a nationally recognized legal educator whose accomplishments have been acknowledged by the LexisNexis-Australasian Law Teachers’ Association Award for Excellence and Innovation in the Teaching of Law. She was a foundational appointment to the new University of Western Sydney School of Law in 1996 and, before that, held research and policy positions in the Family Court of Australia and the Commonwealth Administrative Appeals Tribunal, 7/8/14, "Is Feminist Law Reform Flawed? Abstentionists & Sceptics," pg. online @ www.tandfonline.com/doi/pdf/10.1080/13200968.2004.10854323//DM)

Feminists have generally been ambivalent about whether law could or should be used as a tool for feminist action and strategy. Early feminist legal scholarship implicated law as central to a patriarchal political structure which reinforced women’s subordination. Politically committed to changing this, feminists sought to use law to address the unequal conditions under which many women live, but lamented the failure of feminist law reforms to achieve lasting or meaningful change.1 Some questioned whether law or legal method could ever respond to gendered claims and concluded that law was largely impervious to feminist perspectives.2 Others doubted that a feminist jurisprudence was possible.3 Still others became disillusioned by the law reform project altogether. **Frustrated by what they considered to be the naïve assumptions that informed feminist law reform and the paucity of its results, they cautioned feminists to abstain from reform and sought to engage differently with law.4 However, feminists are still challenged by the urgency and magnitude of the inequalities many women continue to experience.** Chastened by law reform failures and informed by developments within feminist legal theory, many feminists feel compelled to engage in legal reformist projects. This paper revisits debates within legal feminism about the merits of engaging with law reform. I survey a spectrum of feminist approaches to reformism to argue that **feminist law reform is not flawed. There is still scope, indeed necessity, for reform in a transformative feminist project**. British sociologists and feminists working in the field of domestic violence have described those supportive of legal interventions as ‘sceptical reformers’ and those who reject engagement with law and **law reform** as ‘abstentionists’.5 Whilst this categorisation was not solely directed at feminist analyses of law reform, and simplifies the complexity and range of critical feminist legal scholarship, it **is a useful framework for appraising feminist approaches** to law reform. Although I adopt this dualism as a shorthand to describe different approaches to law reform, it is more useful to situate these approaches along a continuum of readiness to engage in law reform, with abstentionists at one end and sceptics at the other. Nor do I wish to make too much of these distinctions. As Mari Matsuda reminds us, **feminists and other outsiders may need to adopt elements of a multiple consciousness appropriate to the circumstances. Like Angela Davis, they may be compelled to ‘embrace legalism as a tool of necessity’ to attack injustice, yet at other times ‘stand outside the courtroom door’,** condemning the abuse of law to sustain oppression and domination.6 **I prefer the term ‘sceptical pragmatists’ to describe feminists willing to engage in law reform**. They **share with legal pragmatists an acceptance that law can, and in some instances must, be used in an instrumentalist sense to achieve some broader social goal**, or to limit the erosion of existing entitlements, **but** they are sceptical because they **appreciate the political limitations and practical difficulties associated with law reform**. The discussion below is not an exhaustive review of feminist scholarship dealing with law reform, but focuses on a few of those whose work is emblematic of these approaches. Whilst the feminists reviewed may not necessarily categorise themselves as abstentionists or sceptics, and their body of work does not unambiguously present either perspective, these terms do reflect a tendency in their scholarship.

#### It’s not just that the aff doesn’t solve but that it is actively harmful by inviting political inaction.  A turn towards the personal is a turn away from the structural dimensions of social problems – they encourage personal solutions to structural problems

#### Tonn 05

assoc. prof of comm. @ u of Maryland (Mari, “Taking Conversation, Dialogue, and Therapy Public ,” Rhetoric & Public Affairs 8.3 (2005) 405-430)

Fourth, **a communicative model that views public issues through a relational, personal, or therapeutic lens nourishes hegemony by inviting political inaction. Whereas the objective of**conventional public argument is achieving an instrumental goal such as a verdict or legislation, the aim of social conversation generally stops with self-expression. As Schudson puts it, "Conversation has no end outside itself."39 Similarly, modeling therapeutic**paradigms that trumpet "talking cures" can discourage a search for political solutions to public problems by casting cathartic talk as sufficient remedy.**As Campbell's analysis of consciousness-raising groups in the women's liberation movement points out,**"[S]olutions must be structural, not merely personal, and analysis must move beyond personal experience and feeling .**. . Unless such transcendence occurs, there is no persuasive campaign . . . [but] only the very limited realm of therapeutic, small group interaction."40 Finally, and related**, a therapeutic framing of social problems threatens to locate the source and solution to such ills solely within the individual**, the **"self-help"** on which much therapy rests. A postmodern therapeutic **framing** of conflicts as relational misunderstandings occasioned by a lack of dialogue not only assumes that familiarity inevitably breeds caring (rather than, say, irritation or contempt) but, more importantly, **provides cover for ignoring the structural dimensions of social problems** such as disproportionate black [End Page 412] poverty. If objective reality is unavoidably a fiction, as Sheila McNamee claims, **all suffering can be dismissed as psychological rather than based in real, material circumstance, enabling** defenders of **the status quo** to admonish citizens to "heal" themselves.

#### Problem-oriented approaches to gender violence are necessary. Rational, cost-benefit analysis centric politics are necessary and not *determined by* gender, even if they’re informed by them

**McNay 14** -- Professor of Political Theory at Oxford University and Fellow of Somerville College, (Lois, *The Misguided Search for the Political*, 2014, p. 214-215, Lex RM)

What other features might a radical democratic theory possess that takes seriously the critique of social suffering? It may be more fruitful to adopt an approach that, at least in the first instance, is problem- rather than model-oriented. Radical democrats might do better to develop principles from an initial focus on specific issues of social inequality, rather than embark at the outset on a quest to distil the essence of the political and from this derive models into which all concrete struggles are subsequently shoehorned. Of course, any problem-oriented approach will unavoidably be 'influenced' by theoretical presuppositions, but it won't necessarily be as ‘driven’ by the rigid logic of the model that seems to flow from a one-sided focus on political ontology (see Shapiro 2007). It is, after all, a problem-oriented approach that has informed many other types of radical theorizing, such as feminism, and has made them suspicious of the formal abstractions of theory that disregard the distinctiveness of certain group experiences (e.g. Martineau and Squires 2012). Partly because of its established links with activism, feminist theorizing has more often than not been propelled, in the first instance, by particular problems relating to gender inequality and the marginalized experiences of women. Feminist political theorizing about justice, for instance, starts with the problem of the gendered division of labour, and the undervaluing of women's care work. It uses this sociological perspective to expose the conceptual deficiencies of asocial individualism as a device for deriving principles of justice because of the way it obscures human vulnerability and dependency and thereby fails to recognize care as a fundamental element of social justice (Bubeck 1995; Fraser 1997; Kittay 1999). Others feminists think through issues of democratic participation starting from the problem of the underrepresentation of women in [END PAGE 214] established democratic structures, their effective political invisibility, which is a consequence of their vulnerable position as workers in transnational production processes (e.g. Fraser 2008; Phillips 1991).

The hope is that a problem-oriented approach to radical democratic theorizing is less likely to result in the marginalization of the actual and disregard of distinctive group experiences than are approaches oriented to the issue of ontology. The difficulty with the latter approaches is that the strategy of temporarily bracketing off social relations in order to capture the essence of the political turns into a theoretical inability to reintroduce excluded issues of power without violating the pristine foundational logic that they claim to have identified. Consxequently, the logic of political ontology is given an unwarranted primacy that effectively occludes the autonomy and specificity of social relations and practices. Differently put, in so far as it lacks a sense of mediation, this political anti-essentialism becomes an essentialism. Thus, Mouffe is unable to address substantive issues about power that have a direct bearing on her model of democratic agonism because of a misplaced fear of falling into an essentialism that would violate her rigid linguistic constructivism. Arendtian ideas of political action as creative inauguration are famously empty, proscribing many issues of subordination and oppression by relegating them to the realm of social necessity and, therefore, privacy. Although his ontology of abundance is more materialist in nature, Connolly finds it hard to incorporate types of social experience or practice that do not conform to his notions of creative becoming and dynamic assemblages. In all these cases, social being is treated in a tokenistic and cipher-like fashion as simply yet another empirical exemplification of foundational dynamics of indeterminacy. Although it is not abstraction per se that causes socially weightless thinking, it may be that radical democratic theory may be better placed to think about oppression by deploying abstractions that are, at least in the first instance, sociological rather than philosophical in nature. The aim of grounding political theory in sociological reconstruction rather than ontological construction would be to, in Charles W. Mills’s words, 'reflect the specificities of group experience, thereby potentially generating categories and principles that illuminate rather than obfuscate the reality of different kinds of subordination' (2005: 173; also Honneth 2012: 46-8).

#### Kantian Topicality: constraints on deliberation are necessary to re-found the political---an untamed agon eviscerates political action and judgment skills

Dana Villa 96, prof of political science, Amherst, Beyond Good and Evil: Arendt, Nietzsche, and the Aestheticization of Political Action, Political Theory, Vol. 20, No. 2 (May, 1992), pp. 274-308//Recut Aanya

The representative thinking made possible by disinterested judgment is Arendt‘s Kantian version of Nietzsche's perspectival objectivity, the objectivity born of using “more" and “differ-em" eyes to judge/interpret a thing.” There is, however, an obvious and crucial difference between perspectives represented through the free play of imagination and the “perspective seeing" that Nietzsche describes. For Nietzsche, the ability to view the world aesthetically presupposes liberation from any residual sense that the link between signifier and signified is in any way nonarbitrary. Having “more” and “different” eyes simply means the ability to relativize all accepted meanings, to dissolve their apparent solidity in the free play of signifiers.135 In Kant and Arendt, on the other hand, the free play of the imagination, the capacity for representative thought, has the effect of focusing the judging agent's attention on the publicly available aspects of the representation.'‘‘‘’ The representative nature of judgment enables the transcendence of "individual limitations" and “subjective private conditions,” thereby freeing us for the purely public aspect of the phenomenon. The difference between genealogical "objectivity" and representative judgment, between the kind of aesthetic distance endorsed by Nietzsche and [hat endorsed by Kant and Arcndt, is summed up by the contrast between Nietzsche’s trope of “seeing things from another planet" and the Kantian] Arendtian appeal to “common sense,” the sensus communis.m Nietzschean aestheticism, in the form of perspectivism, has the effect of either placing one beyond any community of interpretation (the genealogical standpoint) or denying that a viable “background consensus" exists, thereby robbing the public realm of its fundamental epistemological precondition. There can be no arena of common discourse, no genuinely public space, whcn the “death of God” leads to the advent of Weber's “waning gods."Us Lyotard expresses a similar thought when he links the discovery of an irreducible plurality of incommensurable language games to the decline of the legitimizing metanarratives of modernity . in such a situation, judgment and interpretation are inevitably aestheticized: we are left, in Nietzsche's phrase, with the "yay and nay of the palate.""° For Kant, the significance and implications of aesthetic distance are quite opposite. As noted previously, he is struck by the public character of the beautiful, despite the nonobjective quality of aesthetic t’ntpel'ience.“I The impartiality of detached aesthetic judgment, while not pretending to truth, guarantees that the object or ground of aesthetic satisfaction will be communicable. This in turn reveals a quality of taste as judgment, which is obscured by Nietzsche, and our own subjectivist notion of taste. Taste judgments of the disinterested sort are characterized by a peculiar claim: the pure judgment of taste "requires the agreement of everyone, and he who describes anything as beautiful claims that everyone ought to give approval to the object in question and describe it as beautiful?” The communicability of taste judgments leads Kant to posit the existence of a common sense, a common “feeling for the world." Indeed, Kant describes taste itself as “a kind of sensus communism“ The aesthetic distance achieved by representative thought thus points to the “grounding” of judging insight in common sense, a point that Arendt emphasizes. "Common sense,” she writes, “discloses to us the nature of the world insofar as it is a common world; we owe to it the fact that our strictly private and "subjective" five senses and their sensory data can adjust themselves to a nonsubjective and “objective” world which we have in common and share with others.“'“ The significance of Kanl’s theory oftaslejudgmcm for politics is that it shows how a nonfoundationalist theory of judgment can in fact serve to strengthen rather than undermine our sense of a shared world of appearances. Kant's analysis of taste judgment reveals how, in Arendt's words, “judging is one, if not the most, important activity in which this sharing-the-world-with-others comes to pass?"5 It does so by highlighting the public-directed claim implicit in all pure judgments of taste, by showing how the expression of approval or disapproval, satisfaction or dissatisfaction appeals to the common sense of one‘s judging peers. In matters of taste, one “expects agreement from everybody else.”"" Oriented toward agreement, relying on common sense, taste judgment emerges, contra Nietmhe, as the activity through which the public world presences itself as appearance, as the activity through which a community “decides how this world, independently of its utility and all our vital interests in it, is to look and sound, what we will see and what men will hear in Kant‘s theory of judgment thus opens a space between the false objectivism of Plato (political judgment as a kind of episteme, as determinative judgment) and the subjectivism that accompanies Nietzsche’s endorsement of perspectival valuation. Taste judgments are valid, but their “specific validity“ is to be understood precisely in opposition to the "objective universal validity" that marks cognitive or practical judgments in the Kantian sense. As Arendt says, “its claims to validity can never extend further than the others in whose place the judging person has put himself for his considerations?“ Taste judgments are crucially dependent on perspective, the "it appears to me," on “the simple fact that each person occupies a place of his own from which he looks upon and judges the world.”"° Nevertheless, they constantly return us to a world of appearances “common to all its inhabitants. “Kant’s notion of taste judgment provides the perfect model for political judgment, in Arendt’s opinion, because it preserves appearance and perspective without abolishing the world. We can sum up the achievement of Kant’s theory of judgment by saying that it removes the spectre of the subjectivism of perspectivism of taste, yet without recourse to objective or cognitive grounds of validation. Lacking an objective principle, taste judgments are necessarily difficult, and where their validity is questioned, it can be redeemed only by persuasive means. As Arendt says in “The Crisis in Culture”: taste judgments (unlike demonstrable facts or truths demonstrated by argument) “share with political opinions that they are persuasive; the judging person — as Kant says quite beautifully -can only ‘woo the consent of everyone else’ in the hope of coming to an agreement with him eventually.”"° Taste judgments are, in a word, redeemed deliberatively. Kant's conception of aesthetic judgment—departing from the exchange of viewpoints necessary for representative thinking and culminating in the persuasive exchange that accompanies the rendering of each judgment—is thus, for Arendt, political through and through.‘51 It requires an ongoing process of exchange and deliberation, one "without criteria," as Lyotard would say)“ This is yet another reason why Kantian taste judgment is the appropriate model for Arendt’s account of political judgment, the “receptive side” of virtuoso action. It reasserts the intersubjective nature of both appearances and judgment while severing the links between the common or public and the universal. Our capacity for judgment rests on our feeling for the world, and this requires neither a transcendental ground for appearances nor universally valid criteria of argumentative rationality. Practical questions emphatically do not admit of truth.‘” Yet political judgment seen as a kind of taste judgment nevertheless helps to tame the agon by reintroducing the connection between plurality and deliberation, by showing how the activity of judgment can, potentially, reveal to an audience what they have in common in the process of articulating their differences. And what they have in common, contra Aristotle and contemporary oommunitarians, are not purposes per se but the world. Debate, not consensus, constitutes the essence of political life, according to Arcndtf" The conception of taste judgment proposed by Kant reopens the space of deliberation threatened by an overly agonistic aestheticization of action but in such a way that consensus and agreement are not the Isles of action and judgment but, at best. a kind of regulative ideal. The turn to Kant thus enables Arendt to avoid the antipolitical tendencies encountered in the actor-centered version of agonistic action. The meaning creative capacity of nonsovereign action becomes importantly dependent on the audience, conceived as a group of deliberating agents exercising their capacity for judgment. The judgment of appearances or the meaning of action is seen by Arcndt as predicated on a twofold “death of the author”: the actor does not create meaning as the artist does a work1 nor can the audience redeem the meaning of action through judgment unless the individuals who constitute it are able to forget themselves. This is not to say that Arendt’s conception of political action and judgment extinguishes the self; rather, it is to say that self-coherence is achieved through a process of self-disclosure that is importantly decentered for both actor and judge, for the judging spectator is also engaged in the "sharing of words and deeds” in his capacity as a deliberating agent. As Arendt reminds us, “By his manner of judging, the person discloses to an extent also himself, what kind of person he is, and this disclosure, which is involuntary, gains in validity to the degree that it has liberated itself from merely individual idiosyncrasiesm’ The agon is tamed, then, not by retreating from the aestheticization of action but by following its anti-Platonic impulse through to the end. The "completion" of the theory of action by a Kant-inspired theory of judgment retains the focus on action as something heroic or extraordinary, as beyond good and evil. It does so, however, by shifting the emphasis from world- and self-creation to the world-illuminating power of “great" words and deeds, to [he beauty of such action. As a public phenomenon, the beautiful can only be confirmed in its being by an audience animated by a care for the world. The difference between Arendt’s aesthcticization of politics and Nietzsche's aestheticizatjon of life is nowhere clearer than in the connection that Arendt draws between greatness and beauty in "The Crisis in Culture": Generally speaking, culture indicates that the public realm, which is rendered politically secure by men ofaction, offers its space of display to those things whose essence it is to appear and to be beautiful. In other words. culture indicates that an and politics. their conflicts and tensions notwithstanding. are interrelated and even mutually dependent. Seen against the blckground of political experiences and of activities which, if left to themselves, come and go without leaving any trace in the world, beauty is the manifestation ofimpcrishability. The fleeting greatness of word and deed can endure to the extent that beauty is bestowed upon it Mthout the beauty, that is, the radiant glory in which potential immortality is made manifest in the human world, all human life would be futile and no greatness could endure. Arendtian aestheticism, an aestheticism predicated on a love of the world and which admires great action because it possesses a beauty that illuminates the world, is critically different from Nietzschean aestheticism, the aestheticism of the artist. A persistent theme in Arendt's writing, one parallel to her emphasis on the tension between philosophy and politics, concerns the conflict between art and politics.157 This conflict does not emerge out of the phenomenology of art versus that of political action; as we have seen, Arendt thinks both are importantly similar. Rather, the conflict centers on the mentality of the artist versus that of the political actor. The artist is, according to Arendt, a species of homo faber, who characteristically views the world in terms of means and ends. He is unable to conceive praxis independently of poiesis: the work always retains priority over the activity itself. The result is that performance is denigrated, action misconceived. Nietzsche, of course, has even less use for homo faber than Arendt, who takes pains to voice her criticism not against making as such but against the universalization ol'a particular attitude. Nevertheless, if we take an Arendtian perspective, it is clear that N ictzsche, the artist-philosopher, must be counted among those who “fall into the common error of regarding the state or govemmenl as a work of art,” as an expression of a form-giving will to power)” The Republic stands as the initiator of the state as “collective masterpiece," as artwork, trope. The fact that Plato launched this metaphor in terms of what Lacoue-Labarthe calls a “mimetology,” while Nietzsche repudiates again and again all metaphors of correspondence or adequation, does not alter their fundamental agreement: both regard action not as essentially performance but as making.I59 Poiesis has a radically different connounion for Nietzsche, to be sure, but the activity of self-fashioning and self-overcoming does not overturn the Platonic paradigm so much as bring it to closure. Nietzsche may explode the notion of telos in its classical sense, but the model of the work retains its significance. Thus despite the importance of his anti-Platonism to the project of dcconstructing the tradition’s model of action, his contribution to the thinking of plurality and difference in apolitical way is subject to a crucial limitation. Thought essentially in terms of an “aesthetics of existence," in terms of a project of self-fashioning freed from any telos, the positively valorized notion of difference proposed by Nietzsche remains poetic. Like the activity of the artist, it “must be isolated from the public, must be sheltered and concealed from it“ if it is to achieve adequate expression.“J The poetic, ultimately anti theatrical framework assumed by Nietzsche prohibits the Arendtian thought that under certain very specific conditions, it is precisely the public realm which is constituted by plurality and which enables the fullest, most articulated expression of difference. CONCLUSION Arendt resists the Habermasian temptation to seek quasi-transcendental standards of agreement in a “polytheistic" disillusioned age However, it is important to realize that her appeal to a Kantian notion of taste and the sensus communis is not tantamount to an endorsement of the Aristotelian view of political community and judgment (her comments linking tastejudgments to phroncsis notwithstanding).'°‘ Arendt’s Kantian, aeslheticizing turn has, unsurprisingly, confused commentators, who note the highly attenuated character of community and the depoliticizcd notion of judgment in Kant.‘M Arendt chooses Kantian formalism over Aristotelian concretencss because, while she wants to focus on the shared world of appearance that is the public realm, she has no desire whatever to frame “what we have in common” in terms of purposes or ends. In this regard, the problem with the Aristotelian notion of koinoru'a, as defined in book 3 of the Politics, is that it creates not a stage fot action but a vehicle for teleological fulfillment."u Arendt’s appeal to the sensus oommunis self-consciously avoids the overly substantive, local character of koinonia or Sittlichlteit. At the same time, it denies the false universalism of moralitat. Arendt‘s theory of judgment points not to the determinancy of phronesis, with its emphasis on context and local practices, but to "the free reflexive discovery of rules in light of indeterminate, transcendent ideas of community” The critique of Aristotelian/oommunitarian thinking is also applicable to the kind of postmodern relativism that we find in a thinker like Lyotard. Like Arendt, Lyotard's conception of judgment is a curious mixture of Nietzschean, Aristotelian, and Kantian elements)” However, the postmodern "incredulity towards metanarratives” serves not only to deny the possibility of any overarching metadiscourse that might render diverse language games commensurable but to deny the possibility of a public space of discourse, at least insofar as this space claims, implicitly, to synthesize perspectives and distance interests. For Lyotard, discourse is essentially fragmented: “All we can do is gaze in wonderment at the diversity of discursive species, just as we do at the diversity of plant or animal speities."166 It is also incducibly interested: “to speak is to fight, in the general sense of playing, and speech acts fall within the domain of a general agonistic:s."'67 Given these assumptions, it is not surprising that Lyotard feels that Kant has left our ability to judge "hanging,” as it were, and turns to the will to power as an explanation of this faculty.“8 What we find in Lyotard is the false Nietzschean dichotomy between a universal, metaphysically grounded metadiscourse and a fragmented, postmetaphysical discursive realm in which “public” discourse/judgment reflects either local habit or the agonistic ability to create new moves, impose new interpretations, generate new criteria— all in the name of the will to power.“ Arendt's appeal to taste judgment and a shared feeling for the world may be immensely problematic, but it does serve to underline the falseness of this dichotomy. One may grant that Arendl's aesthcticism avoids the trope of the fiction du polin'que, universalism, and postmodern pluralism. yet still feel that her “solution" is of dubious relevance to our situation. True, there is a distance and alienation built into the Kantian idea of a community of taste that may make the Arendtian response to Enlightenment universalism more palatable to a postmodern sensibility than the oven Aristotelianism of a Maclntyre or a Gadamer. Nevertheless, the “withering away of common sense" in the modern and postmodern ages would appear to relegate Arendt's modification of Nietzschean aestheticism t0 the status of a rearguard action. The fragmentation of contemporary life renders the idea of a “common fooling for the world" more paradoxical, and possibly less viable, than a recovery of ethos or the legislation of a proceduralist rationality. "Hie simple answer to this objection is mat Arendt completely agrees. Her work stands not only as a comprehensive rethinking of the nature and meaning of political action but as an extended mediation on how the energies of modernity have worked to dissipate our feeling for the world, to alienate us from the worlti The last part of The Human Condition equates modernity with world alienation: the reduction of Being to process, the subjeclification of the real, and finally, the triumph of a laboring mentality all work to alienate man not from himself but from the world."’° “Worldliness,” presupposed by the sensus communis, is not a distinguishing characteristic of the animal laboranst Similarly, Arendt would entirely agree with the postmodernist who questions the possibility of circumscribing a particular realm of phenomena in a world where boundaries are increasingly blurred. in her analysis of "the rise of the social” in the modern age, Arcndt identifies this blurring as the central movement of modernity."l Her work departs from the strongest possible conviction that our reality is one in which stable boundaries and distinctions have been dissolved and rendered virtually impossible. The postmodernist will object that Arendtian aestheticism. unlike Nietzsche's, mourns the loss of the world as an articulated, bounded whole. Nietzschean aestheticism is an affirmation of the Dionysian capacity to destroy fixed identities, to dissolve Apollonian slampings into flux. Postmodern theory affirms this aestheticism, exaggerating the immanent tendencies of postmodern reality in the pursuit of an active (i.e., creative) nihilism: it has no time for guilty nostalgia. Arendtian aestheticism, in contrast, stakes its hopes entirely on the rethematization of certain ontological dimensions of human experience (action, the public world, and self), which this blurring obscures, denatures, and makes increasingly difficult to articulate. The fetishistic quality of her distinction making, her Kantian finickincss in delimiting the political: these attest to a deeply rooted desire to preserve the possibility of meaning created by political action and redeemed by political judgment.

#### Contradiction in conception: if nobody defended the topic there would be no topic to defend.

#### Topicality must be a voting issue evaluated through competing interps– the role of the ballot is to vote for whoever does the better debating over the resolutional question. Any 1AR role for debate must explain why we switch sides and why there has to be a winner and a loser – switching sides within the competitive yet limited bounds of the topic performs the labor of the negative which avoids group polarization and untested advocacy

Ralf Poscher 16, director of the Institute for Staatswissenschaft & Philosophy of Law, Professor of Public Law and Legal Philosophy, “Why We Argue About the Law: An Agonistic Account of Legal Disagreement,” in *Metaphilosophy of Law*, ed. Gizbert-Studnicki, Dyrda, Banas, 2/19/16, SSRN//Recut Aanya

Hegel’s dialectical thinking powerfully exploits the idea of negation. It is a central feature of spirit and consciousness that they have the power to negate. The spirit “is this power only by looking the negative in the face and tarrying with it. This […] is the magical power that converts it into being.”102 The tarrying with the negative is part of what Hegel calls the “labour of the negative”103. In a loose reference to this Hegelian notion Gerald Postema points to yet another feature of disagreements as a necessary ingredient of the process of practical reasoning. Only if our reasoning is exposed to contrary arguments can we test its merits. We must go through the “labor of the negative” to have trust in our deliberative processes.104 This also holds where we seem to be in agreement. Agreement without exposure to disagreement can be deceptive in various ways. The first phenomenon Postema draws attention to is the group polarization effect. When a group of like‐minded people deliberates an issue, informational and reputational cascades produce more extreme views in the process of their deliberations.105 The polarization and biases that are well documented for such groups 106 can be countered at least in some settings by the inclusion of dissenting voices. In these scenarios, disagreement can be a cure for dysfunctional deliberative polarization and biases.107 A second deliberative dysfunction mitigated by disagreement is superficial agreement, which can even be manipulatively used in the sense of a “presumptuous ‘We’”108. Disagreement can help to police such distortions of deliberative processes by challenging superficial agreements. Disagreements may thus signal that a deliberative process is not contaminated with dysfunctional agreements stemming from polarization or superficiality. Protecting our discourse against such contaminations is valuable even if we do not come to terms. Each of the opposing positions will profit from the catharsis it received “by looking the negative in the face and tarrying with it”. These advantages of disagreement in collective deliberations are mirrored on the individual level. Even if the probability of reaching a consensus with our opponents is very low from the beginning, as might be the case in deeply entrenched conflicts, entering into an exchange of arguments can still serve to test and improve our position. We have to do the “labor of the negative” for ourselves. Even if we cannot come up with a line of argument that coheres well with everybody else’s beliefs, attitudes and dispositions, we can still come up with a line of argument that achieves this goal for our own personal beliefs, attitudes and dispositions. To provide ourselves with the most coherent system of our own beliefs, attitudes and dispositions is – at least in important issues – an aspect of personal integrity – to borrow one of Dworkin’s favorite expressions for a less aspirational idea. In hard cases we must – in some way – lay out the argument for ourselves to figure out what we believe to be the right answer. We might not know what we believe ourselves in questions of abortion, the death penalty, torture, and stem cell research, until we have developed a line of argument against the background of our subjective beliefs, attitudes and dispositions. In these cases it might be rational to discuss the issue with someone unlikely to share some of our more fundamental convictions or who opposes the view towards which we lean. This might even be the most helpful way of corroborating a view, because we know that our adversary is much more motivated to find a potential flaw in our argument than someone with whom we know we are in agreement. It might be more helpful to discuss a liberal position with Scalia than with Breyer if we want to make sure that we have not overlooked some counter‐argument to our case. It would be too narrow an understanding of our practice of legal disagreement and argumentation if we restricted its purpose to persuading an adversary in the case at hand and inferred from this narrow understanding the irrationality of argumentation in hard cases, in which we know beforehand that we will not be able to persuade. Rational argumentation is a much more complex practice in a more complex social framework. Argumentation with an adversary can have purposes beyond persuading him: to test one’s own convictions, to engage our opponent in inferential commitments and to persuade third parties are only some of these; to rally our troops or express our convictions might be others. To make our peace with Kant we could say that “there must be a hope of coming to terms” with someone though not necessarily with our opponent, but maybe only a third party or even just ourselves and not necessarily only on the issue at hand, but maybe through inferential commitments in a different arena. f) The Advantage Over Non‐Argumentative Alternatives It goes without saying that in real world legal disagreements, all of the reasons listed above usually play in concert and will typically hold true to different degrees relative to different participants in the debate: There will be some participants for whom our hope of coming to terms might still be justified and others for whom only some of the other reasons hold and some for whom it is a mixture of all of the reasons in shifting degrees as our disagreements evolve. It is also apparent that, with the exception of the first reason, the rationality of our disagreements is of a secondary nature. The rational does not lie in the discovery of a single right answer to the topic of debate, since in hard cases there are no single right answers. Instead, our disagreements are instrumental to rationales which lie beyond the topic at hand, like the exploration of our communalities or of our inferential commitments. Since these reasons are of this secondary nature, they must stand up to alternative ways of settling irreconcilable disagreements that have other secondary reasons in their favor – like swiftness of decision making or using fewer resources. Why does our legal practice require lengthy arguments and discursive efforts even in appellate or supreme court cases of irreconcilable legal disagreements? The closure has to come by some non‐argumentative mean and courts have always relied on them. For the medieval courts of the Germanic tradition it is bequeathed that judges had to fight it out literally if they disagreed on a question of law – though the king allowed them to pick surrogate fighters.109 It is understandable that the process of civilization has led us to non‐violent non‐ argumentative means to determine the law. But what was wrong with District Judge Currin of Umatilla County in Oregon, who – in his late days – decided inconclusive traffic violations by publicly flipping a coin?110 If we are counting heads at the end of our lengthy argumentative proceedings anyway, why not decide hard cases by gut voting at the outset and spare everybody the cost of developing elaborate arguments on questions, where there is not fact of the matter to be discovered? One reason lies in the mixed nature of our reasons in actual legal disagreements. The different second order reasons can be held apart analytically, but not in real life cases. The hope of coming to terms will often play a role at least for some time relative to some participants in the debate. A second reason is that the objectives listed above could not be achieved by a non‐argumentative procedure. Flipping a coin, throwing dice or taking a gut vote would not help us to explore our communalities or our inferential commitments nor help to scrutinize the positions in play. A third reason is the overall rational aspiration of the law that Dworkin relates to in his integrity account111. In a justificatory sense112 the law aspires to give a coherent account of itself – even if it is not the only right one – required by equal respect under conditions of normative disagreement.113 Combining legal argumentation with the non‐argumentative decision‐ making procedure of counting reasoned opinions serves the coherence aspiration of the law in at least two ways: First, the labor of the negative reduces the chances that constructions of the law that have major flaws or inconsistencies built into the arguments supporting them will prevail. Second, since every position must be a reasoned one within the given framework of the law, it must be one that somehow fits into the overall structure of the law along coherent lines. It thus protects against incoherent “checkerboard” treatments114 of hard cases. It is the combination of reasoned disagreement and the non‐rational decision‐making mechanism of counting reasoned opinions that provides for both in hard cases: a decision and one – of multiple possible – coherent constructions of the law. Pure non‐rational procedures – like flipping a coin – would only provide for the decision part. Pure argumentative procedures – which are not geared towards a decision procedure – would undercut the incentive structure of our agonistic disagreements.115 In the face of unresolvable disagreements endless debates would seem an idle enterprise. That the debates are about winning or losing helps to keep the participants engaged. That the decision depends on counting reasoned opinions guarantees that the engagement focuses on rational argumentation. No plain non‐argumentative procedure would achieve this result. If the judges were to flip a coin at the end of the trial in hard cases, there would be little incentive to engage in an exchange of arguments. It is specifically the count of reasoned opinions which provides for rational scrutiny in our legal disagreements and thus contributes to the rationales discussed above. 2. The Semantics of Agonistic Disagreements The agonistic account does not presuppose a fact of the matter, it is not accompanied by an ontological commitment, and the question of how the fact of the matter could be known to us is not even raised. Thus the agonistic account of legal disagreement is not confronted with the metaphysical or epistemological questions that plague one‐right‐answer theories in particular. However, it must still come up with a semantics that explains in what sense we disagree about the same issue and are not just talking at cross purposes. In a series of articles David Plunkett and Tim Sundell have reconstructed legal disagreements in semantic terms as metalinguistic negotiations on the usage of a term that at the center of a hard case like “cruel and unusual punishment” in a death‐penalty case.116 Even though the different sides in the debate define the term differently, they are not talking past each other, since they are engaged in a metalinguistic negotiation on the use of the same term. The metalinguistic negotiation on the use of the term serves as a semantic anchor for a disagreement on the substantive issues connected with the term because of its functional role in the law. The “cruel and unusual punishment”‐clause thus serves to argue about the permissibility of the death penalty. This account, however only provides a very superficial semantic commonality. But the commonality between the participants of a legal disagreement go deeper than a discussion whether the term “bank” should in future only to be used for financial institutions, which fulfills every criteria for semantic negotiations that Plunkett and Sundell propose. Unlike in mere semantic negotiations, like the on the disambiguation of the term “bank”, there is also some kind of identity of the substantive issues at stake in legal disagreements. A promising route to capture this aspect of legal disagreements might be offered by recent semantic approaches that try to accommodate the externalist challenges of realist semantics,117 which inspire one‐right‐answer theorists like Moore or David Brink. Neo‐ descriptivist and two‐valued semantics provide for the theoretical or interpretive element of realist semantics without having to commit to the ontological positions of traditional externalism. In a sense they offer externalist semantics with no ontological strings attached. The less controversial aspect of the externalist picture of meaning developed in neo‐ descriptivist and two‐valued semantics can be found in the deferential structure that our meaning‐providing intentions often encompass.118 In the case of natural kinds, speakers defer to the expertise of chemists when they employ natural kind terms like gold or water. If a speaker orders someone to buy $ 10,000 worth of gold as a safe investment, he might not know the exact atomic structure of the chemical element 79. In cases of doubt, though, he would insist that he meant to buy only stuff that chemical experts – or the markets for that matter – qualify as gold. The deferential element in the speaker’s intentions provides for the specific externalist element of the semantics. In the case of the law, the meaning‐providing intentions connected to the provisions of the law can be understood to defer in a similar manner to the best overall theory or interpretation of the legal materials. Against the background of such a semantic framework the conceptual unity of a linguistic practice is not ratified by the existence of a single best answer, but by the unity of the interpretive effort that extends to legal materials and legal practices that have sufficient overlap119 – be it only in a historical perspective120. The fulcrum of disagreement that Dworkin sees in the existence of a single right answer121 does not lie in its existence, but in the communality of the effort – if only on the basis of an overlapping common ground of legal materials, accepted practices, experiences and dispositions. As two athletes are engaged in the same contest when they follow the same rules, share the same concept of winning and losing and act in the same context, but follow very different styles of e.g. wrestling, boxing, swimming etc. They are in the same contest, even if there is no single best style in which to wrestle, box or swim. Each, however, is engaged in developing the best style to win against their opponent, just as two lawyers try to develop the best argument to convince a bench of judges.122 Within such a semantic framework even people with radically opposing views about the application of an expression can still share a concept, in that they are engaged in the same process of theorizing over roughly the same legal materials and practices. Semantic frameworks along these lines allow for adamant disagreements without abandoning the idea that people are talking about the same concept. An agonistic account of legal disagreement can build on such a semantic framework, which can explain in what sense lawyers, judges and scholars engaged in agonistic disagreements are not talking past each other. They are engaged in developing the best interpretation of roughly the same legal materials, albeit against the background of diverging beliefs, attitudes and dispositions that lead them to divergent conclusions in hard cases. Despite the divergent conclusions, semantic unity is provided by the largely overlapping legal materials that form the basis for their disagreement. Such a semantic collapses only when we lack a sufficient overlap in the materials. To use an example of Michael Moore’s: If we wanted to debate whether a certain work of art was “just”, we share neither paradigms nor a tradition of applying the concept of justice to art such as to engage in an intelligible controversy.

#### Drop the debater – Changing your advocacy kills NC strat because the 1ac advocacy is the only stasis point for NC offense, anything else moots all clash and fairness. No cross apps from the aff since framework proves that that layer was skewed to begin with so we can’t actually test the truth of cross applications to the affirmative.

#### New 2nr answers to AC preempts because they are hidden, and implications are unknown until the 1ar.

#### No impact turns or rvis - A] Perfcon – if T’s bad and you vote for them on that arg, you’re voting on T. B] Substance – if T’s bad then we should try debating on substance – impact turns force me to go for T since I need to defend my position.

## Case

### 1NC – Presumption

#### Recognition politics co-opts the fight for equality---attributes suffering to identities instead of macropolitical structures that encode the current feminine identity. Fraser 13

(Nancy, Loeb Professor of Philosophy and Politics at the New School for Social Research, Einstein Fellow of the city of Berlin, and holder of the “Global Justice” Chair at the Collège d’études mondiales in Paris. Her books include Redistribution or Recognition; Adding Insult to Injury; Scales of Justice; Justice Interruptus; and Unruly Practices) Fortunes of Feminism: From State-Managed Capitalism to Neoliberal Crisis. Verso Books, 2013.

Enter the politics of recognition. **If the initial thrust of postwar feminism was to “ engender” the socialist imaginary, the later tendency was to redefine gender justice as a project aimed at “ recognizing difference.” “ Recognition,” accordingly, became the chief grammar of feminist claims-making at the fin de siecle. A venerable category o f Hegelian philosophy, resuscitated by political theorists, this notion captured the distinctive character of “post-socialist” struggles, which often took the form of identity politics, aimed more at valorizing cultural difference than at promoting economic equality.** Whether the question was care work, sexual violence, or gender disparities in political representation, **feminists increasingly resorted to the grammar of recognition to press their claims.** **Unable to transform the deep gender structures of the capitalist economy, they preferred to target harms rooted in androcentric patterns o f cultural value or status hierarchies. The result was a major shift in the feminist imaginary: whereas the previous generation had sought to remake political economy, this one focused more on transforming culture.** The results were decidedly **mixed. On the one hand, the new feminist struggles for recognition continued the earlier project of expanding the political agenda beyond the confines o f class redistribution; in principle they served to broaden, and to radicalize, the concept of justice. On the other hand, however, the figure o f the struggle for recognition so thoroughly captured the feminist imagination that it served more to displace than to deepen the socialist imaginary.** **The effect was to subordinate social struggles to cultural struggles, the politics of redistribution to the politics o f recognition.**That was not, to be sure, the original intention. It was assumed, rather, by proponents of the cultural turn that a feminist politics o f identity and difference would synergize with struggles for gender equality. But that assumption fell prey to the larger Zeitgeist. In the fin de siecle context, **the turn to recognition dovetailed all too neady with a rising neoliberalism that wanted nothing more than to repress all memory of social egalitarianism. The result was a tragic historical irony. Instead of arriving at a broader, richer paradigm that could encompass both redistribution and recognition, feminists effectively tradedone truncated paradigm for another— a truncated economism for a truncated culturalism**. Today, however, perspectives centered on recognition alone lack all credibility. In the context of escalating capitalist crisis, the critique of political economy is regaining its central place in theory and practice. No serious social movement, least of all feminism, can ignore the evisceration of democracy and the assault on social reproduction now being waged by finance capital. Under these conditions, **a feminist theory worth its salt must revive the “ economic” concerns of Act One— without, however, neglecting the “ cultural” insights of Act Two.** But that is not all. It must integrate these not only with one another but also with a new set of “political” concerns made salient by globalization: How might emancipatory struggles serve to secure democratic legitimacy and to expand and equalize political influence in a time when the powers that govern our lives increasingly overrun the borders of territorial states? How might feminist movements foster equal participation transnation- ally, across entrenched power asymmetries and divergent worldviews? Struggling simultaneously on three fronts— call them redistribution, recognition, and representation— the feminism of Act Three must join with other anti-capitalist forces, even while exposing their continued failure to absorb the insights of decades of feminist activism. **Today’s feminism must, moreover, be sensitive to the historical context in which we operate. Situating ourselves vis-a-vis the broader constellation of political forces, we need to keep our distance both from market-besotted neoliberals and from those who seek to “ defend society” (replete with hierarchy and exclusion) from the market.** Charting a third path between that Scylla and Charybdis, a feminism worthy of Act Three must join other emancipatory movements in integrating our fundamental interest in non-domination with protectionists’ legitimate concerns for social security, without neglecting the importance of negative liberty, which is usually associated with liberalism.

#### Vote neg on presumption –

#### [1] Process turn – using debate as a mode of advocacy ensures the failure of [feminist movements] – competition means debaters ally themselves with individuals who vote for them and alienate those who are positioned with the burden of rejoinder and forced to negate – at worst you vote negative on presumption because they don’t use debate as a stepping stone for their advocacy outside the space and don’t have a net benefit to affirming the 1ac

#### [2] Academia turn – the 1ac is a regurgitation of knowledge that already exists within academia which proves they aren’t a departure from the status quo and voting aff is not intrinsic to affirming [a refusal of work]

#### [3] Competition turn – competition ensures they refines [a refusal of work ] according to what best wins them ballots from judges not according to what actually best resolves violence for individuals outside debate – ensures their method can’t scale up and gets coopted by problematic norms in the debate community

#### Now refuse their call for the ballot –

#### A – Ballots as social change bad

Karlberg 3 (Michael, Assistant Professor of Communication at Western Washington University, PEACE & CHANGE, v28, n3, July, p. 339-41)

Granted, social activists do "win" occasional “battles” in these adversarial arenas, but the root causes of their concerns largely remain unaddressed and the larger "wars" arguably are not going well. Consider the case of environmental activism. Countless environmental protests, lobbies, and lawsuits mounted in recent generations throughout the Western world. Many small victories have been won. Yet environmental degradation continues to accelerate at a rate that far outpaces the highly circumscribed advances made in these limited battles the most committed environmentalists acknowledge things are not going well. In addition, adversarial strategies of social change embody assumptions that have internal consequences for social movements, such as internal factionalization. For instance, virtually all of the social projects of the "left” throughout the 20th century have suffered from recurrent internal factionalization. The opening decades of the century were marked by political infighting among vanguard communist revolutionaries. The middle decades of the century were marked by theoretical disputes among leftist intellectuals. The century's closing decades have been marked by the fracturing of the a new left\*\* under the centrifugal pressures of identity politics. Underlying this pattern of infighting and factionalization is the tendency to interpret differences—of class, race, gender, perspective, or strategy—as sources of antagonism and conflict. In this regard, the political "left" and "right" both define themselves in terms at a common adversary—the "other"—defined by political differences. Not surprisingly, advocates of both the left and right frequently invoke the need for internal unity in order to prevail over their adversaries on the other side of the alleged political spectrum. However, because the terms left and right axe both artificial and reified categories that do not reflect the complexity of actual social relations, values, or beliefs, there is no way to achieve lasting unity within either camp because there are no actual boundaries between them. In reality, social relations, values, and beliefs are infinitely complex and variable. Yet once an adversarial posture is adopted by assuming that differences are sources at conflict, initial distinctions between the left and the right inevitably are followed by subsequent distinctions within the left and the right. Once this centrifugal process is set in motion, it is difficult, if not impossible, to restrain. For all of these reasons, adversarial strategies have reached a point of diminishing returns even if such strategies were necessary and viable in the past when human populations were less socially and ecologically interdependent those conditions no longer exist. Our reproductive and technological success as a species has led to conditions of unprecedented interdependence, and no group on the planet is isolated any longer. Under these new conditions, new strategies not only are possible but are essential. Humanity has become a single interdependent social body. In order to meet the complex social and environmental challenges now facng us, we must learn to coordinate our collective actions. Yet a body cannot coordinate its actions as long as its "left" and is "right," or its "north" and its "south," or its "east" and its "west" are locked in adversarial relationships.

#### B – Ballot isn’t a currency, you are neither changing the state nor the state of debate – debates are insulated, makes judges the authorities to decide the validity of struggle and acceptableness of their deviance which’s oppressive, and excludes those who don’t win by assuming their grievances are illegitimate sans ballots – turns case.

Bankey 13 (BRENDON BANKEY – A Thesis Submitted to the Graduate Faculty of WAKE FOREST UNIVERSITY GRADUATE SCHOOL OF ARTS AND SCIENCES in Partial Fulfillment of the Requirements for the Degree of MASTER OF ARTS Communication August 2013 – Bankey holds an BA from Trinity and now holds an MA from Wake Forest. This thesis was approved by: Michael J. Hyde, Ph.D., Advisor; Mary M. Dalton, Ph.D., Chair; R. Jarrod Atchison, Ph.D. THE “FACT OF BLACKNESS” DOES NOT EXIST: AN EVOCATIVE CRITICISM OF RESISTANCE RHETORIC IN ACADEMIC POLICY DEBATE AND ITS (MIS)USE OF FRANTZ FANON’S BLACK SKIN, WHITE MASKS – From Chapter Two – footnoting Atchison and Panetta and consistent with Bankey’s defense of an aspect of their position – http://wakespace.lib.wfu.edu/bitstream/handle/10339/39020/Bankey\_wfu\_0248M\_10473.pdf)

For Atchison and Panetta , “the ballot” a judge casts at the conclusion of a debate should signify nothing more or less than that person’s decision “to vote for the team that does the best debating.” This understanding encourages judges to limit their analysis of a debate to the arguments presented within each team’ s allotted times to speak. It would exclude decisions focused on resolving external abuses such as: determining the appropriateness of statements or events between a team or program that occurred outside of the immediate debate; challenging a school’s succ ess at “recruiting minority participants”; criticizing the civil rights legacy of participants’ academic institutions; or increasing the presence of underrepresented bodies in elimination debates. By contrast, some non - traditional teams interested in challenging the marginalizing effects of policy debate formats have begun to advocate what I call a “ballot as currency” model for judges to evaluate debates. While the specific terminology is not universally employed, the “ballot as currency” approach establis hes that a judge’s ballot signifies what bodies and practices she deems appropriate for policy debate. Within this model, a non - traditional team’s ability to accumulate wins is a referendum on the perceived acceptableness of their bodies for academic spaces. Beyond the structural factors that limit the visibility of any individual debate, Atchison and Panetta identify two problems with the “ballot as currency” method for evaluating debates. First, the “ballot as currency” approach presents the dilemma of “ asking a judge to vote to solve a community problem ” with very “few participants ” (generally the other people in the room) allowed to take a stake in the process. This places the course of community change on the shoulders of those who judge debates between traditional and non - traditional teams and excludes those “coaches and directors who are not preferred judges and, therefore, do not have access to many debates.” Furthermore, it excludes those “who might want to contribute to community conversation, but are not directly involved in competition.” Prioritizing the “ballot as currency” approach fails to recognize that “debate community is broader than the individual participants” of a given debate and risks the creation of “an insulated community that has a ll the answers” without ever engaging those concerned individuals who do not attend every competition. The result is that a very narrow set of judges, usually those that often judge Framework debates, are granted the authority to determine the outcome of communal change. 21

#### C – Ballot Link – Debate is distinct from academia, in that deliberation starts with the timer and ends with the ballot.  Impacts about debate and the assumption the ballot has political force to remedy antiblackness and presence subaltern knowledges is bougie ideology – to think that ballots change material conditions of violence is inseparable from magical voluntarism

Cloud and Gunn 10 (Joshua Gunn & Dana L. Cloud, Department of Communication, University of Texas at Austin, "Agentic Orientation as Magical Voluntarism" Communication Theory 20 (2010) 50–78 © 2010 International Communication Association//shree)

Over a decade ago anthropologists Jean and John L. Comaroff (1999) advanced the provocative thesis that *globalization in late capitalism* has led to ‘‘a dramatic intensification . . . of appeals to enchantment,’’ often most discernable in industrializing countries such as South Africa (p. 282). From ‘‘get rich quick’’ pyramid schemes to e-mail promises from millionaire widows in Nigeria, ‘‘capitalism has an effervescent *new* spirit—a magical, neo-Protestant zeitgeist—welling up close to its core’’ (p. 281). Of course, over a half-century ago Theodor Adorno (1994) inveighed against astrology and soothsaying as indices of economic magic, underscoring the ability of capitalism to promote the ‘‘doctrine of the existence of spirit’’ so central to bourgeois consciousness. ‘‘In the concept of mind-in-itself,’’ argued Adorno, ‘‘consciousness has ontologically justified and perpetuated privilege by making it independent of the social principle by which it is constituted. Such ideology explodes in occultism: It is Idealism come full circle’’ (p. 133).What the Comaroffs point to is not the arrival of a new form of magical thinking, then, but the intensification and proliferation of postenlightenment gullibility via globalization—ironically in what is presumably the age of cynical reason (e.g., Sloterdijk, 1987). As human beings, *academics* are just as susceptible to magical thinking and narcissistic fantasies of omnipotence as everyone else. Perhaps because at some level of *communication scholars* tend to *entertain* a sense of the magical in the idea of communication (see Peters, 1999), we have been particularly prone to a philosophical belief in what we term ‘‘*magical voluntarism*,’’ the notion that human agency is better understood as the ability to control a given phenomenon through the proper *manipulation of thoughts and* symbols (e.g., *language*). Going well beyond the straightforward idea that our thoughts necessarily influence our actions in transforming the world around us, what we are calling magical voluntarism fosters a *deliberate misrecognition of material recalcitrance*, *an inability to recognize the structural*, political, *economic*, cultural, and psychical *limits of an individual’s ability to act in her* own *interests*. Furthermore, magical voluntarism refuses to acknowledge that there is a limit to the efficacy of symbolic action, beyond which *persuasion* and thought alone fail to shift existing social relations. In popular culture, magical voluntarism is typified by the bestselling book and DVD *The Secret* (Byrne, 2006; Heriot, 2006), which teach the reader/viewer that ‘‘[y]our life right now is a reflection of your thoughts. That includes all great things, and all the things you consider not so great. Since you attract to you what you think about most, it is easy to see what your dominant thoughts have been on every subject of your life, because that is what you experienced’’ (Byrne, 2006, p. 9). The ‘‘magical, neo-Protestant zeitgeist’’ typified by the raging success of The Secret (see McGee, 2007) indicates that enchantment is not limited to developing countries, but is also a crowning achievement of late capitalism in the postindustrial world. Nor is magical thinking limited to popular culture. As a recent essay in this journal by Sonja K. Foss, William J. Waters, and Bernard J. Armada (2007) demonstrates, magical thinking has some purchase in the field of communication studies (see also Geisler, 2005; Villadsen, 2008).1 According to Foss, Waters, and Armada, human agency is simply a matter of consciously choosing among differing interpretations of reality. We argue that the understanding of agency advanced by Foss, Waters, and Armada is informed by the same voluntarist ideology that has enchanted The Secret’s millions of readers. Below we advance a conception of agency as an open question in order to combat magical thinking in contemporary communication theory. Although we approach the concept of agency from different theoretical standpoints (one of us from the perspective of psychoanalysis, the other, classical Marxism), *we are mutually opposed to the (bourgeois) idealism of magical voluntarism* in recent work in communication and rhetorical studies on agency.2 Our primary vehicle of argument is a critique of Foss, Waters, and Armada’s essay, ‘‘Toward a Theory of Agentic Orientation: Rhetoric and Agency in Run Lola Run,’’ which represents a magical-voluntaristic brand of practical reason (phronesis) that is increasingly discredited among a number rhetorical scholars. We are particularly alarmed by the suggestion that even in ‘‘situations’’ such as ‘‘*imprisonment or genocide* . . . agents have choices about how to perceive their conditions and their agency . . . [which] opens up opportunities for *innovating* . . . in ways unavailable to those who construct themselves as victims’’ (p. 33). The idea that one can choose an ‘‘agentic orientation’’ regardless of context and *despite material limitation* not only ignores two decades of research within the field of communication studies on agency and its limitations (and is thus ‘‘regressive’’ in more than one sense), but tacitly promotes a belief in wish-fulfillment through visualization and the imagination, as well as a commitment to radical *individualism and autonomy*. As a consequence, embracing magical voluntarism leads to narcissistic complacency, regressive infantilism, and elitist arrogance.

#### D – Turns Case – over-investing in the ballot’s “political force” renders challenges to their impacts into local self help – the ballot only decides win or loss

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Constructivism and the Malleable World.Presumably drawing on the work of Judith Butler (1993, p. 28),5 **Foss, Waters, and Armada argue that orienting oneself as the ‘‘director’’ of one’s life is in tune with a tenet acknowledged by a number of diverse perspectives, ranging from social constructionism to quantum physics. Simply put, it is that symbols create reality*. . . .* Symbolic choices *. . .* can and do affect the structural world*. . . .*** Although the reality of everyday life appears prearranged, ordered, and objective, and therefore outside of agents’ sphere of influence *. . .* the structural world not only ‘‘bears cultural constructions’’ but is itself a construction. (p. 220) **Because the structural world is itself a construction, individuals are capable of changing that world by thinking and making choices about it.** Although the authors acknowledge that ‘‘agents cannot *. . .* lay out precisely the routes through which their desires will be fulfilled,’’ they nevertheless believe that ‘‘desires are realized in outcomes that align with agents’ choices’’ because of the ontological status of the structural world as a construction (p. 220). The key to understanding the ideal of agentic orientation is *full consciousness*: In order to change the construction of the world, one must understand what options are available and put faith in unforeseen possibilities yet to come (pp. 220–221). **Such a position is entirely in keeping with the ‘‘core concept’’ of magic: ‘‘that mind affects matter, and that *. . .* the trained imagination can alter the physical world’’** (Luhrman, p. 7).6 Not surprisingly, Rhonda Byrne also aligns ‘‘The Secret’’ with quantum physics (p. 156); however, constructivism appears in *The Secret* most conspicuously in the guise of ‘‘the law of attraction,’’ which Bob Doyle, ‘‘author and law of attraction specialist,’’ defines simply as ‘‘like attracts like’’ at ‘‘a level of thought.’’ Byrne elaborates: The law of attraction says *like attracts like*, and so as you think a thought, you are also attracting *like* thoughts to you*. . . .* Your life right now is a reflection of your past thoughts. That includes all the great things, and all the things you consider not so great. Since you attract to you what you think about most, it is easy to see what your dominant thoughts have been on every subject of your life . . . Until now! Now you are learning The Secret, and with this knowledge, you can change everything. (pp. 8–9) Changing everything depends on understanding the ontological primacy of attraction, which is best grasped as a form of magnetism (even though magnetism is, in physics, the attraction of *opposites*): ‘‘Thoughts are magnetic, and thoughts have a frequency,’’ explains Byrne. ‘‘As you think, those thoughts are sent out into the Universe, and they magnetically attract all *like* things that are on the same frequency’’ (p. 10). Nevertheless, as with Foss, Waters, and Armada, Byrne and her army of specialists insist on the constructedness of reality and the mutability of structure. ‘‘Time,’’ for example, is just an illusion: Einstein told us that. If this is the first time you have heard it, you may find it a hard concept to get your head around*. . . .* What quantum physicists and Einstein tell us is that everything is happening simultaneously*. . . .* It takes no time for the Universe to manifest what you want. Any time delay you experience is due to your delay in getting to the place of believing, knowing, and feeling that you already have it. (p. 63) The concept of temporality is used here to teach readers a certain version of constructivism, which is similar to the version Foss, Waters, and Armada advance in their reading of *Run Lola Run*: all three runs in the film happen at the same time, but reflect different levels of believing, knowing, and feeling. Once Lola understood the mutability of reality and the power of her manipulation of symbols, she could magically bend the laws of the Universe for money**. Similarly, Byrne writes, ‘‘[i]t’s as easy to manifest one dollar as it is to manifest one million dollars’’ if you simply have the right mindset (p. 68). Although we do not dismiss certain forms of constructivist thought, it is important to detail the consequence or ‘‘outcome’’ of choosing magical voluntarism. Both *The Secret* and Foss, Waters, and Armada invoke physics to argue that structural change is possible for *anything you desire* through conscious thought and choice.** Hence, magical voluntarism denies that some material and social conditions are not changeable: Agentic orientations *. . .* are achieved within, rather than simply given by, the conditions of individuals’ lives. Thus, individuals may be in a dominant position as defined by economic and other structural conditions or in a subordinate position as defined by a lack of access to such resources, *but they may choose any agentic orientation and produce any outcome they desire*. We acknowledge that such a view may be difficult to accept in extreme cases such as imprisonment or genocide; even in these situations, however, agents have choices about how to perceive their conditions and their agency. Even in these situations, adoption of the agentic orientation of director opens up opportunities for innovating in ways unavailable to those who construct *themselves* as victims. (p. 223, emphasis added) In other words, the starving prisoner in a concentration camp should choose the director orientation and dream-up the possibility of her liberation or escape.7 Aside from the offensiveness of such a perspective on imprisonment and genocide, what is **the *outcome* of adopting this ontological view about ‘‘structural’’ conditions? *The Secret* is quite clear on the answer: *narcissistic complacency*. ‘‘Anything we focus on we do create,’’ explains Hale Dwoskin, ‘‘so if we’re *really angry*, for instance, at a war that’s going on, or strife or suffering, we’re adding our energy to it’’ (pp. 141–142). So although the rhetoric of magic exemplified by *The Secret* acknowledges structural injustice, it gets explained away in mystical terms that urge the reader to turn her back to the world and seek within.** The video and book openly discourage social protest, invoking Carl Jung’s phrase, ‘‘what you resist persists’’ (p. 142). ‘‘Don’t give energy to what you don’t want,’’ intones one of the video’s ‘‘teachers.’’ For example, the DVD segment on wealth begins with black-and-white footage of sweatshop laborers in dreary factories, but sweatshops are a mere blip on the screen. Immediately, the text explains that today one can be free from such exploitation and drudgery simply by wishing for money.8 The real world outcome of the constructivism that supports magical voluntarism is ultimately selfish inaction. ‘‘You cannot help the world by focusing on the negative things,’’ says Byrne. ‘‘When I discovered The Secret I made a decision that I would not watch the news or read newspapers anymore, because it did not make me feel good’’ (pp. 144–145). Although professional scholars in the United States may be buffered from some of the vagaries of economic crisis and barriers to achievement, there are, in fact—as opposed to the fantasy of a filmic game or magnetizing your desires into reality—millions of people around the world who cannot wish away the ‘‘conditions, people, or events external to them’’ (p. 209). Nongovernmental organizations, grassroots banks and crafts projects, and other forms of *localized ‘‘self-help’’* can do little to curtail the broader abuses of *capitalist globalization*. But Foss, Waters, and Armada chastise critical postcolonial scholars Radha Hegde and Raka Shome, as if the (magical) options available to a fictional Lola actually apply to sweatshop workers in India (p. 223). Similarly, The Secret encourages readers to turn on to the law of attraction and stop resisting injustice: ‘‘The antiwar movement creates more war,’’ explains Jack Canfield (quoted in Byrne, p. 142). Shockingly, however, Foss, Waters, and Armada carry their magical voluntarism beyond the fuzzy magnetism of The Secret to a most extreme conclusion: Symbolic choices, Run Lola Run argues, can and do affect the structural world. We acknowledge that a belief in this tenet is disputable in the presence of certain kinds of conditions, but **we ask our readers to consider seriously** for a moment . . .**the possibility that it might be true under all conditions.** (p. 220) **Even in the contexts of *famine and genocide***, Foss, Waters, and Armada believe that **changing one’s interpretation of events is the correct strategy**, especially because ‘‘what you resist, persists.’’ While demonstrably different, both their article and ***The Secret* counsel passivity**—implicitly and explicitly respectively—in the face of the most brutal exploitation and oppression, letting the *purveyors* of inequality off the hook for **their actions, urging millions to think positively in the face of their immiseration.9**