### 1NC – OFF

#### Interpretation: The affirmative may only defend that a just government ought to recognize an unconditional right of workers to strike.

#### Resolved means a policy

Words and Phrases 64 Words and Phrases Permanent Edition. “Resolved”. 1964.

Definition of the word “resolve,” given by Webster is “to express an opinion or determination by resolution or vote; as ‘it was resolved by the legislature;” It is of similar force to the word “enact,” which is defined by Bouvier as meaning “to establish by law”.

#### Recognize means to accept as legal

Cambridge Dictionary No Date, (Cambridge Dictionary, “Recognize”), https://dictionary.cambridge.org/us/dictionary/english/recognize // MNHS NL

to accept that something is legal, true, or important:

The international community has refused to recognize (= officially accept the existence of) the newly independent nation state.

[ + (that) ] He sadly recognized (that) he would die childless.

You must recognize the seriousness of the problems we are facing.

#### A worker is one who works manually or in an industry for a certain wage

Merriam Webster ND <https://www.merriam-webster.com/dictionary/worker> VM

“one that works especially at manual or industrial labor or with a particular material”

#### They violate— they don’t.

#### Vote neg to preserve substantive engagement --

#### 1] Preparation- repacking the topic gives the aff a huge edge, they can prepare for 6 months on an issue that catches us by surprise. Preparation is better than thinking on your feet- research demonstrates pedagogical humility and research skills are the only portable debate training – the process of debate outweighs the content – only our interp generates the argumentative skills needed to rigorously defend their affirmative out of round and create engaged citizens who have the self reflexivity to advocate for positive change

#### 2] Limits- there are an infinite number of non topical affirmatives. Consider this our “library disad”- not debating the topic allows someone to specialize in one area of the library for 4 years giving them a huge edge over people who switch research focus ever 2 months.

#### 3] Truth testing - you can’t vote on the case outweighs T because lack of preparation prevents rigorous testing of the AC claims. If we win fairness we don’t have to “outweigh” other impacts

#### 4] Switch side debate is good -- it forces debaters to consider a controversial issue from multiple perspectives which prevents ideological dogmatism. Even if they prove the topic is bad, our argument is that the process of preparing and defending proposals is an educational benefit of engaging it.

#### 5] fairness – debate is fundamentally a game which requires both sides to have a relatively equal shot at winning and is necessary for any benefit to the activity. That outweighs:

#### A] decision-making: every argument concedes to the validity of fairness i.e. that the judge will make a fair decision based on the arguments presented. This means if they win fairness bad vote neg on presumption because you have no obligation to fairly evaluate their arguments.

#### B] probability: voting aff can’t solve any of their impacts but it can solve ours. All the ballot does is tell tab who won which can’t stop any violence but can resolve the fairness imbalance in this particular debate.

#### 6] small schools disad: under-resourced are most adversely affected by a massive, unpredictable caselist which worsens structural disparities

#### TVA: Read an aff about strikes being key to check back against discrimination against queer workers

Avery 21 [Editor, Writer, Content Creator: NBC News, Newsweek, Business Insider, New York Times, Architectural Digest, Daily Mail, more] Dan Avery, NBC News, <https://www.nbcnews.com/nbc-out/out-news/half-lgbtq-workers-faced-job-discrimination-report-finds-rcna1935>, September 8th, 2021, VM

“Nearly 1 in 10 LGBTQ people in the United States experienced workplace discrimination in the last year, and almost half faced employment bias at some point in their careers, according to a new survey. The findings were published Tuesday in a report titled LGBT People’s Experiences of Workplace Discrimination and Harassment by the Williams Institute at the University of California, Los Angeles, School of Law. It found that 46 percent of LGBTQ workers reported receiving unfair treatment at some point in their careers because of their sexual orientation or gender identity — including being passed over for a job, harassed at work, denied a promotion or raise, excluded from company events, denied additional hours or fired. An estimated 9 percent reported being denied a job or laid off in the past 12 months because of their orientation or identity.”

#### Disads to the TVA prove there’s negative ground and that it’s a contestable stasis point, and if their critique is incompatible with the topic reading it on the neg solves and is better because it promotes switch-side debate

#### Winning pessimism doesn’t answer T because only through the process of clash can they refine their defense of it—they need an explanation of why we switch sides and why there’s a winner and loser under their model

#### Reject the team—T is question of models of debate and the damage to our strategy was already done

#### Competing interps – reasonability is arbitrary, you can’t be reasonably topical, and causes a race to the bottom of questionable argumentation.

#### RVIs and impact turns encourage all in on theory which decks substance and incentivize baiting theory with abusive practices.

#### No impact turns—exclusions are inevitable because we only have 45 minutes so it’s best to draw those exclusions along reciprocal lines to ensure a role for the negative

#### Engaging within things you disagree with is good to create real change – working within the academy allows for the best movements

#### You can defend a singular action of the state and not defend the entirety of the state – CX proves

### Case

#### 1. Presumption ALWAYS flips neg against K affs – a] That places a hard cap on debatable material since it ensures the aff must robustly defend their advocacy AND that the negative has a shot at engagement. b] Debate should be over ideas, not people – the process benefits of debate derive from rigorously testing advocacies that aren’t limited to individuals – their model turns into “I spoke, ergo I won” which is good for no one.

#### 2. Double bind – either advocacy and reform within debate is possible and your theory of power is wrong or it’s not and the aff has no solvency

#### 3. Ballot paradox – either they don’t care about winning and you should vote negative, or they want to win which proves that debate is competitive, and fairness is an impact

#### 4. We’re impact turning any attempt to use the ballot to make debate more accessible ---

#### a] It leaves zero role for the negative---our only ground is to say that debate should NOT be more accessible, or to just say nothing at all, which is a hobson choice that forces us to be non responsive for offensive

#### b] It forces the judge into an inappropriate role---if their argument is voting aff makes debate more accessible, voting neg requires the judge determing that debate should NOT be more accessible, and that they don’t deserve to move on, which entails a violent rejection of them, their identity, and accessibility---debate’s just a game and tasking the judge with determining whether someone’s identity should be accepted is incredibly violent. If they say that we can propose a better solution, the judge has to choose whose “solution” is better which is also violent.

#### c] It’s a palliative --- giving them the ballot does nothing to make debate better, and viewing ballots as currency for social movements is terminally unsustainable because losses are inevitable

#### 5. Voting aff doesn’t access social change, but voting neg resolves our procedural impacts.

Ritter ‘13 (JD from U Texas Law (Michael J., “Overcoming The Fiction of “Social Change Through Debate”: What’s To Learn from 2pac’s Changes?,” National Journal of Speech and Debate, Vol. 2, Issue 1)

The structure of competitive interscholastic debate renders any message communicated in a debate round virtually **incapable of creating any social change**, either in the debate community or in general society. And to the extent that the fiction of social change through debate can be proven or disproven through empirical studies or surveys, academics instead have analyzed debate with **nonapplicable** rhetorical **theory** that **fails to account for the unique aspects** of competitive interscholastic debate. Rather, the current debate relating to activism and competitive interscholastic debate concerns the following: “What is the best model to promote social change?” But a more fundamental question that must be addressed first is: **“Can debate cause social change?”** Despite over two decades of opportunity to conduct and publish empirical studies or surveys, academic proponents of the fiction that debate can create social change have chosen **not to prove this fundamental assumption**, which—as this article argues—is **merely a fiction** that is **harmful in** most, if not **all, respects**. The position that competitive interscholastic debate can create social change is more properly characterized as a **fiction** than an argument. A fiction is an invented or fabricated idea purporting to be factual but is **not provable** by any human senses or rational thinking capability or is unproven by valid statistical studies. An argument, most basically, consists of a claim and some support for why the claim is true. If the support for the claim is false or its relation to the claim is illogical, then we can deduce that the particular argument does not help in ascertaining whether the claim is true. Interscholastic competitive debate is premised upon the assumption that debate is argumentation. Because fictions are necessarily not true or cannot be proven true by any means of argumentation, the competitive interscholastic debate community should be **incredibly critical** of those fictions and adopt them only if they promote the activity and its purposes.

#### 6. There’s been incredible progress for LGBTQ individuals but there’s more to do---targeting bad policies and institutional engagement is key

Kenneth Roth, Executive Director of HRW, “LGBT: Moving Towards Equality,” 1/23/’15, http://www.hrw.org/news/2015/01/23/lgbt-moving-towards-equality

Almost 2.8 billion people are living in countries where identifying as gay could lead to imprisonment, corporal punishment or even death. In stark contrast, only 780 million people are living in countries where same-sex marriage or civil unions are a legal right. These figures, reported by the International Lesbian and Gay Association in May 2014, show there is still much to be done in the effort to attain universal rights for LGBT communities worldwide. **Yet there has also been significant progress over the past 10 years**, and **this** too **should be acknowledged**. Here, the Outlook on the Global Agenda looks at what has been achieved so far and profiles the challenges that still lie ahead. What progress has there been on LGBT rights since you established Human Rights Watch’s LGBT rights programme? There’s been enormous progress globally and locally. It’s important to note that the fight for LGBT rights is not a Western phenomenon; many of the governments at the forefront of the defence of LGBT rights are from the developing world. The historic LGBT resolution at the United Nations Human Rights Council, adopted in September 2014, was led by governments from the global south, primarily Latin America, and backed by others from **all over the world**, including South Africa. Even governments usually opposed to human rights enforcement, such as Cuba, Venezuela and Vietnam, supported it. How do LGBT rights differ around the world? Yet, because of this global support, we’re recently witnessing an intensifying backlash. To a large degree, this is due to the greater visibility of the LGBT community in societies that have begun to recognize their rights. But LGBT people are also convenient scapegoats for embattled leaders, who are trying to rally support from more conservative sectors of their society. Whether it’s Uganda, Nigeria or Russia, the decision to scapegoat the LGBT community is an outcome of serious challenges to the regime, for widespread corruption or abusive authoritarianism. The status of the LGBT community is a good litmus test for the status of human rights in society more broadly, precisely because it is such a vulnerable minority – similar to the proverbial canary in the coal mine. Where the rights of LGBT people are undermined, you can be sure that the rights of other minorities and critical members of civil society will soon also be in jeopardy. When you look back over the last decade, what do you think was the main driver for change, in regulation and people’s mindset? Broader changes in society have driven some of the greater recognition of LGBT rights, such as more equitable relations between genders, the rights revolution generally and the greater respect for individual autonomy. Within that context, you saw the LGBT population gradually coming out, so people suddenly discovered that they had a gay brother or son or neighbour or close colleague, which started shaping public perception and reinforced the social changes. It’s easy for bigotry to exist in a context of ignorance, but when you’re being bigoted toward a close friend or neighbour, you start thinking: “Maybe LGBT people are really just people; maybe I should recognize their rights. Why can’t they love whom they choose, just like I can?” Yet the lingering fear of ‘the other’ is also applicable to some of the other trends we see in this year’s Outlook on the Global Agenda – like increasing nationalism and anti-immigrant sentiment. Conversely, that ties back to what you said about scapegoating; by making the LGBT community less visible – and thus less relatable – unscrupulous leaders can take political advantage... Yes. In Uganda for example, the LGBT community is scapegoated in an artificial context – the narrative is that homosexuality in general is a foreign import, not part of the traditional culture. There’s a great irony here because much of that homophobia is the product of interventions by a well financed US evangelical movement, and the prohibitions in place are a continuation of the British colonial-era bans on same-sex relations. Moreover, it’s not like the West has been secretly airdropping gays into other cultures – an LGBT population has existed in all societies for all time; gays have simply been more or less open, depending on the politics and the mentality of the moment. Given the backlash, **who should we be targeting to combat it? Begin with the leaders** doing the scapegoating **and their** policies. In response to the homophobic environment created around the Sochi Olympics, the International Olympic Committee recently announced new rules for the selection of host cities, including a requirement of full non-discrimination. That implicitly says that if Russia had been fostering the homophobic environment at the time of selection, Sochi would not have been selected. **That’s a** very important signal **to send.** At the same time, there must be a broader coordinated educational effort. Anything that helps to increase the visibility of LGBT people, to move beyond past stereotypes and ignorance, to show that gays occupy the same range of positions in life and society as everyone else, that will help to make societal change happen more quickly. The young are the core of societal change; what pressures do they face? In many ways the younger generation is much more accepting than their elders. I see a positive trajectory as young people grow up with variations in sexual orientation around them being the norm. But the younger generation is also a battleground. A lot of the leaders that promote homophobia do so by insisting that they’re not anti-gay, but just trying to shelter the impressionable young from ‘gay propaganda’. In many ways, they see that the trends are going in favour of LGBT rights and they’re trying to fight back with the younger generation. What role can non-governmental stakeholders play, such as businesses? Business is a very important stakeholder in this debate. A significant section of consumers insist on respect for LGBT rights, so the global corporate giants can’t get away with permitting discrimination in the workplace or embracing homophobia in any sense. That becomes important, because these companies operate globally and so can become oases of respect for LGBT rights, even in societies where the government hasn’t caught up with the agenda. Where business currently falls short, though, is in embracing role models. Lord Browne regretted not being more open about being gay when he was CEO of BP, and it’s sad that many corporate leaders still feel that they have to live in the closet. The more that corporations can highlight the LGBT people among their leadership, the quicker these societal transformations will be encouraged. That said, if you look at the number of business or political leaders coming out now compared to a decade ago, we’re seeing good progress. Do you think the international community is a good driver for LGBT rights? Positive action is taken at several different levels – local, national and global. What happened at the UN is important as part of the effort to legitimise LGBT rights; to have such an overwhelmingly positive vote is an important rebuke to those governments that want to pretend homophobia and bigotry are consistent with international human rights standards. They’re not. Other things the international institutions can do is to collect information on the treatment of the LGBT community worldwide to probe governments that fall short of recognition of its rights. Perhaps most critical, though, is to defend the **political space** **in which** local **human rights and LGBT activists operate**. International multistakeholder **organizations**, such as the World Economic Forum, could **clearly play a leadership role in this debate**, by holding sessions devoted to trends in the rights of LGBT people. For example, a session on best business practices with respect to LGBT rights would give an opportunity to talk about, not just the formal non-discrimination steps, but also the more personal leadership role that corporations might play.

#### 7. Sea change but legal changes are key

Kevin Rector, LGBT policy and politics writer for the Baltimore Sun, “Looking Out: LGBT improvements seen in Maryland laws, global perceptions,” ’14, http://www.baltimoresun.com/features/gay-in-maryland/gay-matters/bs-gm-looking-out-lgbt-improvements-seen-in-maryland-laws-global-perceptions-20141114-story.html

In cities and municipalities in Maryland and across the U.S., the legal rights of lesbian, gay, bisexual and transgender citizens are **improving**. **Across the globe**, perceptions of gay and lesbian people **are getting better, too.** Both improvements, outlined in two separate studies released this week, are indicative of a **larger shift** toward equality and acceptance, the studies' authors found -- even if data is limited in some areas and LGBT people, including children, are still discriminated against in local schools and many other corners of the world. The two studies were the Human Rights Campaign's 2014 Municipal Equality Index, which assessed laws in 353 cities across the U.S., and the Williams Institute's report titled "Public Attitudes toward Homosexuality and Gay Rights across Time and Countries," based on surveys released in more than 50 countries since 1981. "This study shows a **clear trend** **toward increasing acceptance** across the globe," Andrew Park, director of international programs at the Williams Institute, said in a statement about the global study. "From Mississippi to Idaho, mid-size cities and small towns have become the single greatest engine of progress for LGBT equality -- changing countless lives for the better," said HRC President Chad Griffin in a statement about the municipal report. "In just three years, the number of municipalities earning top marks for their treatment of LGBT citizens has more than tripled. Simply put, **in this country there is an** ongoing race to the top **to treat all people, including LGBT people,** fairly under the law, and it's time our state and federal laws caught up." In Maryland, six cities -- Annapolis, Baltimore, College Park, Frederick, Gaithersburg and Rockville -- were judged in the HRC report. The state's average score out of 100 possible points increased from 68 in 2013 to 75 this year, well above the national state average of 59. Baltimore repeated its top performance in the state last year, falling among an elite group of 38 cities nationwide to achieve a perfect score. Last year, Baltimore had a little less company on the top tier, as one of 25 cities with a perfect score. Every other city counted in Maryland in both years improved, though added bonus criteria this year helped. Annapolis went from 70 points to 73; College Park from 62 points to 86; Frederick from 52 points to 61; and Rockville from 58 points to 63. Gaithersburg, appearing for the first time, scored a 64. The scoring accounts for everything from non-discrimination laws to relationship recognitions and local political leaders' relationships with the LGBT community. Local LGBT advocates cheered the improvements, but noted room for continued growth. "We're proud of the progress Maryland localities have made in advancing LGBT equality and contributing to the momentum to pass state-wide policies," said Keith Thirion of Equality Maryland in a statement. "Local action on issues such as transgender health care and services to help the most vulnerable LGBT Marylanders like our communities of color and youth remain critical in ensuring that everyone is free to live their full lives without fear of discrimination." Globally, perceptions of gay and lesbian people are improving as well, in part because of more acceptance among young people, according to the Williams Institute, which released its study in partnership with NORC at the University of Chicago. Their study showed residents in **90 percent** of all surveyed countries had become more accepting of homosexuality over the past 20 years. In 98 percent of the countries, the study found, people under 30 were more likely "to say same-gender sex is not wrong at all" than people 65 and older, by about 23 percentage points. Women were more than one and a half times more likely than men to be accepting of lesbian and gay people. Still, levels of acceptance ranged widely. In Latin America, acceptance of homosexuality ranged from a high of 34 percent in Uruguay to a low of 2 percent in Ecuador. In Africa, acceptance ranged from a high of 38 percent in South Africa to a low of 2 percent in Ghana. European and other western countries generally had higher levels of acceptance, the study found. "Countries in Northwestern Europe are the most accepting, followed by the following clusters of countries: Australia/Canada/New Zealand/United States, Southern European countries, Latin American countries, former Soviet Union/Eastern & Central Europe, Asian countries, African countries, and majority Muslim countries," the study found. **Overall**, the surveys the study examined "show a consistent shift toward greater acceptance of homosexuality and gay rights, but the magnitude of the shifts and how widespread they are varies considerably," the report found.”

#### 8. Independent of the political, affirming a full commitment to humanism is critical for solving existential crises.

David **Scott** **and** Sylvia **Wynter** (David Scott is Professor of Anthropology in the Institute for Research in African American Studies, Columbia University. Sylvia Wynter is a Jamaican novelist, dramatist, critic, philosopher, and essayist. In 1974, Wynter was invited by the Department of Literature at the University of California at San Diego to be a professor of Comparative and Spanish Literature and to lead a new program in Third World literature. She left UCSD in 1977 to become chairperson of African and Afro-American Studies, and professor of Spanish in the Department of Spanish and Portuguese at Stanford University. She is now Professor Emerita at Stanford University. “The Re-Enchantment of Humanism: An Interview with Svlvia Wvnter”. Small Axe, Vol. 8, September **2000**.)

DS: Right. But what you recognize - as, of course, Cesaire and Fanon recognize - is that **there is an inner lining of humanism**, in which the degradation of man is part and parcel of the elevation of man. SW: We can see the reality of this for the indigenous peoples once Columbus arrives in the Caribbean. We can see it today in the degradation of the jobless, of the incarcerated, the homeless, the archipelago of the underdeveloped\ the expendable throwaways. DS: But my question is this, that **recognizing** the **false** humanity of the **humanism** of Europe leads **many people to abandon the hope for a new humanism.** You have not abandoned that hope. SW: Not at all. DS: You want - if I might put it this way — **to re-enchant the human in humanism.** What justifies this? **Why not abandon humanism?** Why not leave humanism to Europe? SW: **Because** **we have to recognize the dimensions** of the breakthroughs that these first humanisms made possible at the level **of** human cognition, and therefore of the possibility of our eventual emancipation, of our eventual full **autonomy**, as humans. Let me tell you of a point that Nicholas Humphrey recently made in his book on the history of the mind, since it can perhaps best explain why **we** simply **can’t** **discard these** first humanisms, or just leave them to Europe. 8 Reality, Humphrey reminds us, comprises two sets of facts: one of these is objective, the other is subjective. Now, the first set of facts existed from the very origin of the universe, but the second came into existence only with the emergence of sentient life, which took place a billion or so years ago. This was so, because **for** **a**ny **physical event to exist as a subjective feeling,** it could only do so for **some entity for which that event “mattered”**. For which, in effect, that was what it meant. So truth came into the world at the same time also. But it could only do so as truth-for. Since every sentient form of life, every living species, **would** now be able to **know its reality** only in terms of its specific truth-for; that is, in terms that were/are of adaptive advantage to its realization, survival and reproduction **as** such a form of life - to know its reality only adaptively. Now, this is no less the case with our culture-specific genres of **being** human. So the **breakthroughs** I am referring to are breakouts, if only still partial and incomplete ones, from that adaptive truth-for imperative. For example, before the voyages of the Portuguese and Columbus we can say that all geographies, whatever their great success **in** serving human needs, had been ethnogeographies — geographical truth-for a genre of the human. Before Copernicus, the same. And all astronomies by means of which humans had regulated and legitimated their societies had been, in the last instance, ethnoastronomies. Before Darwin, again the same thing. Knowledge of biological forms of life had been, in spite of their great value for human needs, ethnobiologies. And now the rupture with these forms of truths-for is going to be made possible only by means of the two intellectual revolutions of **humanism**, the first which took place in Renaissance Europe, the second which took place **at the end of the eighteenth century** in Great Britain. But those breakthroughs **were able to go only so far**. They were/are unable to go further. You see, **the paradox here is that they themselves are only partial humanisms**, only, so to speak, ethnohumanisms. Or to put it more precisely, in our case, an ethno-class or Western-bourgeois form of humanism, whose truth-for at the level of social reality, while a truth-for Man, cannot be one for the human. DS: **There is**, Sylvia, **a demand for**, a hope for, a search for, **a new universalism**? SW: Yes. One whose truth-for will coincide with the empirical reality in which we now find ourselves, the single integrated history we now live. You see, the problems that we confront - that of the scandalous **inequalities between** the **rich** **and** the **poor countries**, of **global warming** **and** the disastrous effects of **climate change**, of **large-scale epidemics** such as AIDS - **can be solved only if we can**, for the first time, **experience ourselves**, **not** only **as** we do now, **a**s this or that **genre of** the **human**, **but** also **as** human. A new mode of experiencing ourselves in which **every mode of being human**, every form of life that has ever been ever enacted, is a part of us. We, a part of them.

#### 9. Future not sole province of the child

Ruti, professor of Critical Theory at the University of Toronto, March, ‘17

(Mari, *The Ethics of Opting Out: Queer Theory's Defiant Subjects*, Columbia University Press, pg. 90-91)

The stakes of Muñoz’s accusation are high, revolving around the question of who can afford to relinquish all hope of a better future in the way that Edelman’s rendering of queer negativity—with includes the derisive critique of the child as a sentimental emblem of reproductive futurity that I mentioned in chapter 1—calls for. Muñoz suggests that only those who “have” a future in the first place have the luxury of flirting with the idea of rejecting it; conversely, those whose futures are concretely (empirically) threatened are unlikely to advocate the annihilation of these futures. More specifically, Muñoz contends that it would be disastrous to “hand over futurity to normative white reproductive futurity,” arguing that the fact that this version of futurity is currently winning “is all the more reason to call on a utopian political imagination that will enable us to glimpse another time and place: a ‘not-yet’ where queer youths of color actually get to grow up” (2009, 95–96). In this manner, Muñoz alerts us to the fact that while Edelman elevates the child to an icon of reproductive futurity, “the future” has never been the province of all children; that is, though Muñoz agrees with the broad outlines of Edelman’s critique of reproductive futurity, he reminds us that this critique does not apply to the vast majority of the world’s children, that “racialized kids, queer kids, are not the sovereign princes of futurity” (95).

Like Edelman, Muñoz admits that the world as it stands is “not enough” (2009, 96), not able to offer adequate resources for subjective flourishing. But in his view, the way to deal with the world’s insufficiency and messiness is not to reject the future wholesale but rather to reconfigure its parameters. This, Muñoz asserts, can only be done by resurrecting “various principles of hope that are, by their very nature, relational” (94). As he elaborates, relationality may not always be “pretty,” “but the option of simply opting out of it, or describing it as something that has never been available to us, is imaginable only if one can frame queerness as a singular abstraction that can be subtracted and isolated from a larger social matrix” (94).

#### 10. Speaking of queerness purely in terms of ideological terms or a mode of resistance ignores nuances in policy goals – using governance can combine their ethics to inform public policy and shape cultural shifts.

Rhonda V. Magee Andrews 3, Associate Professor of Law at the University of San Francisco, 54 Ala. L. Rev. 483

The following argument relies on a few important assumptions. The first is the assumption that legal rules have consequences that reach far beyond their intended application from the standpoint of legal analysis. Legal rules play an important part in shaping concrete and metaphysical aspects of the world that we know. Thus, the impact of equal protection doctrine on the meta-narrative of race in America is more than merely symbolic. The Supreme Court's pronouncements on race are presumptively to be followed by lower courts, and together these opinions and their consequences influence the representations of race in federal and state social policies, in the media, in literature, and in the arts. n18 As Justice Brennan noted from the bench, every decision of the court has "ripples" which impact society and social processes. n19 Perhaps in no other area is this basic sociological insight more demonstrably true than in the area of race law. In a very real sense, the history of American civil rights law is the history of America's socio-legal construction, deconstruction, and reconstruction of what it means to be a constitutionally protected human being. In the aftermath of the war required to preserve the Union itself, the architects of the First Reconstruction n20 took on [\*491] the task of reforming the Constitution to provide federal protection for newly "freed" Americans. The law they made not only created a new world in which the centuries-old institution of slavery was virtually impossible,n21 but perhaps more importantly, marked the beginning of the reshaping of American thinking about the very nature of humanity through the powerful symbolism and mechanisms of the law. n22 Thus, the continuing evolution of what it means to be a human being, and refinement of the state's obligations to human beings subject to its laws, are among the most significant of the unstated objectives of the reconstruction of post-slavery America, and the law itself will play a central role.

**11. Struggles for legal reform radically challenge the concept of liberalism and civil society for everyone**

**Brenkman 2** [John, Distinguished Professor of English and Comparative Literature at the CUNY and Baruch College, Narrative, Vol. 10, No. 2, p. 188-189]

**Innovation is a crucial concept for understanding the gay and lesbian movement**, which emerged from within civil society as **citizens** who were stigmatized and often criminalized for their sexual lives **created new forms of association, transformed their own lifeworld, and organized a political offensive on behalf of political and social reforms. There was an innovation of rights and freedoms, and what I have called innovations in sociality**. Contrary to the liberal interpretation of liberal rights and freedoms, **I do not think that gays and lesbians have merely sought their place at the table. Their struggle has radically altered the scope and meaning of the liberal rights and freedoms they sought**, first and foremost by making them include sexuality, sexual practices, and the shape of household and family. **Where the movement has succeeded in changing the laws of the state, it has also opened up new possibilities within civil society**. To take an obvious example, **wherever it becomes unlawful to deny housing to individuals because they are gay, there is set in motion a transformation of the everyday life of neighborhoods, including the lives of heterosexuals and their children**. [End Page 188] **Within civil society, this is a work of enlightenment, however uneven and fraught and frequently dangerous. It is not a reaffirmation of the symbolic and structural underpinnings of homophobia; on the contrary, it is a challenge to homophobia and a volatilizing of social relations within the nonpolitical realm.**