### 1

#### Interpretation: Debaters must disclose affirmative frameworks, advocacy texts, and advantage areas thirty minutes before round if the aff does not defend resolved: the appropriation of outer space by private entities is unjust.

#### Violation: They didn’t

#### Standards:

#### 1] Clash- Not disclosing incentivizes surprise tactics and poorly refined positions that rely on artificial and vague negative engagement to win debates. Their interpretation discourages third- and fourth-line testing by limiting the amount of time we have to prepare and forcing us to enter the debate with zero idea of what the affirmative is. Negatives are forced to rely on generics instead of smart contextual strategies destroying nuanced argumentation.

#### 2] Reciprocity – They get an infinite amount of time to frontline their aff to write the most efficient and effective answers to anything we could say against it while we get only four minutes in round. This gives them a tremendous advantage over us that makes it impossible to win substance.

#### 3] Shiftiness- Not knowing enough about the affirmative coming into round incentivizes 1ar shiftiness about what the aff is and what their framework/advocacy entails. That means even if we could read generics or find prep, they’d just find ways to recontextualize their obscure advocacy in the 1ar.

#### The impact is fairness—a] it’s an intrinsic good – debate is fundamentally a game and some level of competitive equity is necessary to sustain the activity, b] probability – debate can’t alter subjectivity, but it can rectify skews which means the only impact to a ballot is fairness and deciding who wins, c] it internal link turns every impact – a limited topic promotes in-depth research and engagement which is necessary to access all of their education

#### Education is a voter – it gives us portable skills for life like research and thinking.

#### Drop the debater – a) they have a 7-6 rebuttal advantage and the 2ar to make args I can’t respond to, b) it deters future abuse and sets a positive norm.

#### The shell is offense under their ROTB- Breaking this aff new without disclosing parts of it means they intentionally want to bracket engagement against their strategy and it means their movement is only accessible to them. It also means we can’t robustly test their strategy so we don’t know if their method is a good idea.

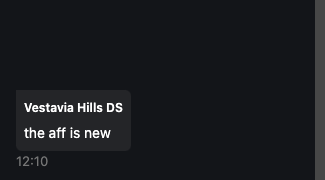
#### Use competing interps – a) reasonability invites arbitrary judge intervention since we don’t know your bs meter, b) collapses to competing interps – we justify 2 brightlines under an offense defense paradigm just like 2 interps.

#### No RVIs – a) illogical – you shouldn’t win for being fair – it’s a litmus test for engaging in substance, b) norming – I can’t concede the counterinterp if I realize I’m wrong which forces me to argue for bad norms, c) chilling effect – forces you to split your 2AR so you can’t collapse and misconstrue the 2NR, d) topic ed – prevents 1AR blipstorm scripts and allows us to get back to substance after resolving theory

#### Evaluate disclosure before 1AR theory –magnitude – the aff advocacy and disclosure affects a larger portion of the debate since it determines every speech after it and pre round neg prep

#### No impact turns to theory—it’s a procedural that determines case’s validity and every argument says the aff is bad. 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

#### They can’t weigh the case—lack of preround prep means their truth claims are untested which you should presume false—they’re also only winning case because we couldn’t engage with it



### 2

#### Interpretation: Debaters must disclose all constructive positions on open source with the full text of all cards with highlighting on the 2019-20 NDCA LD wiki after the round in which they read them.

#### Violation –

#### 1] Debate resource inequities—you’ll say people will steal cards, but that’s good—it’s the only way to truly level the playing field for students such as novices in under-privileged programs.

Antonucci 05 [Michael (Debate coach for Georgetown; former coach for Lexington High School); “[eDebate] open source? resp to Morris”; December 8; http://www.ndtceda.com/pipermail/edebate/2005-December/064806.html //]

a. Open source systems are preferable to the various punishment proposals in circulation. It's better to share the wealth than limit production or participation. Various flavors of argument communism appeal to different people, but banning interesting or useful research(ers) seems like the most destructive solution possible. Indeed, open systems may be the only structural, rule-based answer to resource inequities. Every other proposal I've seen obviously fails at the level of enforcement. Revenue sharing (illegal), salary caps (unenforceable and possibly illegal) and personnel restrictions (circumvented faster than you can say 'information is fungible') don't work. This would - for better or worse. b. With the help of a middling competent archivist, an open source system would reduce entry barriers. This is especially true on the novice or JV level. Young teams could plausibly subsist entirely on a diet of scavenged arguments. A novice team might not wish to do so, but the option can't hurt. c. An open source system would fundamentally change the evidence economy without targeting anyone or putting anyone out of a job. It seems much smarter (and less bilious) to change the value of a professional card-cutter's work than send the KGB after specific counter-revolutionary teams.

#### Open source does equal the playing field

Overing 18 – Bob Overing, LD Scholar (“Holiday Disclosure Post #6 – 10 Things Edition” JANUARY 12, 2018. http://www.premierdebate.com/disclosure-post-6/)

**Open source improves on usual disclosure practices** in the obvious way – **you can read their evidence for better prep**aration – and in a number of smaller ways too. **It solves the analytics problem** I discussed above, **so round-altering uncarded arguments are available** (though this doesn’t really apply to Harvard-Westlake), **and it gives access to evidence from paywalled articles**. **Every season I coach debaters who lack access to major databases; for schools without robust online library offerings or teams without college coaches, this matters a lot**.

#### 2] Evidence ethics – open source is the only way to verify pre-round that cards aren’t miscut or highlighted or bracketed unethically. That’s a voter – maintaining ethical ev practices is key to being good academics and we should be able to verify you didn’t cheat

#### 3] Depth of clash – it allows debaters to have nuanced researched objections to their opponents evidence before the round at a much faster rate, which leads to higher quality ev comparison – outweighs cause thinking on your feet is NUQ but the best quality responses come from full access to a case.

### 3

#### Capitalism causes massive violence and inevitable extinction – the fundamental task is developing tools for organization and tactics to bring about revolution.

Escalante ‘19

[Alyson, revolutionary Marxist (duh), philosophy at U of Oregon. 09/08/2019. “Truth and Practice: The Marxist Theory of Knowledge”. https://web.archive.org/web/20190910040756/https://failingthatinvent.home.blog/2019/09/08/truth-and-practic-the-marxist-theory-of-knowledge/] pat

The world we live in today is in a dire state. Climate destruction continues at a fast pace, and every with every passing day, capitalism proves itself to be incapable of addressing this. Capitalist production and its endless drive for resources to match artificial market demands has created a climate crisis that leaves us on the brink of potential extinction.

Governments around the world are turning to far right and fascist leaders to assuage their fears of an uncertain future, and the most marginalized and oppressed suffer because of it. Fascism is on the rise, and history tells us very clearly what that can result in without opposition.

The decaying US empire continues to lash out in violence across the globe in a desperate attempt to re-assert its power and hegemony. Whole countries are destroyed in its desperate bids for more fossil fuels. The world burns from America’s white phosphorus weaponry.

The need for a revolutionary movement capable of replacing capitalism with something better has never been so clear. The choice between socialism or barbarism has never been so stark. More and more people are starting to realize that reform cannot save us, that capitalism and imperialism themselves are the problem, and that we must unite and band together to fight for a better world.

The question then is: how will we know what strategies, what tactics, and what ideas to unite around? If the skeptics and postmodernists are correct that knowledge is always relative and localized, then we cannot built a global and universal strategy to unite around. If they are correct then we are doomed to small acts of localized or individual resistance in the face of apocalypse. To embrace such a vision of the world (with its accompanying epistemological skepticism) is to embrace defeat.

The masses do not want to embrace defeat, they want to know how to fight back. Marxism can provide the tools necessary to engage in that fight.

Marxism, with its self criticism and its insistence on incorporating the valuable ideas of its critics has created a means for unifying workers across the globe with anti-colonial and anti-imperialist struggles. The Marxist belief in the possibility of true ideas, tested and verified in practice, creates the possibility for unity on a global scale. The scientific status of Marxism means that as our climate changes, as our world looks more and more grim, Marxism will adapt through struggle and practice; it will provide us with the ideas and tools we need to fight and win.

There will be no victory for the workers of the world without the ability to wield a revolutionary science. What is at stake in questions of Marxist epistemology is the very possibility of creating a philosophical and scientific basis for revolution. We must defend this possibility. We must defend the scientific status of Marxism, and must insist on the possibility of victory.

#### The aff’s fear of vertical organizing is a reactionary infatuation with failure – naming oneself as a comrade is key to disciplined communist organizing.

Dean ‘19

[Jodi, politics at Hobart and William Smith Colleges. 04/11/2019. “Jodi Dean Comrade,” <http://stateofnatureblog.com/jodi-dean-comrade/>] pat – finders credit to Townes – interviewer questions are in italics

You are absolutely correct that that sort of thinking is the obstacle. It reflects an anti-communist, capitalist, reactionary mind-set that dooms the Left – the clue is the term ‘totalitarian’ which today is used to create a false equivalence between the USSR and Nazi Germany.

Part of the falsity also lies in the delusion that parties are outmoded. Political power is still achieved via parties. The Right knows this. But stupidly too much of the Left abandoned the party form, which then ceded the space to the Right. All over the world there are still communist and socialist parties. The Left embrace of failure is a cop out, a refusal to engage in politics. And the result is that the Right becomes the force channelling popular anger.

Communism is the name we have for the positive alternative to capitalism. It says that we cannot compromise with capitalism. There is no such thing as capitalism with a human face. Capitalism relies on exploitation. It’s as simple as that. Is it hard today to organise under the name communism in Europe and the US? Yes. It’s always been hard. And it has gotten particularly hard in Poland where a law has been passed outlawing the promotion of totalitarianism. Why, if communism had been defeated, was it necessary for the right-wing ruling party to pass this law? Anti-communism is being used to ward off opposition to capitalism; it’s being used to defeat democracy.

*In the book you explain that the comrade has ‘four primary characteristics: discipline, joy, enthusiasm, and courage.’ Are these the qualities that you feel are currently missing from much of contemporary Left political struggle? How might their resurgence change the kinds of political action we partake in and how we relate to it?*

I would say that it’s the combination that is missing. So there are of course courageous fighters on the Left. For starters think of Black Lives Matter, Standing Rock, all the environmental and climate activists who are fighting against coal, oil, and gas corporations, many of whom who have been killed. I’d also say that there is enthusiasm and joy: people come out for marches; they make hilarious signs; they demonstrate amazing creativity.

Discipline, though, may be what is missing. I don’t mean individual discipline: as every organiser knows, political work takes enormous discipline — showing up, getting people to show up, this isn’t easy. There’s always something else to do and it’s easy to get discouraged, like, will this protest even make a difference? The challenge is in a broader collective discipline where people realise that it’s good and important and necessary to follow a common line, pursue a common strategy.

Too many think that everyone needs to provide their original individual hot take, and that this hot take must be a take down. This kills Left solidarity. Some on the Left also think of discipline as bad, perhaps from (mis)reading Foucault or from embracing a view of the multitude they take from Hardt and Negri. But discipline generates capacity. The more coordinated and disciplined we are, the more we can pursue a collective strategy. And the more prepared we can be after we win.

*Another aspect you consider is how a politics built around comradeship works in relation to identity politics, clearly defined group struggles, and the notion of political ‘allies’. How does comradeship work as a unifying factor here without homogenising the particular issues and contradictions faced by different groups?*

It’s a matter of perspective. Comrade names a relation between people on the same side of a political struggle. It doesn’t name a relation between people and what they are struggling for or against. So comrade doesn’t say anything about particular issues.

One of the examples I use in the book comes from the Communist Party of the United States and its fight against white supremacy and lynching and for black people’s right of self-determination. This was a struggle that the whole party was instructed to pursue. No exceptions. That a comrade was white didn’t exempt them from the requirement to oppose white supremacy in all its forms, everywhere and all the time, that is, in personal life as well as political life. There’s no homogenising here. The struggle was against white supremacy and comrades were told that they had to be willing to act in defence of any black person. I should add that the CP’s work in this area was path-breaking – in the 1930s it was the leading interracial group fighting for black liberation.

The ‘allies’ idea makes politics seem like a possession, something that belongs to a person or group naturally, by virtue of their ascribed identity. Politics is somehow naturalised, as if everyone who shares an identity politics shares a politics – but of course we know that is not true. Politics has to be built, constructed.

*What is the relationship between comrades and party? How does the comrade ensure that the party does not become hierarchical, or a kind of superego figure, demanding ever greater fidelity, commitment and discipline?*

There are no guarantees, not in life, not in politics. The thing to keep in mind is that comrade operates as an interior force. We internalise the perspective of our comrades. So the force we feel is what we impose on ourselves. Our actual comrades are generally far more tolerant and forgiving than the internalised comrade. In fact, the comrade always becomes a super-ego figure demanding greater fidelity, commitment, and discipline. That’s part of the power of comradeship: our comrades (internalised) make us do more than we would otherwise.

And given the world we are in, given the absolute imperative of the fight for communism on a vastly unequal and warming world, we should embrace this. It follows directly from a Left analysis of the present as one of exploitation and inequality – why would we think that anything but commitment and discipline is demanded by our situation?

*A recent review of Comrade in Jacobin raises some similar questions: ‘Are there times when the comradely perspective can undermine socialist organisation? Can comradeship’s ego ideal become so persuasive in practice that it blinds us to dysfunction, discrimination, and abuse among ostensible comrades? Is it more useful than harmful to think of ourselves as equal and the same in contexts where we obviously aren’t?*’

I don’t see how a comradely perspective could undermine socialist organisation. The question doesn’t even make sense to me; there is no socialist organisation absent a comradely perspective. There might be a bunch of individuals who think of themselves as socialists who have paid dues to an association that claims to pursue socialist goals. I wouldn’t call that a socialist organisation myself, but even if it were, how would comradeship undermine rather than activate and inspire it?

The next question about being blind to dysfunction, discrimination, and abuse – comradeship is what lets us see dysfunction and abuse. And it provides us with the norm of equality through which to address it. A great example comes from Claudia Jones in her famous article, ‘An End to the Neglect of the Problems of the Negro Woman!’ She appeals to her white men and women and black men comrades for their failure to treat black women in the Party as equals.

And on the last bit: to think of ourselves as equal does not mean to posit an identity of capacity and experience. The context of comradeship is being on the same political side. For communists and socialists, this side has been organised in terms of party belonging. Equality is an attribute of this belonging: all are equally obliged to carry out the party’s work; all are equally important for the party’s work.

#### Global capitalism demands universal tactics to organize and unify the left – focus on the particularities sell out to neoliberal folk politics.

Williams and Srnicek ‘15

[Alex Williams and Nick Srnicek, fastest Leftists in the West. City University London. 2015. “Inventing the Future: Postcapitalism and a World Without Work”.] pat – ~~language~~ [modified]

To invoke modernity is ultimately to raise the question of the future. What should the future look like? What courses should we set? What does it mean to be contemporary? And whose future is it? Since the emergence of the term, modernity has been concerned with unravelling a circular or retrospective notion of time and introducing a rupture between the present and the past. With this break, the future is projected as being potentially different from and better than the past. Modernity is tantamount to ‘the discovery of the future’ and has therefore found itself intimately linked with notions such as ‘progress, advance, development, emancipation, liberation, growth, accumulation, Enlightenment, embetterment, [and the] avant-garde’. Suggesting that history can progress through deliberate human action, it is the nature of this progress that competing definitions of modernity have struggled over. Historically, the left has found its natural home in being oriented towards the future. From early communist visions of technological progress, to Soviet space utopias, to the social democratic rhetoric of the ‘white heat of technology’, what set the left apart from the right was its unambiguous embrace of the future. The future was to be an improvement over the present in material, social and political terms. By contrast, the forces of the political right were, with a few notable exceptions, defined by their defence of tradition and their essentially reactionary nature.

This situation was reversed during the rise of neoliberalism, with politicians like Thatcher commanding the rhetoric of modernisation and the future to great effect. Co-opting these terms and mobilising them into a new hegemonic common sense, neoliberalism’s vision of modernity has held sway ever since. Consequently, discussions of the left in terms of the future now seem aberrant, even absurd. With the postmodern moment, the seemingly intrinsic links between the future, modernity and emancipation were prized apart. Philosophers like Simon Critchley can now confidently assert that ‘we have to resist the idea and ideology of the future, which is always the ultimate trump card of capitalist ideas of progress’. Such folk-political sentiments ~~blindly~~ [ignorantly] accept the neoliberal common sense, preferring to shy away from grand visions and replace them with a posturing resistance. From the radical left’s discomfort with technological modernity to the social democratic left’s inability to envision an alternative world, everywhere today the future has largely been ceded to the right. A skill that the left once excelled at – building enticing visions for a better world – has deteriorated after years of neglect. If the left is to recover a sense of progress, however, it cannot simply adopt the classic images of history headed towards a singular destination. Progress, for these approaches, was not only possible, but in fact woven as a necessity into the very fabric of history. Human societies were thought to travel along a pre-defined pathway towards a single outcome modelled after Europe. The nations of Europe were deemed to have developed capitalist modernity independently, and their historical experiences of development were considered to be both necessary and superior to those of other cultures. Such ideas dominated traditional European philosophy and continued on in the influential modernisation literature of the 1950s and 1960s, with their attempts to naturalise capitalism against a Soviet opponent. Partly endorsed by both early Marxism and later Keynesian and neoliberal capitalisms, a one-size-fits-all model of historical progress positioned non-Western societies as lacking and in need of development – a position that served to justify colonial and imperial practices.

From the standpoint of their philosophical critics, these notions of progress were disparaged precisely for their belief in preconceived destinations – whether in the liberal progression towards capitalist democracy or in the Marxist progression towards communism. The complex and often disastrous record of the twentieth century demonstrated conclusively that history could not be relied upon to follow any predetermined course. Regression was as likely as progress, genocide as possible as democratisation. In other words, there was nothing inherent in the nature of history, the development of economic systems, or sequences of political struggle that could guarantee any particular outcome. From a broadly left perspective, for example, even those limited but not insignificant political gains that have been achieved – such as welfare provision, women’s rights and worker protections – can be rolled back. Moreover, even in states where nominally communist governments took power, it proved far more difficult than expected to transition from a capitalist system of production to a fully communist one. This series of historical experiences fuelled an internal critique of European modernity by way of psychoanalysis, critical theory and poststructuralism. For the thinkers of postmodernism, modernity came to be associated with a credulous naivety. In Jean-François Lyotard’s epochal definition, postmodernity was identified as the era that has grown to be suspicious of the grand metanarrative. On this account, postmodernity is a cultural condition of disillusionment with the kinds of grandiose narratives represented by capitalist, liberal and communist accounts of progress.

To be sure, these critiques capture something important about the chronological texture of our time. And yet, the announcement of the end of grand narratives has often been viewed by those outside Europe as being absolutely of a piece with modernity. Further, with the benefit of thirty years’ hindsight, the broader impact of the cultural condition diagnosed by Lyotard has not been the decline of belief in metanarratives per se, but rather a broad disenchantment with those offered by the left. The association between capitalism and modernisation remains, while properly progressive notions of the future have wilted under postmodern critique and been quashed beneath the social wreckage of neoliberalism. Most significantly, with the collapse of the Soviet Union and the rise of globalisation, history does appear to have a grand narrative. Throughout the world, markets, wage labour, commodities and productivity-enhancing technologies have all expanded under the systemic imperative to accumulate. Capitalism has become the destiny of contemporary societies, happily coexisting with national differences and paying little heed to clashes between civilisations. But we can draw a distinction here between the endpoint (capitalism) and the pathway towards it. Indeed, the mutual entanglement of countries means that the European pathway (heavily reliant on exploiting colonies and slavery) is barred for many of the newly developing countries. While there are broad paradigms of development, each country has had to find its own unique way to respond to the imperatives of global capitalism. The path of capitalist modernisation is therefore instantiated in different cultures, following different trajectories and with different rhythms of development. Uneven and combined development is the order of the day. Progress is therefore not bound to a single European path, but is instead filtered through a variety of political and cultural constellations, all directed towards instantiating capitalist relations. Today, modernisers simply fight over which variant of capitalism to install.

Recuperating the idea of progress under such circumstances means, first and foremost, contesting the dogma of this inevitable endpoint. Capitalist modernity was never a necessary outcome, but instead a successful project driven by various classes and a systemic imperative towards accumulation and expansion. Various modernities are possible, and new visions of the future are essential for the left. Such images are a necessary supplement to any transformative political project. They give a direction to political struggles and generate a set of criteria to adjudicate which struggles to support, which movements to resist, what to invent, and so on. In the absence of images of progress, there can only be reactivity, defensive battles, local resistance and a bunker mentality – what we have characterised as folk politics. Visions of the future are therefore indispensable for elaborating a movement against capitalism. Contra the earlier thinkers of modernity, there is no necessity to progress, nor a singular pathway from which to adjudicate the extent of development. Instead, progress must be understood as hyperstitional: as a kind of fiction, but one that aims to transform itself into a truth. Hyperstitions operate by catalysing dispersed sentiment into a historical force that brings the future into existence. They have the temporal form of ‘will have been’. Such hyperstitions of progress form orienting narratives with which to navigate forward, rather than being an established or necessary property of the world. Progress is a matter of political struggle, following no pre-plotted trajectory or natural tendency, and with no guarantee of success. If the supplanting of capitalism is impossible from the standpoint of one or even many defensive stances, it is because any form of prospective politics must set out to construct the new. Pathways of progress must be cut and paved, not merely travelled along in some pre-ordained fashion; they are a matter of political achievement rather than divine or earthly providence.

SUBVERSIVE UNIVERSALS

Any elaboration of an alternative image of progress must inevitably face up to the problem of universalism – the idea that certain values, ideas and goals may hold across all cultures. Capitalism, as we have argued, is an expansionary universal that weaves itself through multiple cultural fabrics, reworking them as it goes along. Anything less than a competing universal will end up being smothered by an all-embracing series of capitalist relations. Various particularisms – localised, specific forms of politics and culture – cohabitate with ease in the world of capitalism. The list of possibilities continues to grow as capitalism differentiates into Chinese capitalism, American capitalism, Brazilian capitalism, Indian capitalism, Nigerian capitalism, and so on. If defending a particularism is insufficient, it is because history shows us that the global space of universalism is a space of conflict, with each contender requiring the relative provincialisation of its competitors. If the left is to compete with global capitalism, it needs to rethink the project of universalism.

But to invoke such an idea is to call forth a number of fundamental critiques directed against universalism in recent decades. While a universal politics must move beyond any local struggles, generalising itself at the global scale and across cultural variations, it is for these very reasons that it has been criticised. As a matter of historical record, European modernity was inseparable from its ‘dark side’ – a vast network of exploited colonial dominions, the genocide of indigenous peoples, the slave trade, and the plundering of colonised nations’ resources. In this conquest, Europe presented itself as embodying the universal way of life. All other peoples were simply residual particulars that would inevitably come to be subsumed under the European way – even if this required ruthless physical violence and cognitive assault to guarantee the outcome. Linked to this was a belief that the universal was equivalent to the homogeneous. Differences between cultures would therefore be erased in the process of particulars being subsumed under the universal, creating a culture modelled in the image of European civilisation. This was a universalism indistinguishable from pure chauvinism. Throughout this process, Europe dissimulated its own parochial position by deploying a series of mechanisms to efface the subjects who made these claims – white, heterosexual, property-owning males. Europe and its intellectuals abstracted away from their location and identity, presenting their claims as grounded in a ‘view from nowhere’. This perspective was taken to be untarnished by racial, sexual, national or any other particularities, providing the basis for both the alleged universality of Europe’s claims and the illegitimacy of other perspectives. While Europeans could speak and embody the universal, other cultures could only be represented as particular and parochial. Universalism has therefore been central to the worst aspects of modernity’s history.

Given this heritage, it might seem that the simplest response would be to rescind the universal from our conceptual arsenal. But, for all the difficulties with the idea, it nevertheless remains necessary. The problem is partly that one cannot simply reject the concept of the universal without generating other significant problems. Most notably, giving up on the category leaves us with nothing but a series of diverse particulars. There appears no way to build meaningful solidarity in the absence of some common factor. The universal also operates as a transcendent ideal – never satisfied with any particular embodiment, and always open to striving for better. It contains the conceptual impulse to undo its own limits. Rejecting this category also risks Orientalising other cultures, transforming them into an exotic Other. If there are only particularisms, and provincial Europe is associated with reason, science, progress and freedom, then the unpleasant implication is that non-Western cultures must be devoid of these. The old Orientalist divides are inadvertently sustained in the name of a misguided anti-universalism. On the other hand, one risks licensing all sorts of oppressions as simply the inevitable consequence of plural cultural forms. All the problems of cultural relativism reappear if there are no criteria to discern which global knowledges, politics and practices support a politics of emancipation. Given all of this, it is unsurprising to see aspects of universalism pop up throughout history and across cultures, to see even its critics begrudgingly accept its necessity, and to see a variety of attempts to revise the category.

We can turn now to one final aspect of universalism, which is its heterogeneous nature. As capitalism makes clear, universalism does not entail homogeneity – it does not necessarily involve converting diverse things into the same kind of thing. In fact, the power of capitalism is precisely its versatility in the face of changing conditions on the ground and its capacity to accommodate difference. A similar prospect must also hold for any leftist universal – it must be one that integrates difference rather than erasing it. What then does all of this mean for the project of modernity? It means that any particular image of modernity must be open to co-creation, and further transformation and alteration. And in a globalized world where different peoples necessarily co-exist, it means building systems to live in common despite the plurality of ways of life. Contrary to Eurocentric accounts and classic images of universalism, it must recognize the agency of those outside Europe, and the necessity of their voices inbuilding truly planetary and universal futures. The universal, then, is an empty placeholder that hegemonic particulars (specific demands, ideals and collectives) come to occupy. It can operate as a subversive and emancipatory vector of change with respect to established universalisms, and it is heterogeneous and includes differences, rather than eliminating them.

#### The aff is an immaterial solution to material structures – queer theory’s fetishization of change for its own sake is unable to ground a collective subject to resist the violence of capital.

Gleeson et al ‘18

[Jules Joanne Gleeson, University of Vienna, Jose Rosales, Stony Brook University, and Andrew Culp, CalArts. 2018. “Love, Sex, Communism: A Discussion,” <https://www.identitiesjournal.edu.mk/index.php/IJPGC/article/view/333>] pat – ableist language [edited]

[AC:] New Materialism seems to offer a feminist alternative to low theory. But returning to “stuff” does not always sit well with Marxism or queer theory, in spite of many theorists’ best efforts. Training analysis on objects can easily slip into naïve commodity fetishism, and reversing the classic queer theory move of skipping past “being” to “doing” can turn into just another form of essentialism. Perhaps there are readings of Spinoza that split the difference?

JR: I think Andrew is absolutely right. The turn to Spinoza by people of that generation is wholly political. Especially as it is no secret that Althusser himself saw Spinoza as the means of correcting the Hegelian perversions that were said to be the real causes of Stalinism. However, it is worth noting that given the fate of Spinoza as a figure to whom various political positions are assigned, the association of Spinoza and Deleuze with what is at stake not simply in queer theory but in queer life is due to a set of shared problems that are materialist in nature. Materialist because they are problems encountered within the concrete, actuality, of daily life. And while one might be tempted to consider Butler’s remark as belonging to this materialist position insofar as these alternative family structures are concrete resolution to the problem of precarious housing situations, I would hesitate to endorse such a line of thinking. The solutions devised by already oppressed groups to the social problems generated by capital (housing, access to health care and services, etc.) are necessary and done out of survival. To put it bluntly: Butler’s remark is nothing but the excitement of bourgeois voyeurism. If there is something particular to queer life that is depicted in Paris Is Burning it would be the conditions that determine what is possible and not possible as a queer (these conditions being the need for alternative housing structures, the fact of one’s increased vulnerability simply by virtue of one’s job, e.g., sex work, or gender identity, etc.). So, it is true that even the most refined theories of performativity fall short of addressing the material conditions of queer life. And just as both of you have noted, the key problem that arises out of the recent attempts in queer theory to overcome the limits of Butler’s position are to be found in various positions that unwittingly make materialism into a variant of animism, or into a more one-sided account of the relationship between thinking and being where matter-itself is both problem and solution.

The latter of these two is best seen in Pheng Cheah’s article “Non-Dialectical Materialism,” where Cheah argues for a non-dialectical theory of change by relocating the possibility of real social transformation in matter and not form, in the world of matter-itself and not the immaterial domain of idealism and its abstractions. While Cheah argues that this is a position that is derived from Deleuze and Guattari’s notion of impersonal forces and pre-individual singularities, it is not at all clear to me how these notions require a redefinition of the materialism that begins with Marx and continues in their joint works. It is true that Deleuze and Guattari are singular in thinking through the existence of supposedly absolute processes of deformation, or deterritorialization where what is at work is something that evades the classical distinctions between matter and its forms, or a form and its variable contents. But this is a theory about change in general, whereas the specific interest of transforming the material reality of queer lives finds no political guarantees in general theories of how change occurs in the world. So, what a non-dialectical materialism really amounts to is not a confirmation of Deleuze’s many anti-Hegelian comments and rather amounts to neutralizing any possibility for a collective subject to change its material conditions and thereby transforming what the meaning and substance of their lives is in the process.

To detach any notion of revolutionary transformation from a materialism that begins from the concrete, reality, of queer life (and including its set of particular interests, desires, and needs) amounts to a vision of political struggle that understands itself to be revolutionary due to the (over-)emphasis placed and privilege granted to the reality of change in general. This is tantamount to saying that what is most revolutionary in terms of change is a change that remains blind [ignorant] to the consequences for any subject or group whatsoever. It is a theory of change that is universal and equal only to the extent that we are barred from saying how and why it is beneficial for everyone... let alone for queers and especially queers of color. If what is at stake is not life in general but specifically queer, intersectional, life, then any notion of change can only be revolutionary to the extent that it is a qualitative transformation for queer life. And here we also encounter what is promising with the recent work on queer Marxism since what was revolutionary in the vision of communism is also at work in queer Marxism and in a historical materialist understanding of change. The kind of change we are interested in has never been general in nature; it is always for someone such as the proletariat of the past or the queers of the present.

#### Vote negative for communist organizing – that requires collective struggle and the establishment of centralized organization to inform both theory and practice.

Kuhn ‘18

[Gabriel, Austrian-born writer and translator living in Sweden. Among his book publications is “All Power to the Councils! A Documentary History of the German Revolution of 1918-1919”. March 2018. “Don't Mourn, Organize! Is Communism a Pipe Dream—or a Viable Future?” <https://brooklynrail.org/2018/03/field-notes/Dont-Morn-Organize-Is-Communism-a-Pipe-Dreamor-a-Viable-Future>] pat

The forms of organization this requires must go further than the affinity group but stop short of the vanguard party. Affinity groups do not answer the demand for mass organizing that mass societies require. But neither do vanguard parties. They attempt to lead the masses, not organize them, and that’s a big difference. The party model might in general be insufficient for mass organizing today. The networks that movementism gave way to are perhaps more appropriate, but only if they can overcome the assumption that the looser the connections are, the better. This assumption is wrong. Loose connections might suit the needs of an ever more flexible market economy, but not of effective political organizing. To “have contacts” is not enough; you need to do something with them. And you need to stay committed to the projects you initiate. I will try to flesh this out by listing the aspects I consider most important in organizing today.

1. We need to leave sectarianism behind. The left is weak and each additional division weakens it further. In a 2011 article titled “Movement, Cadre, and the Dual Power,” Joel Olson made a simple, yet very important observation: “We believe that the old arguments between communists and anarchists are largely irrelevant today.” This must be our point of departure.

2. We need theory that is adapted to our times. It must overcome the false contradiction between “class struggle” and “cultural struggle.” There is a fruitful debate about a “new class politics” in the German-speaking world. Sebastian Friedrich, one of its main proponents, drew these conclusions in an article published by Counterpunch:

A new class politics does not relegate gender, race, and imperial legacy to issues that are supplementary to class relations. These issues, and the struggles they imply, are an integral part of class relations. In fact, feminist, anti-racist, and anti-colonial struggles are the base on which effective unified class struggles must be launched.… A new class politics must clarify where and how the specific experiences of workers based on gender, race, citizenship, and other factors converge. It must reveal the overlapping interests of workers as members of the class. This makes common struggles possible.

3. We must not rely on the “objective forces” identified by historical materialism. Subjective forces are important for change. It is easy to underestimate how much neoliberalism shapes the lives even of people opposed to it. In the Global North, political activism has become a leisure activity that people engage in or not, depending on their mood, the identity they are trying to create for themselves, or the road of “self-improvement” they have chosen. In almost all cases, it is secondary to professional careers and personal comforts. Under such circumstances, it is difficult to get anything done. There is nothing wrong with being “voluntaristic.” Radical change is dependent on people wanting radical change, no matter how much Marxists still insist on economic realities determining individual consciousness and, therefore, individuals’ capacity for political action. An organization’s efficiency relies on the individual qualities of its members, that is, responsibility, reliability, and accountability.

Making Things Concrete

If we want communism to be more than a pipe dream, we have to be willing to face reality, even if it confuses, challenges, or even frightens us. We cannot ignore struggles that refer to communist ideals, simply because they aren’t the struggles we’d like to see. If our enthusiasm for communism remains limited to lecture halls and conference rooms, it won’t be anything the powerful will lose sleep over.

The struggle that currently receives most attention among communists of all stripes in the Global North is the one in Kurdistan. In Rojava (Syrian Kurdistan), forces affiliated with the Kurdistan Workers’ Party, PKK, have established a direct-democratic council system, based on the “democratic confederalism” conceived by the imprisoned PKK leader Abduallah Öcalan. Öcalan describes democratic confederalism as “a non-state political administration or a democracy without a state,” and cites Murray Bookchin’s “libertarian municipalism” as a major influence. There are people who celebrate this as a form of anarchism. But as an observant friend of mine noted, an anarchism that is imposed by a leader is a strange kind of anarchism. Besides, there are reports from the ground that challenge the libertarian narrative. The editors of Lower Class Magazine, an online project dedicated to “low budget underground journalism,” travel regularly to Kurdistan and have the following to say:

The Western left sees Rojava as the realization of a democracy “from below”: communes, councils, a confederation; no hierarchies, no party, a spontaneous mass project. Anarchists and “libertarian” communists wax lyrically about the dawn of a direct-democratic Shangri-La. […] Yes, the change in Rojava comes “from below. It is based on the power of the people, no doubt. Communes and councils are at the heart of decision-making, that is true. But as essential is the following: None of this would be happening if it wasn’t for a vanguard leading the way. The revolution in Rojava proves that Leninist vanguardism is correct, not false.

Another European journalist visiting the region noted that the cadres of the People’s Protection Units, YPG, relate to the councils of Rojava in the same way the Bolshevists related to the councils of the Soviet Union. Furthermore, there are troubling pragmatic alliances, which have included collaboration with the U.S. military. Yet the people behind Rojava Solidarity NYC sum up the situation well:

Rojava, an autonomous region in Northern Syrian, the largest revolutionary territory of the 21st century, has projected anarchist and communist ideas to the forefront of political discourse and into the pragmatic and messy reality of everyday life. … From communal relationships to the councils and self-defense units, we can assess numerous potential routes by which we can create liberated communities at home, while learning from their possibilities and pitfalls.

Rojava won’t be the answer to our problems. No single struggle ever is. But the developments in Rojava challenge us to discuss real-life strategies for radical change. It is easy to focus on shortcomings, but if this is all we ever do, where will it get us?

Councils are essential for communist projects. Their power, which is based on the direct involvement and active participation of the masses, is curtailed as soon as political interest groups, such as parties, assume control over them. This conviction separated historical council communism, represented by figures such as Otto Rühle and Anton Pannekoek, from the Bolsheviks. Pannekoek wrote:

The councils are no government; not even the most central councils bear a governmental character. For they have no means to impose their will upon the masses; they have no organs of power. All social power is vested in the hands of the workers themselves.

Unless we want the transition to communism to entail enormous human suffering (which would be utterly absurd), we need to consider the fact that billions of people will need to be fed, sheltered, nursed, provided with access to clean water, and so forth. To produce according to the needs of the people rather than the needs of profit requires enormous efforts in planning, especially if current living standards are to be upheld. (Living standards don’t equal standards of consumption—the standards of consumption in the Global North cannot and should not be upheld, since they are unsustainable.) Furthermore, we must collectively dispose of industrial and nuclear waste, weapons of mass destruction, and ticking environmental bombs. None of this is possible without a level of centralization, no matter how visceral the reactions are that the word might provoke in some circles.

Only a council system can combine the centralization required by the complexity of modern societies with participative democracy. Centralization requires formal structures. Participative democracy requires these structures to be transparent. They need to be bottom-up rather than top-down, and delegates must be directly responsible to their constituencies. The council system is the only administrative framework to provide that.

Romanticizing particular struggles rarely does any good, no matter how council-based they are—or claim to be. If radicals in the Global North fail to address concerns with respect to struggles in the Global South, it is not respectful but condescending. To escape into the intellectual poverty of cultural relativism doesn’t help. We can only evolve from critical engagement. But real-life struggles are our starting point. It makes little sense to demand struggles for communism if we shy away from engaging with the ones that exist. Arundhati Roy put it simply after spending time with Maoist Naxalites in the forests of central India, an experience she chronicled in the book Walking with the Comrades. She said: “I went in because I wanted to tell the story of who these people are.” This informs revolutionary theory and, in turn, improves revolutionary practice. Most importantly, it is crucial for saving communist struggles from betraying their own principles. Everyone can watch failure unfold. The challenge lies in helping to prevent it.

#### Only communism can allow for an experimentation with sexuality outside of the bounds of productive labor.

Gleeson et al ‘18

[Jules Joanne Gleeson, University of Vienna, Jose Rosales, Stony Brook University, and Andrew Culp, CalArts. 2018. “Love, Sex, Communism: A Discussion,” <https://www.identitiesjournal.edu.mk/index.php/IJPGC/article/view/333>] pat

JR: It is my suspicion that one way in which Marxist feminism could be understood as offering a new understanding of the relationship of work and sex, or work and love, is on the basis of how Marxist feminism has been able to deepen the specificity of what exactly a communist politics promises and entails. The example that immediately comes to mind here is Silvia Federici’s seminal essay “Wages against Housework.” It is in this essay where Federici makes a comment that appears as nothing but a passing remark; a statement that is less a materialist description and more a declaration regarding just what exactly is entailed and implicitly asserted in the project of bringing about a communist future. So, and in the course of her analysis, Federici writes: “[W]e want to call work what is work so that eventually we might rediscover what is love and create our sexuality, which we have never known.” Given Federici’s insight, and inquiring into the opportunities afforded to us by Marxist feminism, we could begin by attempting to understand the precise sense in which she makes this remark. In other words, is it the case that Federici is implicitly arguing for a view that seeks out the meaning and social relations of love, intimacy, and familial bonds, insofar as they are stripped of their determinations by the social relations of capital?

My suspicion, however, is that the question with which Federici is occupied is one that is as difficult and profound as it is simple and concise: What would it mean to love as a communist? To love like a comrade, or as someone in solidarity, or as someone in a romantic relationship? And what are the modes of loving, both ourselves and others, that are made possible only by virtue of communism? This is to inquire into the possibility of an image of communism as one that is irreducible to its being the solution to the riddle of history. So, if what is implied by Federici’s remark is that communism is the historical condition upon which questions of love and sexuality can be posed, in its most profound and meaningful manner, then what is potentially discovered within the tradition of Marxist feminism more generally is a vision of communism as something more than historical resolutions; a communism that was to be the very condition through which the meaning and function of love no longer derives its sense or value through its participation in a time no longer defined as that of labor or of leisure.

And so, regarding the connection between love and the form of time adequate to it, and with respect to Federici’s insistence on the political necessity of maintaining a clear separation of the time of work from that of sex/love/life, we catch a glimpse of how this Marxist feminist analysis of the relationship between production and reproduction are immediately related to Marx’s own position on the differing forms of time proper to capitalism and communism. For example, Marx makes a relevant observation in the Grundrisse when he writes that: “For real wealth is developed productive power of all individuals. The measure of wealth is then not any longer, in any way, labor time, but rather disposable time.” This disposable-time that is said to be the true measure of the wealth produced under communism; this time with which we can do as we please and that structures one’s life as a life defined by this form of time that can only be attributed to communism; this time, then, is the form of time that not only corresponds to Federici’s separation of sex from work but does so in a way that moves beyond the brute opposition of labor-time vs. leisure-time (which is simply unwaged time put in the service of reproducing labor-power). In this way, one would be able to see how disposable-time is the form of time adequate to communism; as the form of time most adequate for a communist determination of the questions and experiences surrounding love and sexuality; as the form of time proper for our rediscovery of love, for the creation of sexualities we have never known.

### 4

#### Interpretation: Topical affirmatives may only garner offense from the hypothetical implementation by governments that the appropriation of outer space by private entities is unjust. Any 1AR reclarification or spin is still extra T which equally links to our offense.

#### Resolved requires policy action

Louisiana State Legislature (<https://www.legis.la.gov/legis/Glossary.aspx>) Ngong

**Resolution**

**A legislative instrument** that generally is **used for** making declarations, **stating policies**, and making decisions where some other form is not required. A bill includes the constitutionally required enacting clause; a resolution **uses the term "resolved".** Not subject to a time limit for introduction nor to governor's veto. ( Const. Art. III, §17(B) and House Rules 8.11 , 13.1 , 6.8 , and 7.4 and Senate Rules 10.9, 13.5 and 15.1)

#### Appropriation

TIMOTHY JUSTIN TRAPP, JD Candidate @ UIUC Law, ’13, TAKING UP SPACE BY ANY OTHER MEANS: COMING TO TERMS WITH THE NONAPPROPRIATION ARTICLE OF THE OUTER SPACE TREATY UNIVERSITY OF ILLINOIS LAW REVIEW [Vol. 2013 No. 4]

The issues presented in relation to the nonappropriation article of the Outer Space Treaty should be clear.214 The ITU has, quite blatantly, created something akin to “property interests in outer space.”215 It allows nations to exclude others from their orbital slots, even when the nation is not currently using that slot.216 This is directly in line with at least one definition of outer-space appropriation.217 [\*\*Start Footnote 217\*\*Id. at 236 (“Appropriation of outer space, therefore, is ‘the exercise of exclusive control or exclusive use’ with a sense of permanence, which limits other nations’ access to it.”) (quoting Milton L. Smith, The Role of the ITU in the Development of Space Law, 17 ANNALS AIR & SPACE L. 157, 165 (1992)). \*\*End Footnote 217\*\*]The ITU even allows nations with unused slots to devise them to other entities, creating a market for the property rights set up by this regulation.218 In some aspects, this seems to effect exactly what those signatory nations of the Bogotá Declaration were trying to accomplish, albeit through different means.219

Topicality is key to limits and ground---redefining portions of the resolution permits endless reclarification AND creates incentives for avoidance---only aligning research with agent and mechanism solves.

#### Two impacts:

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

**Dascal and Knoll** ’**11** [Marcelo and Amnon; May 18th; former Professor of Philosophy at Tel Aviv University, B.A. in Philosophy from the University of Sao Paulo; former Professor of Philosophy at Tel Aviv University; Argumentation: Cognition and Community, "'Cognitive systemic dichotomization' in public argumentation and controversies," p. 20-25]

He opposes positions whose ‘exclusionist’ outlook rejects the normative approach to the political sphere on the grounds that “normative statements can never be subjected to a reasonable discussion” (ibid.: 2), because—he argues—the discussion of politics “is an area of vital interest to all of us and should clearly not be excluded from argumentative reasonableness” (ibid.: 3)—a view with which we are prone to agree. Nevertheless, he admits that in the present situation critical discussion is far from being systematically and successfully applied to that vital area: “In representative democracies, however, the out-comes of the political process tend to be predominantly the product of negotiations be-tween political leaders rather than the result of a universal and mutual process of deliberative disputation” (ibid.). Political debates, therefore, are ‘quasi-discussions’, i.e., “monologues calculated only to win the audience’s consent to one’s own views”, rather than ‘genuine discussions’, i.e., serious attempts to have an intellectual exchange, which is typical of critical discussions (ibid.). In order to overcome this situation, “democracy should always have promoted such a critical discussion of standpoints as a central aim. Only if this is the case can stimulating participation in political discourse enhance the quality of democracy" (ibid.). This can be achieved, however, only by following “the dialectical rules for argumentative discourse that make up a code of conduct for political discourse [and] are therefore of crucial importance to giving substance to the ideal of participatory democracy” (ibid.: 4); thereby fully acknowledging that “education in processing argumentation in a critical discussion is indispensable for a democratic society (van Eemeren 1995: 145-146).

The reasons provided for the failure of the adoption of the critical discussion model in reality ranges from a general allusion to human nature (“in real-life contexts, it has to be taken into account that human interaction is not always automatically 'naturally' and fully oriented toward the ideal of dialectical reasonableness "; van Eemeren 2010: 4) to specific political sphere argumentation handicaps (unwillingness of people “to subject their thinking to critical scrutiny”; “vested interest in particular outcome”; “inequality in power and resources; “different levels of critical skills”; and “a practical demand for an immediate settlement”; van Eemeren 2010: 4). Although these causes may have some explanatory value in some cases, in our opinion their modus operandi is not accounted for and, what is more important, they do not cover the full spectrum of challenges that the successful use of critical discussion in the public and political spheres must face, as we have seen (cf. sections 2 and 3).

No wonder that van Eemeren himself raises the question “whether maintaining the dialectical ideal of critical discussion in political and other real-life contexts is not utopian” (ibid.), to which he replies by admitting that "[t]he ideal of a critical discussion is by definition not a description of any kind of reality but sets a theoretical standard that can be used for heuristic, analytic and evaluative purpose” (ibid.). This ideal seems to be so inspiring that it remains valid as a pure theoretical ideal, “even if the argumentative discourse falls short of the dialectical ideal” (ibid.).

In the light of the substantial gap between the normative ideal and the actual practices of public and political argumentation that PD’s description and explanation provides, a number of doubts arise: Are there structural, rather than merely contingent obstacles in idealized critical discussion that prevents even its approximate use in the public sphere? Can a theory that claims to be a praxis based normative system fulfill its promise if it sets up a threshold that no one who tries to apply it to the public sphere can reach? Doesn’t the very fact that argumentation is excessively idealized in the model PD proposes cause the gap by distancing people concerned by public issues from argumentation at all? All these doubts suggest that a powerful structural phenomenon like the existence of CSDs in the public sphere is perhaps overlooked by PD and requires, for its overcoming, a radically different approach.

4.2 Discrepancies between the PD approach and reasonable argumentation in the public sphere

The discrepancies in question have to do with basic parameters relevant to every argumentative process, namely:

(A) The discussants’ goals and targets: what do they expect to achieve through the argumentation process and what is it capable of providing.

(B) The preconditions for initiating a critical discussion: what are the discussants presumed to know and accept of these preconditions.

(C) The argumentative process that is supposed to lead to the achievement of the discussants’ goals.

(D) The influence of context and agents on the argumentative process.

4.2.1 Goals

Assuming that argumentation is a voluntary endeavor, the parties are presumed to engage in it if and only if: (i) the process will serve their goals; (ii) these goals cannot be achieved by different, better means.

PD describes as follows the aim of engaging in an argumentative process:

Argumentation is basically aimed at resolving a difference of opinion about the acceptability of a standpoint by making an appeal to the other party's reasonableness. (van Eemeren 2010: 1, with reference to van Eemeren & Grootendorst 2004: 11-18)

The difference of opinion is resolved when the antagonist accepts the protagonist's viewpoint on the basis of the arguments advanced or when the protagonist abandons his viewpoint as a result of the critical responses of the antagonist. (van Eemeren 2010: 33)

Simply put, the basic assumption is that a critical discussion’s aim consists in putting forth a certain position by one of the parties for the critical examination of the other, who calls it into question. The latter undertakes to refute the former’s position, while its proponent is committed to defend it. Four stages (see below) are supposed to ensure a valid performance of the refutation and defense tasks. The essential point is that at the end of the four stages the parties clearly agree whether the proponent’s position has been refuted or not and, accordingly, change their position (either retracting it or withdrawing from his questioning). In ‘mixed’ disagreements, in which the antagonist not only questions but also puts forth an opposed position, the same process takes place sequentially, i.e., at first one side (A) attacks trying to refute the other’s (B) position, and after this stage is concluded, they switch roles and the second side (B) proceeds to attack the first (A) in the same fashion.

Regardless of whether the described process is indeed capable to yield a conclusive decision about the refutation of a position, and of whether the linearity of the refutation process makes sense, it is obvious that debates in the public sphere are for the most part ‘mixed’. Furthermore, in so far as these debates involve dichotomous positions (rather than just opposed ones), it is necessary that at the end of the PD process one of the parties accept the position of the other.

It is also worth noticing that, contrary to deliberative democracy approaches, which in some cases approve the attempt to reach agreement in a (public) debate as a form of justification of political systems, PD claims that it is not a consensus theory at all. Instead, it conceives itself as a theory based on Popper’s critical rationality, i.e., as having as its principal goal to provide each party with the means—i.e., refutation attempts—to test critically its position:

[T]he conception of reasonableness upheld in pragma-dialectics insights from critical rationalist epistemology and utilitarian ethics conjoin … The intersubjective acceptability we attribute to the procedure, which is eventually expected to lend conventional validity to the procedure, is primarily based on its instrumentality in doing the job it is intended to do: re-solving a difference of opinion. … This means that, philosophically speaking, the rationale for accepting the pragma-dialectical procedure is pragmatic—more precisely, utilitarian [italics in quoted text]. … However, based on Popper's falsification idea, this is a ‘negative’ and not ‘positive’, utilitarianism. … Rather than maximization of agreement, minimization of disagreement is to be aimed for. (van Eemeren 2010: 34)

The distinction between maximization of agreement and minimization of disagreement purports to stress that PD doesn’t view agreement as the suitable end of the process, but just as “an intermediate step on the way to new, and more advanced, disagreements” (van Eemeren 2010: 26n). Nevertheless, no explanation is given of how these “more advanced disagreements” are engendered as a part of the dynamics of the critical process, nor what is the role or value of such disagreements in the public sphere or elsewhere. This may be due to the fact that PD’s ‘critical discussion’ is not tuned to the generation of new positions or ideas but only to the testing of extant ones, thus echoing once again Popper, now in his focus on the justification rather than on the discovery of theories (see sections 4.2.4 and 5).

In any case, it is quite clear that the only practical result of the critical discussion à la PD of opposed positions on a public issue is to determine whether one discussant succeeded in refuting the other’s position, thus obtaining the adversary’s agreement, who will then share his/her position, at least for some time. In this respect, PD’s critical discussion is close to Habermas’s ‘reasonable argumentation’, whose aim is to reach consensus.15 In spite of the apparent difference between a critical examination of a position aiming at its refutation or at its acceptance, even van Eemeren admits, to some extent, their similarity. He points out that “the pragma-dialectical procedure deals only with ‘first order’ conditions for resolving differences of opinion on the merits by means of critical discussion” (van Eemeren 2010: 34), and stresses that there are ‘higher order’ conditions, ‘internal’ and ‘external’, that are “beyond the agent’s control”, conditions that are similar to Habermas’s “ideal speech conditions” (van Eemeren 2010: 35n). Anyhow, whether according to PD the main goal of the critical discussion process in the public alliance is to create the opportunity for refutation or for agreement (meaning that one of the discussants acknowledges that his position is wrong), the essential assumption of this process is that the participants in it in the public sphere (or elsewhere) must be aware that one of them holds a wrong position and will have to explicitly acknowledge this.

Is such a goal, especially when conceived as the ultimate aim of the proposed argumentative process, feasible and acceptable in the public sphere?

In our opinion, there are at least four reasons for arguing that it is a utopian, hence unacceptable goal, if one takes seriously what should be expected from argumentative practice and theory in the public sphere. First, because PD deserves a critique similar to the one leveled against the Popperian version of critical rationalism it espouses,16 which defends a theory of knowledge “without a knowing subject” (Popper 1972); obviously, such a-contextual position becomes even more problematic if applied to the public and political spheres, where it must operate in a context essentially involved with practical rationality. Second, due to its analogy with theories such as Habermas’s that were discussed in this section as well as in 2.2—an analogy that deserves additional criticism because, unlike Habermasianism, PD overlooks the relationship between the political and public context and argumentative practice. Third, because of PD’s total overlooking of the role of CSDs in public argumentation (cf. 4.2.2). And fourth, due to unilateral value judgments of positions in the public sphere, which lead to simplistic criteria of refutation or acceptance in a domain where complexity is the rule (cf. 2.1.1 and 4.2.3).

(ii) Let us admit, for the sake of argument, that the refutation goal as claimed by PD is central, feasible, acceptable, and useful in public argumentation. Aren’t there better ways to achieve this goal?

The refutation and defense moves stipulated by the PD critical discussion model include, on the one side, the antagonist’s critical remarks or demands and on the other, the proponent’s replies. We believe that it must be assumed that neither the critique nor the replies are previously known to the contenders, which is why they have an interest in engage in the argumentation process: presumably, the expression of both, counter-arguments and defensive-arguments, is good to both sides. In spite of its usefulness in certain situations, this kind of exchange does not amount to the full manifestation of the dialectical critical process, wherein the context and co-text of the dialectical exchange, as well as the cognitive interaction that takes place and evolves throughout the exchange, play a decisive role in the design and ‘inner’ justification of each of the participants’ moves. Argumentation strategies that take into account these resources and make full use of their potential are no doubt setting up another, broader span of goals for the argumentative process, and are more likely to achieve these goals more effectively than they certainly would achieve their PD more limited counterparts (cf. 4.2.4 and 5).

4.2.2 Preconditions

The ideal PD critical discussion can only be realized if some preconditions are satisfied. The most important ones are a) a clear-cut identification of the standpoint that provokes the disagreement, b) the decision of the parties to engage in a discussion, and c) the participants’ commitment to obey the procedural rules. As we shall see, these preconditions share a common assumption, which calls into question the feasibility of using critical discussion in the public sphere.

(A) This precondition assumes that it is possible to isolate rigorously the subject matter of a critical discussion, so as to conduct a focused discussion that makes use only of relevant arguments. This precondition is quite strict, for whenever both discussants defend contrary standpoints, their disagreement should be treated as two separate fully fledged discussions: “… if another discussion begins, it must go through the same stages again—from confrontation stage to concluding stage” (van Eemeren 2010: 10n).

(B) This precondition subordinates the decision to engage in the discussion to the evaluation that the discussants share enough common ground to pursue it adequately: “After the parties have decided that there is enough common ground to conduct a discussion …” (van Eemeren 2010: 33).

(C) This precondition stresses the ‘contractual’ character of a critical discussion, which requires explicit mutual commitments by the discussants. Its rationale is that without such commitments the aim of the critical discussion, i.e., the resolution of the difference of opinions, will not be achieved, which makes engaging in the discussion pointless: “There is no point in venturing to resolve a difference … if there is no mutual commitment to a common starting point, which may include procedural commitments as well as substantive agreement” (van Eemeren and Grootendorst 2004: 60).

These ‘first order’ preconditions, as they are labeled in PD (cf. van Eemeren 2010: 33), are the conditions that candidates to participate in a critical discussion must fulfill if they intend to do so and can afford it personally (a ‘second order’ condition) and politically (a ‘third order’ condition).17 In addition, the first order conditions demand from the prospective discussants a clear, distinct, and detailed picture of the scope of the discussion that they are about to engage in. This means not mixing up the various differences of opinion that the discussion may involve, and being able to separate them properly as the subject matter for independent discussions; a further requirement is the anticipated identification of the pieces of the ‘substantive agreement’ forming the starting point in order to ensure that they are sufficient for conducting the discussion up to a satisfactory closure.

#### Fairness is an impact and comes before everything else – [1] it’s an intrinsic good – some level of competitive equity is necessary to sustain the activity – if it didn’t exist, then there wouldn’t be value to the game since judges could literally vote whatever way they wanted regardless of the competing arguments made [2] probability – your ballot can’t solve their impacts but it can solve mine – debate can’t alter subjectivity, but can rectify skews [3] internal link turns every impact – a limited topic promotes in-depth research and engagement which is necessary to access all of their education [4] comes before substance – deciding any other argument in this debate cannot be disentangled from our inability to prepare for it – any argument you think they’re winning is a link, not a reason to vote for them, since it’s just as likely that they’re winning it because we weren’t able to effectively prepare to defeat it. This means they don’t get to weigh the aff, so reject arguments like topicality is ableist or why fairness restricts identity and is bad.

2---Clash---forfeiting government action sanctions retreat from controversy and forces the negative to concede solvency before winning a link -- clash is the necessary condition for distinguishing debate from discussion, but negation exists on a sliding scale -- that jumpstarts the process of critical thinking, reflexivity, and argument refinement. There is 0 a reason a defense of the topic is any worse than abiding by other norms like speech times and reading evidence, proves they’re an arbitrary shift.

#### 3---Movement Lawyering Skills – contingent, focused debates around locus points of difference are key to develop activists skills for political justice.

Archer 18, Deborah N. "Political Lawyering for the 21st Century." Denv. L. Rev. 96 (2018): 399. (Associate Professor of Clinical Law at NYU School of Law)//Elmer

Political justice lawyers must be able to break apart a systemic problem into manageable components. The complexity of social problems, can cause law students, and even experienced political lawyers, to become overwhelmed. In describing his work challenging United States military and economic interventions abroad, civil rights advocate and law professor Jules Lobel wrote of this process: “Our foreign-policy litigation became a sort of Sisyphean quest as we maneuvered through a hazy maze cluttered with gates. Each gate we unlocked led to yet another that blocked our path, with the elusive goal of judicial relief always shrouded in the twilight mist of the never-ending maze.”144 Pulling apart a larger, systemic problem into its smaller components can help elucidate options for advocacy. An instructive example is the use of excessive force by police officers against people of color. Every week seems to bring a new video featuring graphic police violence against Black men and women. Law students are frequently outraged by these incidents. But the sheer frequency of these videos and lack of repercussions for perpetrators overwhelm those students just as often. What can be done about a problem so big and so pervasive? To move toward justice, advocates must be able to break apart the forces that came together to lead to that moment: intentional discrimination, implicit bias, ineffective training, racial segregation, lack of economic opportunity, the over-policing of minority communities, and the failure to invest in non-criminal justice interventions that adequately respond to homelessness, mental illness, and drug addiction. None of these component problems are easily addressed, but breaking them apart is more manageable—and more realistic—than acting as though there is a single lever that will solve the problem. After identifying the component problems, advocates can select one and repeat the process of breaking down that problem until they get to a point of entry for their advocacy. 2. Identifying Advocacy Alternatives As discussed earlier, political justice lawyering embraces litigation, community organizing, interdisciplinary collaboration, legislative reform, public education, direct action, and other forms of advocacy to achieve social change. After parsing the underlying issues, lawyers need to identify what a lawyer can and should do on behalf of impacted communities and individuals, and this includes determining the most effective advocacy approach. Advocates must also strategize about what can be achieved in the short term versus the long term. The fight for justice is a marathon, not a sprint. Many law students experience frustration with advocacy because they expect immediate justice now. They have read the opinion in Brown v. Board of Education, but forget that the decision was the result of a decades-long advocacy strategy.145 Indeed, the decision itself was no magic wand, as the country continues to work to give full effect to the decision 70 years hence. Advocates cannot only fight for change they will see in their lifetime, they must also fight for the future.146 Change did not happen over night in Brown and lasting change cannot happen over night today. Small victories can be building blocks for systemic reform, and advocates must learn to see the benefit of short-term responsiveness as a component of long-term advocacy. Many lawyers subscribe to the American culture of success, with its uncompromising focus on immediate accomplishments and victories.147 However, those interested in social justice must adjust their expectations. Many pivotal civil rights victories were made possible by the seemingly hopeless cases that were brought, and lost, before them.148 In the fight for justice, “success inheres in the creation of a tradition, of a commitment to struggle, of a narrative of resistance that can inspire others similarly to resist.”149 Again, Professor Lobel’s words are instructive: “the current commitment of civil rights groups, women’s groups, and gay and lesbian groups to a legal discourse to legal activism to protect their rights stems in part from the willingness of activists in political and social movements in the nineteenth century to fight for rights, even when they realized the courts would be unsympathetic.”150 Professor Lobel also wrote about Helmuth James Von Moltke, who served as legal advisor to the German Armed Services until he was executed in 1945 by Nazis: “In battle after losing legal battle to protect the rights of Poles, to save Jews, and to oppose German troops’ war crimes, he made it clear that he struggled not just to win in the moment but to build a future.”151 3. Creating a Hierarchy of Values Advocates challenging complex social justice problems can find it difficult to identify the correct solution when one of their social justice values is in conflict with another. A simple example: a social justice lawyer’s demands for swift justice for the victim of police brutality may conflict with the lawyer’s belief in the officer’s fundamental right to due process and a fair trial. While social justice lawyers regularly face these dilemmas, law students are not often forced to struggle through them to resolution in real world scenarios—to make difficult decisions and manage the fallout from the choices they make in resolving the conflict. Engaging in complex cases can force students to work through conflicts, helping them to articulate and sharpen their beliefs and goals, forcing them to clearly define what justice means broadly and in the specific context presented. Lawyers advocating in the tradition of political lawyering anticipate the inevitable conflict between rights, and must seek to resolve these conflicts through a “hierarchy of values.”152 Moreover, in creating the hierarchy, the perspectives of those directly impacted and marginalized should be elevated “because it is in listening to and standing with the victims of injustice that the need for critical thinking and action become clear.”153 One articulation of a hierarchy of values asserts “people must be valued more than property. Human rights must be valued more than property rights. Minimum standards of living must be valued more than the privileged liberty of accumulated political, social and economic power. Finally, the goal of increasing the political, social, and economic power of those who are left out of the current arrangements must be valued more than the preservation of the existing order that created and maintains unjust privilege.”154 C. Rethinking the Role of the Clinical Law Professor: Moving From Expert to Colleague Law students can learn a new dimension of lawyering by watching their clinical law professor work through innovative social justice challenges alongside them, as colleagues. This is an opportunity not often presented in work on small cases where the clinical professor is so deeply steeped in the doctrine and process, the case is largely routine to her and she can predict what is to come and adjust supervision strategies accordingly.155 However, when engaged in political lawyering on complex and novel legal issues, both the student and the teacher may be on new ground that transforms the nature of the student-teacher relationship. A colleague often speaks about acknowledging the persona professors take on when they teach and how that persona embodies who they want to be in the classroom—essentially, whenever law professors teach they establish a character. The persona that a clinical professor adopts can have a profound effect on the students, because the character is the means by which the teacher subtly models for the student—without necessarily ever saying so— the professional the teacher holds herself to be and the student may yet become. In working on complex matters where the advocacy strategy is unclear, the clinical professor makes himself vulnerable by inviting students to witness his struggles as they work together to develop the most effective strategy. By making clear that he does not have all of the answers, partnering with his students to discover the answers, and sharing his own missteps along the way, a clinical law professor can reclaim opportunities to model how an experienced attorney acquires new knowledge and takes on new challenges that may be lost in smaller case representation.156 Clinical law faculty who wholeheartedly subscribe to the belief that professors fail to optimize student learning if students do not have primary control of a matter from beginning to end may view a decision to work in true partnership with students on a matter as a failure of clinical legal education. Indeed, this partnership model will inevitably impact student autonomy and ownership of the case.157 But, there is a unique value to a professor working with her student as a colleague and partner to navigate subject matter new to both student and professor.158 In this relationship, the professor can model how to exercise judgment and how to learn from practice: to independently learn new areas of law; to consult with outside colleagues, experts in the field, and community members without divulging confidential information; and to advise a client in the midst of ones own learning process.159 III. A Pedagogical Course Correction “If it offends your sense of justice, there’s a cause of action.” - Florence Roisman, Professor, Indiana University School of Law160 In response to the shifts in my students’ perspectives on racism and systemic discrimination, their reluctance to tackle systemic problems, their conditioned belief that strategic litigation should be a tool of last resort, and my own discomfort with reliance on small cases in my clinical teaching, I took a step back in my own practice. How could I better teach my students to be champions for justice even when they are overwhelmed by society’s injustice; to challenge the complex and systemic discrimination strangling minority communities, and to approach their work in the tradition of political lawyering. I reflected not only on my teaching, but also on my experiences as a civil rights litigator, to focus on what has helped me to continue doing the work despite the frustrations and difficulties. I realized I was spending too much time teaching my students foundational lawyering skills, and too little time focused on the broader array of skills I knew to be critical in the fight for racial justice. We regularly discussed systemic racism during my clinic seminars in order to place the students’ work on behalf of their clients within a larger context. But by relying on carefully curated small cases I was inadvertently desensitizing my students to a lawyer’s responsibility to challenge these systemic problems, and sending the message that the law operates independently from this background and context. I have an obligation to move beyond teaching my students to be “good soldiers for the status quo” to ensuring that the next generation is truly prepared to fight for justice.161 And, if my teaching methods are encouraging the reproduction of the status quo it is my obligation to develop new interventions.162 Jane Aiken’s work on “justice readiness” is instructive on this point. To graduate lawyers who better understand their role in advancing justice, Jane Aiken believes clinics should move beyond providing opportunities for students to have a social justice experience to promoting a desire and ability to do justice.163 She suggests creating disorienting moments by selecting cases where students have no outside authority on which to rely, requiring that they draw from their own knowledge base and values to develop a legal theory.164 Disorienting moments give students: experiences that surprise them because they did not expect to experience what they experienced. This can be as simple as learning that the maximum monthly welfare benefit for a family of four is about $350. Or they can read a [ ] Supreme Court case that upheld Charles Carlisle’s conviction because a wyer missed a deadline by one day even though the district court found there was insufficient evidence to prove his guilt. These facts are often disorienting. They require the student to step back and examine why they thought that the benefit amount would be so much more, or that innocence would always result in release. That is an amazing teaching moment. It is at this moment that we can ask students to examine their own privilege, how it has made them assume that the world operated differently, allowing them to be oblivious to the indignities and injustices that occur every day.165 Giving students an opportunity to “face the fact that they cannot rely on ‘the way things are’ and meet the needs of their clients” is a powerful approach to teaching and engaging students.166 But, complex problems call for larger and more sustained disorienting moments. Working with students on impact advocacy in the model of political lawyering provides a range of opportunities to immerse students in disorienting moments. A. Immersing Students in “Disorienting Moments”: Race, Poverty, and Pregnancy Today, I try to immerse my students in disorienting moments to make them justice ready and move them in the direction of political lawyering. My clinic docket has always included a small number of impact litigation matters. However, in the past these cases were carefully screened to ensure that they involved discrete legal issues and client groups. In addition, our representation always began after our outside co-counsel had already conducted an initial factual investigation, identified the core legal issues, and developed an overall advocacy strategy, freeing my students from these responsibilities. Now, my clinic takes on impact matters at earlier stages where the strategies are less clear and the legal questions are multifaceted and ill- defined. This mirrors the experiences of practicing social justice lawyers, who faced with an injustice, must discover the facts, identify the legal claims, develop strategy, cultivate allies, and ultimately determine what can be done—with the knowledge that “nothing” is not an option. This approach provides students with the space to wrestle with larger, systemic issues in a structured and supportive educational environment, taking on cases that seem difficult to resolve and working to bring some justice to that situation. They are also gaining experience in many of the fundamentals of political lawyering advocacy. Recently, my students began work on a new case. Several public and private hospitals in low-income New York City neighborhoods are drug testing pregnant women or new mothers without their knowledge or informed consent. This practice reflects a disturbing convergence between racial and economic disparities, and can have a profound impact on the lives of the poor women of color being tested at precisely the time when they are most in need of support. We began our work when a community organization reached out to the clinic and spoke to us about complaints that hospitals around New York City were regularly testing pregnant women—almost exclusively women of color—for drug use during prenatal check ups, during the chaos and stress of labor and delivery, or during post-delivery. The hospitals report positive test results to the City’s Administration for Children’s Services (“ACS”), which is responsible for protecting children from abuse and neglect, for further action.167 Most of the positive tests are for marijuana use. After a report is made, ACS commences an investigation to determine whether child abuse or neglect has taken place, and these investigations trigger inquiries into every aspect of a family’s life. They can lead to the institution of child neglect proceedings, and potentially to the temporary or permanent removal of children from the household. Even where that extreme result is avoided, an ACS investigation can open the door to the City’s continued, and potentially unwelcome, involvement in the lives of these families. These policies reflect deeply inequitable practices. Investigating a family after a positive drug test is not necessarily a bad thing. After all, ACS offers a number of supportive services that can help stabilize and strengthen vulnerable families. And of course, where children’s safety is at risk, removal may sometimes be the appropriate result. However, hospitals do not conduct regular drug tests of mothers in all New York City communities. Private hospitals in wealthy areas rarely test pregnant women or new mothers for drug misuse. In contrast, at hospitals serving poor women, drug testing is routine. Race and class should not determine whether such testing, and the consequences that result, take place. Investigating the New York City drug-testing program immersed the students in disorienting moments at every stage of their work. During our conversations, the students regularly expressed surprise and discomfort with the hospitals’ practices. They were disturbed that public hospitals— institutions on which poor women and women of color rely for something as essential as health care—would use these women’s pregnancy as a point of entry to control their lives.168 They struggled to explain how the simple act of seeking medical care from a hospital serving predominantly poor communities could deprive patients of the respect, privacy, and legal protections enjoyed by pregnant women in other parts of the City. And, they were shocked by the way institutions conditioned poor women to unquestioningly submit to authority.169 Many of the women did not know that they were drug tested until the hospital told them about the positive result and referred them to ACS. Still, these women were not surprised: that kind of disregard, marginalization, and lack of consent were a regular aspect of their lives as poor women of color. These women were more concerned about not upsetting ACS than they were about the drug testing. That so many of these women could be resigned to such a gross violation of their rights was entirely foreign to most of my students. B. Advocacy in the Face of Systemic Injustice Although the students are still in the early stages of their work, they have already engaged in many aspects of political justice lawyering. They approached their advocacy focused on the essence of political lawyering— enabling poor, pregnant women of color who enjoy little power or respect to claim and enjoy their rights, and altering the allocation of power from government agencies and institutions back into the hands of these women. They questioned whose interests these policies and practices were designed to serve, and have grounded their work in a vision of an alternative societal construct in which their clients and the community are respected and supported. The clinic students were given an opportunity to learn about social, legal, and administrative systems as they simultaneously explored opportunities to change those systems. The students worked to identify the short and long term goals of the impacted women as well the goals of the larger community, and to think strategically about the means best suited to accomplish these goals. And, importantly, while collaborating with partners from the community and legal advocacy organizations, the students always tried to keep these women centered in their advocacy. In breaking down the problem of drug testing poor women of color, the students worked through an issue that lives at the intersection of reproductive freedom, family law, racial justice, economic inequality, access to health care, and the war on drugs. In their factual investigation, which included interviews of impacted women, advocates, and hospital personnel, and the review of records obtained through Freedom of Information Law requests, the students began to break down this complex problem. They explored the disparate treatment of poor women and women of color by health care providers and government entities, implicit and explicit bias in healthcare, the disproportionate referral of women of color to ACS, the challenges of providing medical services to underserved communities, the meaning of informed consent, the diminished rights of people who rely on public services, and the criminalization of poverty. The students found that list almost as overwhelming as the initial problem itself, but identifying the components allowed the students to dig deeper and focus on possible avenues of challenge and advocacy. It was also critically important to make the invisible forces visible, even if the law currently does not provide a remedy. Working on this case also gave the students and me the opportunity to work through more nuanced applications of some of the lawyering concepts that were introduced in their smaller cases, including client-centered lawyering when working on behalf of the community; large-scale fact investigation; transferring their “social justice knowledge” to different contexts; crafting legal and factual narratives that are not only true to the communities’ experience, but can persuade and influence others; and how to develop an integrated advocacy plan. The students frequently asked whether we should even pursue the matter, questioning whether this work was client- centered when it was no longer the most pressing concern for many of the women we met. These doubts opened the door to many rich discussions: can we achieve meaningful social change if we only address immediate crises; can we progress on larger social justice issues without challenging their root causes; how do we recognize and address assumptions advocates may have about what is best for a client; and how can we keep past, present, and future victims centered in our advocacy? The work on the case also forced the clinic students to work through their own understanding of a hierarchy of values. They struggled with their desire to support these community hospitals and the public servants who work there under difficult circumstances on the one hand, and their desire to protect women, potentially through litigation, from discriminatory practices. They also struggled to reconcile their belief that hospitals should take all reasonable steps to protect the health and safety of children, as well as their emotional reaction to pregnant mothers putting their unborn children in harms way by using illegal drugs against the privacy rights of poor and marginalized women. They were forced to pause and think deeply about what justice would look like for those mothers, children, and communities. CONCLUSION America continues to grapple with systemic injustice. Political justice lawyering offers powerful strategies to advance the cause of justice—through integrated advocacy comprising the full array of tools available to social justice advocates, including strategic systemic reform litigation. It is the job of legal education to prepare law students to become effective lawyers. For those aspiring to social justice that should include training students to utilize the tools of political justice lawyers. Clinical legal offers a tremendous opportunity to teach the next generation of racial and social justice advocates how to advance equality in the face of structural inequality, if only it will embrace the full array of available tools to do so. In doing so, clinical legal education will not only prepare lawyers to enact social change, they can inspire lawyers overwhelmed by the challenges of change. In order to provide transformative learning experiences, clinical education must supplement traditional pedagogical tools and should consider political lawyering’s potential to empower law students and communities.

### Case

#### Vote neg on presumption –

#### A) Nothing spills over – there’s no connection between the ballot and chancing people’s attitudes. You encourage more teams to read framework which turns your offense and prevents the alteration of mindsets.

#### B) No warrant for a ballot – the competitive nature of debate coopts any ethical value of advocating the aff – winning rounds only makes it look like they just want to win which proves framework and means advocating by losing is more effective.

#### C) Debate – none of their evidence is specific to it – sets a high threshold for solvency and ignores how communicative norms operate.

#### D) 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.

#### Either everything is queer, or nothing is – either way, their analytic is worthless.

Ruffolo ‘9

[David, University of Toronot. 2009. “Post-Queer Politics.”] pat

Queer has reached a political peak. Its theoretical movements have become limited by its incessant investment in identity politics and its political outlook has in many ways attained dormant status due to its narrowed interest in heteronormativity. This is, of course, not to suggest the end of queer but instead a potential deterritorialization of queer as we know it today. Over the past two decades, a significant body of work has contributed to what is referred to as queer studies. Queer theorizations are at the heart of this anti-canonical genre where the intersection of bodies, identities, and cultures continue to be a central focus. Although queer theory informs much of this work vis-à-vis the queering of theory and the theories of queer, important feminist, postcolonial, and ability theorizations have more recently informed the body of queer studies. So while I consider queer studies and theories to be interconnected (and at times interchangeable), the theoretical and philosophical movements of queer studies are certainly not restricted to or by queer theories. What remains consistent amongst these various theorizations, however, is a shared politics embedded in significations, representations, and identifications where language has become somewhat of a unified trajectory for thinking through experience. These important works without question continue to offer many insightful ways to account for the intersection of bodies, institutions, cultural practices, social traditions, political movements, and economic initiatives. Michael Warner’s introduction of heteronormativity in the early 1990s monumentally framed the ways in which we think about how subjects are subjected to the normative discourses of heterosexuality and in doing so created the important spaces to challenge and reimagine these productivities. As a result of this and many other significant contributions, queer theory has become almost exclusively interested in challenging heteronormative ideologies by examining and exposing how subjects come into being through discursive interactions. It offers a critical politics for thinking about how subjects are constituted through heteronormative discourses. Most notable, perhaps, is bringing to light how subjects become intelligible through binary identity categories such as male/ female, masculine/feminine, and straight/gay. It queers—disturbs, disrupts, and centers—what is considered “normal” in order to explore possibilities outside of patriarchal, hierarchical, and heteronormative discursive practices. We see this, for instance, in the works of Butler (1990), Fuss (1995), and Muñoz (1999) as they explore a shift from identities to (dis)identifications. I outline elsewhere (Ruffolo 2006a) how such readings confront binary identities so as to appreciate third spaces: fixed and stable identities are reconfigured as mobile and fluid identifications, where the “I” is no longer determined by the Other but is discursively negotiated through others. Queer theory critically redefines the relationships amongst bodies, identities, and culture through a particular commitment to subjectivity as seen through significations, representations, and identifications. The vigor of queer is its commitment to disrupt ideologies, practices, concepts, values, and assumptions that are essentially normal in order to expose what is normatively essentialized. Having said this, what, you might ask, are my post-queer intentions?

In the Fall-Winter 2005 issue of Social Text, David Eng, Judith Halberstam, and José Esteban Muñoz ask a necessary question of queer studies today: “What’s queer about queer studies now?” In the introduction, Eng, Halberstam, and Muñoz provide an overview of queer that sets a foundation for my critique of queer:

Around 1990 queer emerged into public consciousness. It was a term that challenged the normalizing mechanisms of state power to name its sexual subjects: male or female, married or single, heterosexual or homosexual, natural or perverse. Given its commitment to interrogating the social processes that not only produced and recognized but also normalized and sustained identity, the political promise of the term resided specifically in its broad critique of multiple social antagonisms, including race, gender, class, nationality, and religion, in addition to sexuality. (1)

By asking the question “what’s queer about queer studies now,” this edition explores the purpose and value of queer in a time of global economics marked by a post-9/11 politics embedded in war and terror. It offers a critical comparison between the “broad social concerns” of queer studies in the past with the more intensely interconnected focus of queer studies in the present—work interested in “theories of race, on problems of transnationalism, on conflicts between global capital and labor, on issues of diaspora and immigration, and on questions of citizenship, national belonging, and necropolitics” (2). Post-Queer Politics engages Eng, Halberstam, and Muñoz’s call for a “renewed queer studies” by taking into consideration the various interconnections amongst the wide range of contributors of this edition. It is well known that queer theory is interested in challenging binaries through an interrogation of heteronormative practices using queer as a verb (a radical process of disruption) rather than a noun (an umbrella term encompassing multiple identities). My introductory comments on the peaking of queer are situated in this relationship between queer and heteronormativity. I make the argument here and throughout this book that the queer/heteronormativity dualism is unproductive considering the contemporary complexities of neoliberal capitalism and globalization. *Post-Queer Politics* is primarily interested in challenging the queer/heteronormative dyad that has informed much of the theorizations of queer and the queering of theories over the past few decades. I consider the “peaking” of queer as a *plateau* that negotiates contemporary queer theories and post-queer theorizations. *Post-Queer Politics* is interested in examining the current politics of queer and the queering of politics through a renewed sense of queer that is differentiated from queer’s current implications in subjectivity. Its vision is twofold: to consider what something post might do for queer and what queer might do for something post. I am interested in the *doings* of post-queer rather than the *beings* of it so as to avoid unnecessary binaries that have resulted in the current desire for something post. This project is about the politics around “post-” and “queer” rather than a post-identitarian landscape that would situate “post-” and “queer” as binaries.

#### Their critiques of the humanist subject are counterproductive.

Ruti ‘17

[Mari, critical theory and GSS at the University of Toronto. Talk delivered at Harvard University on 03/21/2017. “The Disenchanted: Queer Theory Between Negativity and Flourishing.”] pat

In The Ethics of Opting Out: Queer Theory’s Defiant Subjects, which was released in the spring of 2017, I put pressure on these theories on several levels, of which I’ll merely mention one, namely that I think that something essential gets lost in translation when American queer theorists appropriate 20th-century French critiques of the so-called humanist subject. It is true that Lacan, Foucault, and Deleuze and Guattari were all highly critical of the notion of the sovereign, autonomous, and agentic subject that we have inherited from Western philosophy in part because they, like earlier thinkers such as Adorno and Levinas, saw the connection between this subject and violence; they understood that this subject’s quest for self-mastery was linked to its quest to master the world, and that the results were disastrous, ranging from slavery and colonialism to Nazi Germany. However, I do not think that continental theorists, generally speaking, sought to destroy the subject as such. Instead, they were interested in what subjectivity might look like after the collapse of the arrogant humanist subject. They wanted to destabilize this subject, to undermine its sovereignty, challenge its autonomy, and dilute its agency. Yes, there was much talk about the subversion of the subject, desubjectivation, and even, in the case of Deleuze and Guattari, of pulverizing the subject. But, ultimately, there was also an idealistic reaching for an alternative, for a subjectivity that would be less sure of itself and therefore more capacious, creative, and open to otherness.

Undoubtedly, some of this idealism persists in even the most negative of queer theories in the sense that their negativity usually contains utopian longings. However, I think that queer theory’s flagellation of the sovereign, autonomous, and agentic subject is by now so ritualistic, undertaken in such a habitual manner, that it has become too predictable to be genuinely critical. I of course understand why it is happening. Particularly now that we are watching President Trump and his corporate allies parade on the political stage, it is easy to recognize the figure of the white-straight-masculinist, self-contained, self-satisfied, and self-confident subject that posthumanist theorists have criticized for decades. But I think that a distinction needs to be drawn between the Trumps of the world and the vast majority of the world’s population. In other words, I think that the call to annihilate (q uq) “the subject” misfires when it is indiscriminate, for when it is generalized, it becomes aimed at individuals who have never come anywhere near to approximating the sovereign subject. That is, it seems to me that the last thing that those who have been dispossessed by social inequalities such as homophobia, sexism, racism, poverty, or neocolonialism need is further dispossession; self-annihilation cannot possibly be a goal for those who already feel annihilated by structural violence, who already lead precarious lives. Likewise, I have a hard time imagining that those who have experienced various forms of Halberstamian failure, for instance those who are unemployed or cutting themselves, view these experiences as sexy forms of political rebellion.

#### Affective forms of community invest in a notion of “feeling political together” which may be proximate to structures of power, but inevitably erase differential relationships and subject positions in favor of “intimate” forms of communication.

Berlant ‘11

[Lauren, English at UChicago. 2011. “Cruel Optimism.”] pat

Intensely political seasons spawn reveries of a different immediacy. People imagine alternative environments where authenticity trumps ideology, truths cannot be concealed, and communication feels intimate, face-to-face. In these times, even politicians imagine occupying a post–public sphere public where they might just somehow make an unmediated transmission to the body politic. “Somehow you just got to go over the heads of the filter and speak directly to the people,” then-President George W. Bush commented in October 2003, echoing a long tradition of sentimental political fantasies and soon followed by condemnations of the “filter” by the Republican National Committee and the presidential campaign of John McCain and Sarah Palin. What is “the filter” that demands circumnavigation? Bush seems to be inverting the meaning of his own, mixed, metaphor. A filter, after all, separates out noise from communication and, in so doing, makes communication possible. Jacques Attali and Michel Serres have both argued that there is no communication without noise, as noise interferes from within any utterance, threatening its tractability. The performance of distortion that constitutes communication therefore demands discernment, or filtering. However steadfast one’s commitment to truth, there is no avoiding the noise.

Yet Bush’s wish to skirt the filter points to something profound in the desire for the political. He wants to transmit not the message but the noise. He wants the public to feel the funk, the live intensities and desires that make messages affectively immediate, seductive, and binding. In his head a public’s binding to the political is best achieved neither by policy nor ideology but the affect of feeling political together, an effect of having communicated true feeling without the distancing mediation of speech. The transmission of noise performs political attachment as a sustaining intimate relation, without which great dramas of betrayal are felt and staged. In The Ethical Soundscape, Charles Hirschkind talks about the role of “maieutic listening” in constructing the intimate political publics of Egypt. There, the feeling tones of the affective soundscape produce attachments to and investments in a sense of political and social mutuality that is performed in moments of collective audition. This process involves taking on listening together as itself an object/scene of desire. The attainment of that attunement produces a sense of shared worldness, apart from whatever aim or claim the listening public might later bring to a particular political world because of what they have heard.

From Hirschkind’s perspective the social circulation of noise, of affective binding, converts the world to a space of moral action that seems juxtapolitical—proximate to, without being compromised by, the instrumentalities of power that govern social life. Speaking above the filter would confirm to Bush’s whole listening audience that they already share an affective environment; mobilizing “the ethical and therapeutic virtues of the ear” would accomplish the visceral transmission of his assurance not only that he has made a better good life possible for Americans and humans around the globe, but that, affectively speaking, there is already a better sensorial world right here, right now, more intimate and secure and just as real as the world made by the media’s anxiogenic sensationalist analysis. This vision locates the desire for the political in an alternative commons in the present that the senses confirm and circulate as though without mediation.

What exactly is the problem with “the filter”? The contemporary filtered or mediated political sphere in the United States transmits news 24/7 from a new ordinary created by crisis, in which life seems reduced to discussions about tactics for survival and who is to blame. The filter tells you that the public has entered a historical situation whose contours it does not know. It impresses itself upon mass consciousness as an epochal crisis, unfolding like a disaster film made up of human-interest stories and stories about institutions that have lost their way. It is a moment on the verge of a post-normative phase, in which fantasmatic clarities about the conditions for enduring collectivity, historical continuity, and infrastructural stability have melted away, along with predictable relations between event and effect.

Living amidst war and environmental disaster, people are shown constantly being surprised at what does and does not seem to have a transformative impact. Living amid economic crisis, people are shown constantly being surprised at the amount, location, and enormity of moral and affective irregulation that come from fading rules of accountability and recognition. What will govern the terms and relations of reliable reciprocity among governments, intimates, workers, owners, churches, citizens, political parties, or strangers? What forms of life will secure the sense of affective democracy that people have been educated to expect from their publics? Nobody knows. The news about the recent past and the pressures of the near future demand constant emergency cleanup and hyperspeculation about what it means to live in the ongoing present among piles of cases where things didn’t work out or seem to make sense, at least not yet. There are vigils; there is witnessing, testimony, and yelling. But there is not yet a consensual rubric that would shape these matters into an event. The affective structure of the situation is therefore anxious and the political emotions attached to it veer wildly from recognition of the enigma that is clearly there to explanations that make sense, the kind of satisfying sense that enables enduring.

Uncertainty is the material that Bush wished to bracket. His desire for a politics of ambient noise, prepropositional transmission, and intuitive reciprocity sought to displace the filtered story of instability and contradiction from the center of sociality. He also wishfully banished self- reflexive, cultivated opinion and judgment from their central public- sphere function. In short, as Jacques Rancière would put it, Bush’s wishful feeling was to separate the political from politics as such. In so doing he would cast the ongoing activity of social antagonism to the realm of the epiphenomenal, in contrast to which the affective feedback loop of the political would make stronger the true soul- to- soul continuity between politicians and their public. Foucault used to call “sexuality” that noisy affectivity that Bush wanted to transmit from mouth to ear, heart to heart, gut to gut. From his perspective, at least, the political is best lodged in the appetites.

These are not politically tendentious observations. Perhaps when Bush uttered his desire for affective communication to be the medium of the political, he was trying cynically to distract the public gaze from some of his particular actions. But the wish to inhabit a vaguely warm sense of already established, autonomic, and atmospheric solidarity with the body politic is hardly his special desire. Indeed, in his preference for the noise of immediacy, he has many bedfellows in the body politic with whom he shares little else politically, namely, the ones who prefer political meetings in town halls, caucuses, demonstrations, and other intimate assemblies to the pleasure of disembodied migratory identification that constitutes mass publics. He also joins his antagonists in the nondominant classes who have long produced intimate publics to provide the feeling of immediacy and solidarity by establishing in the public sphere an affective register of belonging to inhabit when there are few adequate normative institutions to fall back on, rest in, or return to.

Public spheres are always affect worlds, worlds to which people are bound, when they are, by affective projections of a constantly negotiated common interestedness. But an intimate public is more specific. In an intimate public one senses that matters of survival are at stake and that collective mediation through narration and audition might provide some routes out of the impasse and the struggle of the present, or at least some sense that there would be recognition were the participants in the room together. An intimate public promises the sense of being held in its penumbra. You do not need to audition for membership in it. Minimally, you need just to perform audition, to listen and to be interested in the scene’s visceral impact. You might have been drawn to it because of a curiosity about something minor, unassociated with catastrophe, like knitting or collecting something, or having a certain kind of sexuality, only after which it became a community of support, offering tones of suffering, humor, and cheerleading. Perhaps an illness led to seeking out a community of survival tacticians. In either case, any person can contribute to an intimate public a personal story about not being defeated by what is overwhelming. More likely, though, participants take things in and sometimes circulate what they hear, captioning them with opinion or wonder. But they do not have to do anything to belong. They can be passive and lurk, deciding when to appear and disappear, and consider the freedom to come and go the exercise of sovereign freedom.

Indeed, in liberal societies, freedom includes freedom from the obligation to pay attention to much, whether personal or political—no-one is obliged to be conscious or socially active in their modes and scenes of belonging. For many this means that political attention is usually something delegated and politics is something overheard, encountered indirectly and unsystematically, through a kind of communication more akin to gossip than to cultivated rationality. But there is nothing fundamentally passive or superficial in overhearing the political. What hits a person encountering the dissemination of news about power has nothing to do with how thorough or cultivated their knowledge is or how they integrate the impact into living. Amidst all of the chaos, crisis, and injustice in front of us, the desire for alternative filters that produce the sense—if not the scene—of a more livable and intimate sociality is another name for the desire for the political.

This is why an intimate attachment to the political can amount to a relation of cruel optimism. I have argued throughout this book that an optimistic attachment is cruel when the object/scene of desire is itself an obstacle to fulfilling the very wants that bring people to it: but its life-organizing status can trump interfering with the damage it provokes. It may be a relation of cruel optimism, when, despite an awareness that the normative political sphere appears as a shrunken, broken, or distant place of activity among elites, members of the body politic return periodically to its recommitment ceremonies and scenes. Voting is one thing; collective caring, listening, and scanning the airwaves, are others. All of these modes of orientation and having a feeling about it confirm our attachment to the system and thereby confirm the system and the legitimacy of the affects that make one feel bound to it, even if the manifest content of the binding has the negative force of cynicism or the dark attenuation of political depression.

How and why does this attachment persist? Is it out of habit? Is it in hopes of the potentiality embedded in the political as such? Or, from a stance of critical engagement, an investment in the possibility of its repair? The exhausting repetition of the politically depressed position that seeks repair of what may be constitutively broken can eventually split the activity of optimism from expectation and demand. Maintaining this split enables one to sustain one’s attachment to the political as such and to one’s sense of membership in the idea of the polity, which is a virtual—but sensual, not abstract—space of the commons. And so, detaching from it could induce many potential losses along with new freedoms.

Grant Farred calls fidelity to the political without expectation of recognition, representation, or return a profoundly ethical act. His exemplary case derives from voting patterns of African Americans in the 2004 presidential election, but the anxiety about the costs of this ethical commitment has only increased with the election of Barack Obama as the President of the emotional infrastructure of the United States as well as of its governing and administrative ones. What is the relation between the “Yes We Can!” optimism for the political and how politics actually works? What is the effect of Obama’s optimization of political optimism against the political depression of the historically disappointed, especially given any President’s limited sovereignty as a transformative agent in ordinary life? How can we track the divergences between politically orchestrated emotions and their affective environments? Traditionally, political solidarity is a more of a structure than a feeling—an identification with other people who are similarly committed to a project that does not require affective continuity or warm personal feeling to sustain itself. But maintaining solidarity requires skills for adjudicating incommensurate visions of the better good life. The atrophy of these skills is at risk when politics is reduced to the demand for affective attunement, insofar as the sense of belonging is threatened by the inconvenience of antagonistic aims. Add to this the possibility that “the political” as we know it in mass democracy requires such a splitting of attachment and expectation. Splitting off political optimism from the way things are can sustain many kinds of the cruelest optimism.