# 1NC

### 1

#### THE AFFIRMATIVE IS A FUNDAMENTAL MISREADING OF POLITICS AND THE REPRODUCTION OF SOCIAL RELATIONS. THERE IS NO SUCH THING AS THE ‘BIOPOLITICAL STATE’ THAT SEEKS TO MANAGE AND CONTROL POPULATIONS FOR THE SAKE OF POWER. THE STATE AND CAPITAL MOVE HAND IN GLOVE—ONE CANNOT EXIST WITHOUT THE OTHER. ONLY A TOTAL DISTANCE FROM THE MODERN STATE CAN ALLOW FOR THE DESTRUCTION OF CAPITAL. OTHERWISE WHAT IS PUSHED OUT THE DOOR ONLY COMES BACK IN THROUGH THE WINDOW\*\*

MESZAROS (Prof. Emeritus @ Univ. Sussex) 1995

[Istavan, Beyond Capital: Towards a Theory of Transition, // wyo]

P. 65

The modern state as the comprehensive political command structure of capital — is both the necessary prerequisite for the transformation of capital’s at first fragmented units into a viable system, and the overall framework for the full articulation and maintenance of the latter as a global system. In this fundamental sense the state on account of its constitutive and permanently sustaining role must be understood as an integral part of capital’s material ground itself. Or it contributes in a substantive way not only to the formation and consolidation of all of the major reproductive structures of society but also to their continued functioning.However, the close interrelationship holds also when viewed from the other side. For the modern state itself is quite inconceivable without capital as its social metabolic foundation. This makes the material reproductive structures of the capital system the necessary condition not only for the original constitution but also for the continued survival (and appropriate historical transformations) of the modern state in all its dimensions. These reproductive structures extend their Impact over everything, from the strictly material/repressive instruments cid juridical institutions of the state all the way to the most mediated ideological and political theorizations of its raison d’être and claimed legitimacy.

It is on account of this reciprocal determination that we must speak of a close match between the social metabolic ground of the capital system on the one hand, and the modern state as the totalizing political command structure of the established productive and reproductive order on the other. For socialists this is a most uncomfortable and challenging reciprocity. It puts into relief the sobering fact that any intervention in the political domain — even when it envisages the radical overthrow of the capitalist state — can have only a very limited impact in the realization of the socialist project. And the other way round, the corollary of the same sobering fact is that, precisely because socialists have to confront the power of capital’s self-sustaining reciprocity under its fundamental dimensions, it should be never forgotten or ignored - although the tragedy of seventy years (if Soviet experience is that it had been willfully ignored — that there can be no chance of overcoming the power of capital without remaining faithful to the Marxian concern with the ‘withering away’ of the state.

#### NEXT, THE REDUCTION OF CLASS TO A NEUTRAL LEVEL AMONG A LONG LIST OF OTHER OPPRESSIONS SUCH AS RACE AND GENDER, DESTROYS THE EMANCIPATORY POTENTIAL OF CLASS TO REACH ACROSS ALL LINES OF INDENTITY AND FORGE POLITICAL ACTION. CLASS MUST BE RECOGNIZED AS QUALITATIVELY MORE IMPORTANT—OTHERWISE THE SYSTEM IS ABLE TO SATISFY DEMANDS ON GROUNDS OF FORMAL EQUALITY, DESTROYING ATTEMPTS TO OVERCOME CAPITALIST OPPRESSION\*\*\*

GIMENEZ (Prof. Sociology at UC Boulder) 2001

[Martha, “Marxism and Class; Gender and Race”, Race, Gender and Class, Vol. 8, p. online: <http://www.colorado.edu/Sociology/gimenez/work/cgr.html> //wyo-tjc]

There are many competing theories of race, gender, class, American society, political economy, power, etc. but no specific theory is invoked to define how the terms race, gender and class are used, or to identify how they are related to the rest of the social system. To some extent, race, gender and class and their intersections and interlockings have become a mantra to be invoked in any and all theoretical contexts, for a tacit agreement about their ubiquitousness and meaning seems to have developed among RGC studies advocates, so that all that remains to be dome is empirically to document their intersections everywhere, for everything that happens is, by definition, raced, classed, and gendered. This pragmatic acceptance of race, gender and class, as givens, results in the downplaying of theory, and the resort to experience as the source of knowledge. The emphasis on experience in the construction of knowledge is intended as a corrective to theories that, presumably, reflect only the experience of the powerful. RGC seems to offer a subjectivist understanding of theory as simply a reflection of the experience and consciousness of the individual theorist, rather than as a body of propositions which is collectively and systematically produced under historically specific conditions of possibility which grant them historical validity for as long as those conditions prevail. Instead, knowledge and theory are pragmatically conceived as the products or reflection of experience and, as such, unavoidably partial, so that greater accuracy and relative completeness can be approximated only through gathering the experiential accounts of all groups. Such is the importance given to the role of experience in the production of knowledge that in the eight page introduction to the first section of an RGC anthology, the word experience is repeated thirty six times (Andersen and Collins, 1995: 1-9).

I agree with the importance of learning from the experience of all groups, especially those who have been silenced by oppression and exclusion and by the effects of ideologies that mystify their actual conditions of existence. To learn how people describe their understanding of their lives is very illuminating, for "ideas are the conscious expression -- real or illusory -- of (our) actual relations and activities" (Marx, 1994: 111), because "social existence determines consciousness" (Marx, 1994: 211). Given that our existence is shaped by the capitalist mode of production, experience, to be fully understood in its broader social and political implications, has to be situated in the context of the capitalist forces and relations that produce it. Experience in itself, however, is suspect because, dialectically, it is a unity of opposites; it is, at the same time, unique, personal, insightful and revealing and, at the same time, thoroughly social, partial, mystifying, itself the product of historical forces about which individuals may know little or nothing about (for a critical assessment of experience as a source of knowledge see Sherry Gorelick, "Contradictions of feminist methodology," in Chow, Wilkinson, and Baca Zinn, 1996; applicable to the role of experience in contemporary RGC and feminist research is Jacoby's critique of the 1960s politics of subjectivity: Jacoby, 1973: 37- 49). Given the emancipatory goals of the RGC perspective, it is through the analytical tools of Marxist theory that it can move forward, beyond the impasse revealed by the constant reiteration of variations on the "interlocking" metaphor. This would require, however, a) a rethinking and modification of the postulated relationships between race, class and gender, and b) a reconsideration of the notion that, because everyone is located at the intersection of these structures, all social relations and interactions are "raced," "classed," and "gendered."

In the RGC perspective, race, gender and class are presented as equivalent systems of oppression with extremely negative consequences for the oppressed. It is also asserted that the theorization of the connections between these systems require "a working hypothesis of equivalency" (Collins, 1997:74). Whether or not it is possible to view class as just another system of oppression depends on the theoretical framework within class is defined. If defined within the traditional sociology of stratification perspective, in terms of a gradation perspective, class refers simply to strata or population aggregates ranked on the basis of standard SES indicators (income, occupation, and education) (for an excellent discussion of the difference between gradational and relational concepts of class, see Ossowski, 1963). Class in this non-relational, descriptive sense has no claims to being more fundamental than gender or racial oppression; it simply refers to the set of individual attributes that place individuals within an aggregate or strata arbitrarily defined by the researcher (i.e., depending on their data and research purposes, anywhere from three or four to twelve "classes" can be identified).

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From the standpoint of Marxist theory, however, class is qualitatively different from gender and race and cannot be considered just another system of oppression. As Eagleton points out, whereas racism and sexism are unremittingly bad, class is not entirely a "bad thing" even though socialists would like to abolish it. The bourgeoisie in its revolutionary stage was instrumental in ushering a new era in historical development, one which liberated the average person from the oppressions of feudalism and put forth the ideals of liberty, equality and fraternity. Today, however, it has an unquestionably negative role to play as it expands and deepens the rule of capital over the entire globe. The working class, on the other hand, is pivotally located to wage the final struggle against capital and, consequently, it is "an excellent thing" (Eagleton, 1996: 57). While racism and sexism have no redeeming feature, class relations are, dialectically, a unity of opposites; both a site of exploitation and, objectively, a site where the potential agents of social change are forged. To argue that the working class is the fundamental agent of change does not entail the notion that it is the only agent of change. The working class is of course composed of women and men who belong to different races, ethnicities, national origins, cultures, and so forth, so that gender and racial/ethnic struggles have the potential of fueling class struggles because, given the patterns of wealth ownership and income distribution in this and all capitalist countries, those who raise the banners of gender and racial struggles are overwhelmingly propertyless workers, technically members of the working class, people who need to work for economic survival whether it is for a wage or a salary, for whom racism, sexism and class exploitation matter. But this vision of a mobilized working class where gender and racial struggles are not subsumed but are nevertheless related requires a class conscious effort to link RGC studies to the Marxist analysis of historical change. In so far as the "class" in RGC remains a neutral concept, open to any and all theoretical meanings, just one oppression among others, intersectionality will not realize its revolutionary potential.

Nevertheless, I want to argue against the notion that class should be considered equivalent to gender and race. I find the grounds for my argument not only on the crucial role class struggles play in processes of epochal change but also in the very assumptions of RGC studies and the ethnomethodological insights put forth by West and Fenstermaker (1994). The assumption of the simultaneity of experience (i.e., all interactions are raced, classed, gendered) together with the ambiguity inherent in the interactions themselves, so that while one person might think he or she is "doing gender," another might interpret those "doings" in terms of "doing class," highlight the basic issue that Collins accurately identifies when she argues that ethnomethodology ignores power relations. Power relations underlie all processes of social interaction and this is why social facts are constraining upon people. But the pervasiveness of power ought not to obfuscate the fact that some power relations are more important and consequential than others. For example, the power that physical attractiveness might confer a woman in her interactions with her less attractive female supervisor or employer does not match the economic power of the latter over the former. In my view, the flattening or erasure of the qualitative difference between class, race and gender in the RGC perspective is the foundation for the recognition that it is important to deal with "basic relations of domination and subordination" which now appear disembodied, outside class relations. In the effort to reject "class reductionism," by postulating the equivalence between class and other forms of oppression, the RGC perspective both negates the fundamental importance of class but it is forced to acknowledge its importance by postulating some other "basic" structures of domination. Class relations -- whether we are referring to the relations between capitalist and wage workers, or to the relations between workers (salaried and waged) and their managers and supervisors, those who are placed in "contradictory class locations," (Wright, 1978) -- are of paramount importance, for most people's economic survival is determined by them. Those in dominant class positions do exert power over their employees and subordinates and a crucial way in which that power is used is through their choosing the identity they impute their workers. Whatever identity workers might claim or "do," employers can, in turn, disregard their claims and "read" their "doings" differently as "raced" or "gendered" or both, rather than as "classed," thus downplaying their class location and the class nature of their grievances. To argue, then, that class is fundamental is not to "reduce" gender or racial oppression to class, but to acknowledge that the underlying basic and "nameless" power at the root of what happens in social interactions grounded in "intersectionality" is class power.

#### FROM THE PERSPECTIVE OF STRUCTURAL KRITIK, THERE CAN BE NO SUCH THING AS ‘MAKING THINGS BETTER’— THEIR MODEL OF POLITICS, NO MATTER HOW SUBVERSIVE OR CONSERVATIVE, ALL FUNDAMENTALLY EXAGERATE THE IMPORTANCE OF THE FORMAL INSTITUTION OF POLITICS AND POWER, IGNORING THE WAYS SUCH A SYSTEM CREATES KNOWLEDGE—ONLY A MARXIST SHIFT TO KRITIK THE STRUCTURE AND CREATE MASS SOCIAL CONSCIOUSNESS WILL OVERCOME THIS FAILURE OF POLITICS

HARNECKER 2000

[Marta, Dir of MEPLA, Links, p. online: <http://www.dsp.org.au/links/back/issue16/harnecker.html> //wyo]

To think about the construction of forces and the correlation of forces is to change the traditional vision of politics. This vision tends to reduce politics to the struggle over judicial and political institutions and to exaggerate the role of the state. Immediately one thinks of political parties and the fight over the control and orientation of the formal instruments of power.17

The most radical sectors focus all their political action on the conquest of political power and the destruction of the state. The reformists focus on the administration of political power and the exercise of government as the fundamental and sole form of political practice. The popular sectors and their struggles are the ignored colossus. This is what Helio Gallardo calls the "politicism" of the Latin American left.18

2) Overcoming the narrow conception of power

To think about constructing forces is also to overcome the narrow vision that reduces the concept of right-wing power to that of the repressive aspects of the state. The power of the enemy is not only repressive but also, as Carlos Ruiz says, constructive, moulding, disciplining. If the power of the dominant classes were only for the purpose of subjecting the left to censorship, exclusion, obstacles or repression, it would be more fragile. Its strength derives from the fact that, in addition to eliminating those things it doesn't want, it is capable of creating what it does want: building channels, producing knowledge, rationales and consciousness. It is the power to impose its own way of being seen and of looking at the world.19

To think about how to construct forces is also to overcome the old and deeply rooted mistake of trying to build political forces whether through arms or the ballot box without building social force.20

3) Politics as the art of building social force in opposition to the system

The rise of a social force opposing the system is what the ruling classes fear most. That is the source of their narrow conception of politics as the struggle to win positions of power within the institutionalised judicial and political apparatus.

For the left, on the other hand, politics must be the art of building social force in opposition to the system. The left must not, therefore, see the people or popular social force as something given that can be manipulated and only needs to be stirred up, but as something that has to be built.

#### THERE IS NO SUCH THING AS AN ETHICAL ACTION THAT STANDS OUTSIDE OF POLITICS—YOUR ETHICAL DEMAND TO COME PRIOR TO THE STRUCTURAL NEGATION OF CAPITAL IS THE LARGEST VIOLATION OF ETHICS

MESZAROS (Prof. Emeritus @ Univ. Sussex) 1995

[Istavan, Beyond Capital: Towards a Theory of Transition, // wyo]

p. 409-10

Politics and morality are so closely intertwined in the real world that it is hardly imaginable to confront and resolve the conflicts of any age without bringing into play the crucial dimensions of both. Thus, whenever it is difficult to face the problems and contradictions of politics in the prevailing social order, theories of morality are also bound to suffer the consequences. Naturally, this relationship tends to prevail also in the positive direction. As the entire history of philosophy testifies, the authors of all major ethical works are also the originators of the seminal theoretical works on politics; and vice versa, all serious conceptualizations of politics have their necessary corollaries on the plane of moral discourse. This goes for Aristotle as much as for Hobbes and Spinoza, and for Rousseau and Kant as much as for Hegel. Indeed, in the case of Hegel we find his ethics fully integrated into his Philosophy of Right, i.e. his theory of the state. This is why it is so astonishing to read in Lukácss ‘Tactics and Ethics’ that ‘Hegel’s system is devoid of ethics’: a view which he later mellows to saying that the Hegelian treatment of ethics suffers the consequences of his system and the conservative bias of his theory of the state. It would be much more correct to say that — despite the conservative bias of his political conception — Hegel is the author of the last great systematic treatment of ethics. Compared to that, the twentieth century in the field of ethics (as well as in that of political philosophy) is very problematical.

No doubt this has a great deal to do with the ever narrowing margin of alternatives allowed by the necessary mode of functioning of the global capital system which produces the wisdom of ‘there is no alternative’. For, evidently, there can be no meaningful moral discourse on the premiss that ‘there is no alternative’. Ethics is concerned with the evaluation and implementation of alternative goals which individuals and social groups can actually set themselves in their confrontations with the problems of their age. And this is where the inescapability of politics makes its impact. For even the most intensely committed investigation of ethics cannot be a substitute for a radical critique of politics in its frustrating and alienating contemporary reality. The slogan of ‘there is no alternative did not originate in ethics; nor is it enough to reassert in ethical/ontolog!cal terms the need for alternatives, no matter how passionately this is felt and predicated. The pursuit of viable alternatives to the destructive reality of capital’s social order in all its forms without which the socialist project is utterly pointless —is a practical matter. The role of morality and ethics is crucial to the success of this enterprise. But there can be no hope of success without the joint re-articulation of socialist moral discourse and political strategy, taking fully on board the painful lessons of the recent past.

#### Vote negative to validate and adopt the method of structural/historical criticism that is in the 1NC.

#### THIS IS NOT THE ALTERNATIVE, BUT IN TRUTH THE ONLY OPTION—A RADICAL SOCIALIST REIMAGINATION OF POLITICS IS THE ONLY SOLUTION TO THE CRISIS OF CAPITAL—INSTITUTIONAL POLITICAL ACTION IS THE ROAD TO NOWHERE AS CAPITALIST INERTIA WILL DESTROY ANY RADICAL COMPONENT\*\*

MESZAROS (Prof. Emeritus @ Univ. Sussex) 1995

[Istavan, Beyond Capital: Towards a Theory of Transition, // wyo]

p. 451

Given the existing social division of labour, this questioning in the first place cannot arise anywhere else but in the ‘political arena properly so called’ (Marx). If, however, the questioning remains trapped within the confines of the strictly institutional forms of political action, it is bound to be defeated by the necessary reemergence of the past economic and political/institutional inertia.

The alternative to being trapped in this way is to use the critical/liberating potentials inherent in the historically favourable moment of socialist politics so as to turn its radical aims into an enduring dimension of the social body as a whole. And to do this by asserting and diffusing its own transient power through an effective transfer of power to the sphere of mass self-activity.

The failure to consciously pursue such course of action can only turn defeat from a more or less real possibility into a self-imposed certainty. This is why the aim of ‘restructuring the economy’ badly needs qualifications. For in our present context its inner truth reveals itself as the need for a radical structuring of politics itself through which the realization of socialist economic aims first becomes feasible at all.

### 2

#### A – interpretation:

#### Topical affirmatives must affirm the resolution through defense of action by the United States Federal Government.

#### B – definitions:

#### Should denotes an expectation of enacting a plan

American Heritage Dictionary 2000 (Dictionary.com)

should. The will to do something or have something take place: I shall go out if I feel like it.

#### Federal government is the central government in Washington DC

Encarta Online 2005,

http://encarta.msn.com/encyclopedia\_1741500781\_6/United\_States\_(Government).html#howtocite

United States (Government), **the combination of** federal, state, and local **laws, bodies, and agencies** that is **responsible for carrying out the operations of the United States. The federal government of the United States is centered** in [Washington, D.C.](http://encarta.msn.com/encyclopedia_761576320/Washington_D_C.html)

#### Resolved implies a policy

Louisiana House 3-8-2005, <http://house.louisiana.gov/house-glossary.htm>

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)

#### C – Vote neg –

#### First is Decisionmaking

#### The primary purpose of debate should be to improve our skills as decision-makers. We are all individual policy-makers who make choices every day that affect us and those around us. We have an obligation to the people affected by our decisions to use debate as a method for honing these critical thinking and information processing abilities.

Austin J. Freeley and David L. Steinberg – John Carroll University / U Miami – 2009, Argumentation and Debate: Critical Thinking for Reasoned Decision Making, p. 1-4, googlebooks

After several days of intense debate, first the United States House of Representatives and then the U.S. Senate voted to authorize President George W. Bush to attack Iraq if Saddam Hussein refused to give up weapons of mass destruction as required by United Nations's resolutions. Debate about a possible military\* action against Iraq continued in various governmental bodies and in the public for six months, until President Bush ordered an attack on Baghdad, beginning Operation Iraqi Freedom, the military campaign against the Iraqi regime of Saddam Hussein. He did so despite the unwillingness of the U.N. Security Council to support the military action, and in the face of significant international opposition.¶ Meanwhile, and perhaps equally difficult for the parties involved, a young couple deliberated over whether they should purchase a large home to accommodate their growing family or should sacrifice living space to reside in an area with better public schools; elsewhere a college sophomore reconsidered his major and a senior her choice of law school, graduate school, or a job. Each of these\* situations called for decisions to be made. Each decision maker worked hard to make well-reasoned decisions.¶ Decision making is a thoughtful process of choosing among a variety of options for acting or thinking. It requires that the decider make a choice. Life demands decision making. We make countless individual decisions every day. To make some of those decisions, we work hard to employ care and consideration; others seem to just happen. Couples, families, groups of friends, and coworkers come together to make choices, and decision-making bodies from committees to juries to the U.S. Congress and the United Nations make decisions that impact us all. Every profession requires effective and ethical decision making, as do our school, community, and social organizations.¶ We all make many decisions every day. To refinance or sell one's home, to buy a high-performance SUV or an economical hybrid car. what major to select, what to have for dinner, what candidate to vote for, paper or plastic, all present us with choices. Should the president deal with an international crisis through military invasion or diplomacy? How should the U.S. Congress act to address illegal immigration?¶ Is the defendant guilty as accused? The Daily Show or the ball game? And upon what information should I rely to make my decision? Certainly some of these decisions are more consequential than others. Which amendment to vote for, what television program to watch, what course to take, which phone plan to purchase, and which diet to pursue all present unique challenges. At our best, we seek out research and data to inform our decisions. Yet even the choice of which information to attend to requires decision making. In 2006, TIME magazine named YOU its "Person of the Year." Congratulations! Its selection was based on the participation not of ''great men" in the creation of history, but rather on the contributions of a community of anonymous participants in the evolution of information. Through blogs. online networking. You Tube. Facebook, MySpace, Wikipedia, and many other "wikis," knowledge and "truth" are created from the bottom up, bypassing the authoritarian control of newspeople, academics, and publishers. We have access to infinite quantities of information, but how do we sort through it and select the best information for our needs?¶ The ability of every decision maker to make good, reasoned, and ethical decisions relies heavily upon their ability to think critically. Critical thinking enables one to break argumentation down to its component parts in order to evaluate its relative validity and strength. Critical thinkers are better users of information, as well as better advocates.¶ Colleges and universities expect their students to develop their critical thinking skills and may require students to take designated courses to that end. The importance and value of such study is widely recognized.¶ Much of the most significant communication of our lives is conducted in the form of debates. These may take place in intrapersonal communications, in which we weigh the pros and cons of an important decision in our own minds, or they may take place in interpersonal communications, in which we listen to arguments intended to influence our decision or participate in exchanges to influence the decisions of others.¶ Our success or failure in life is largely determined by our ability to make wise decisions for ourselves and to influence the decisions of others in ways that are beneficial to us. Much of our significant, purposeful activity is concerned with making decisions. Whether to join a campus organization, go to graduate school, accept a job oiler, buy a car or house, move to another city, invest in a certain stock, or vote for Garcia—these are just a few of the thousands of decisions we may have to make. Often, intelligent self-interest or a sense of responsibility will require us to win the support of others. We may want a scholarship or a particular job for ourselves, a customer for out product, or a vote for our favored political candidate.

#### Specifically, through discussing paths of government action, debate teaches us to be better organizational decision makers. Learning about the uniquely different considerations of organizations is necessary to affecting change in a world overwhelmingly dominated by institutions.

Algoso 2011 – Masters in Public Administration (May 31, Dave, “Why I got an MPA: Because organizations matter” <http://findwhatworks.wordpress.com/2011/05/31/why-i-got-an-mpa-because-organizations-matter/>)

Because organizations matter. Forget the stories of heroic individuals written in your middle school civics textbook. Nothing of great importance is ever accomplished by a single person. Thomas Edison had lab assistants, George Washington’s army had thousands of troops, and Mother Teresa’s Missionaries of Charity had over a million staff and volunteers when she passed away. Even Jesus had a 12-man posse. In different ways and in vastly different contexts, these were all organizations. Pick your favorite historical figure or contemporary hero, and I can almost guarantee that their greatest successes occurred as part of an organization. Even the most charismatic, visionary and inspiring leaders have to be able to manage people, or find someone who can do it for them. International development work is no different. Regardless of your issue of interest — whether private sector investment, rural development, basic health care, government capacity, girls’ education, or democracy promotion — your work will almost always involve operating within an organization. How well or poorly that organization functions will have dramatic implications for the results of your work. A well-run organization makes better decisions about staffing and operations; learns more from its mistakes; generates resources and commitment from external stakeholders; and structures itself to better promote its goals. None of this is easy or straightforward. We screw it up fairly often. Complaints about NGO management and government bureaucracy are not new. We all recognize the need for improvement. In my mind, the greatest challenges and constraints facing international development are managerial and organizational, rather than technical. Put another way: the greatest opportunities and leverage points lie in how we run our organizations. Yet our discourse about the international development industry focuses largely on how much money donors should commit to development and what technical solutions (e.g. deworming, elections, roads, whatever) deserve the funds. We give short shrift to the questions around how organizations can actually turn those funds into the technical solutions. The closest we come is to discuss the incentives facing organizations due to donor or political requirements. I think we can go deeper in addressing the management and organizational issues mentioned above. This thinking led me to an MPA degree because it straddles that space between organizations and issues. A degree in economics or international affairs could teach you all about the problems in the world, and you may even learn how to address them. But if you don’t learn how to operate in an organization, you may not be able to channel the resources needed to implement solutions. On the flip side, a typical degree in management offers relevant skills, but without the content knowledge necessary to understand the context and the issues. I think the MPA, if you choose the right program for you and use your time well, can do both.

#### Additionally, the best route to improving decision-making is through discussion about public policy

#### Mutually accessible info – there is a wide swath of literature on governmental policy topics – that ensures there will be informed, predictable, and in-depth debate over the aff’s decision. Individual policymaking is highly variable depending on the person and inaccessible to outsiders.

#### Harder decisions make better decisionmakers – the problems facing public policymakers are a magnitude greater than private decisions.

#### External actors – the decisions we make should be analyzed not in a vacuum but in the complex social field that surrounds us

#### Second is Predictable Limits - The resolution proposes the question the negative is prepared to answer and creates a bounded list of potential affs for us to think about. Debate has unique potential to change attitudes and grow critical thinking skills because it forces pre-round internal deliberation on a of a focused, common ground of debate

Robert E. **Goodin and** Simon J. **Niemeyer**- Australian National University- **2003**,

When Does Deliberation Begin? Internal Reflection versus Public Discussion in Deliberative Democracy, POLITICAL STUDIES: 2003 VOL 51, 627–649, http://onlinelibrary.wiley.com/doi/10.1111/j.0032-3217.2003.00450.x/pdf

What happened in this particular case, as in any particular case, was in some respects peculiar unto itself. The problem of the Bloomfield Track had been well known and much discussed in the local community for a long **time. Exaggerated claims and counter-claims had become entrenched, and unreflective public opinion polarized around them**. In this circumstance, **the effect of the information phase of deliberative processes was to brush away those highly polarized attitudes, dispel the myths and symbolic posturing on both sides that had come to dominate the debate, and liberate people to act upon their attitudes** toward the protection of rainforest itself. **The key** point, from the perspective of ‘democratic deliberation within’, **is that that happened in the earlier stages of deliberation – before the formal discussions** (‘deliberations’, in the discursive sense) of the jury process ever began. The simple process of jurors seeing the site for themselves, focusing their minds on the issues and listening to what experts had to say did virtually all the work in changing jurors’ attitudes. Talking among themselves, as a jury, did very little of it. However, the same might happen in cases very different from this one. Suppose that instead of highly polarized symbolic attitudes, what we have at the outset is mass ignorance or mass apathy or non-attitudes. There again, people’s engaging with the issue – focusing on it, acquiring information about it, thinking hard about it – would be something that is likely to occur earlier rather than later in the deliberative process. And more to our point, it is something that is most likely to occur within individuals themselves or in informal interactions, well in advance of any formal, organized group discussion. There is much in the large literature on attitudes and the mechanisms by which they change to support that speculation.31 Consider, for example, the literature on ‘central’ versus ‘peripheral’ routes to the formation of attitudes. Before deliberation, individuals may not have given the issue much thought or bothered to engage in an extensive process of reflection.32 In such cases, positions may be arrived at via peripheral routes, taking cognitive shortcuts or arriving at ‘top of the head’ conclusions or even simply following the lead of others believed to hold similar attitudes or values (Lupia, 1994). These shorthand approaches involve the use of available cues such as ‘expertness’ or ‘attractiveness’ (Petty and Cacioppo, 1986) – not deliberation in the internal-reflective sense we have described. Where peripheral shortcuts are employed, there may be inconsistencies in logic and the formation of positions, based on partial information or incomplete information processing. In contrast, ‘central’ routes to the development of attitudes involve the application of more deliberate effort to the matter at hand, in a way that is more akin to the internal-reflective deliberative ideal. Importantly for our thesis, there is nothing intrinsic to the ‘central’ route that requires group deliberation. Research in this area stresses instead the importance simply of ‘sufficient impetus’ for engaging in deliberation, such as when an individual is stimulated by personal involvement in the issue.33 The same is true of ‘on-line’ versus ‘memory-based’ processes of attitude change.34 The suggestion here is that **we lead our ordinary lives largely on autopilot, doing routine things in routine ways without much thought or reflection. When we come across something ‘new’, we update our routines – our ‘running’ beliefs and pro cedures, attitudes and evaluations – accordingly. But having updated, we then drop the impetus for the update into deep-stored ‘memory’**. A consequence of this procedure is that, **when asked in the ordinary course of events ‘what we believe’** or‘what attitude we take’ toward something, **we easily retrieve what we think but we cannot so easily retrieve the reasons why**. **That more fully reasoned assessment – the sort of thing we have been calling internal-reflective deliberation – requires us to call up reasons from stored memory rather than just consulting our running on-line ‘summary judgments’.** Crucially for our present discussion, once again, what prompts that shift from online to more deeply reflective deliberation is not necessarily interpersonal discussion. The impetus for fixing one’s attention on a topic, and retrieving reasons from stored memory, might come from any of a number sources: group discussion is only one. And again, even in the context of a group discussion, this shift from ‘online’ to ‘memory-based’ processing is likely to occur earlier rather than later in the process, often before the formal discussion ever begins. All this is simply to say that, on a great many models and in a great many different sorts of settings, it seems likely that **elements of the pre-discursive process are likely to prove crucial to the shaping and reshaping of people’s attitudes** in a citizens’ jury-style process. **The initial processes of focusing attention on a topic, providing information about it and inviting people to think hard about it is likely to provide a strong impetus to internal-reflective deliberation, altering not just the information people have about the issue but also the way people process that information and hence (perhaps) what they think about the issue.** What happens once people have shifted into this more internal-reflective mode is, obviously, an open question. Maybe people would then come to an easy consensus, as they did in their attitudes toward the Daintree rainforest.35 Or maybe people would come to divergent conclusions; and they then may (or may not) be open to argument and counter-argument, with talk actually changing minds. Our claim is not that group discussion will always matter as little as it did in our citizens’ jury.36 Our claim is instead merely that the earliest steps in the jury process – the sheer focusing of attention on the issue at hand and acquiring more information about it, and the internal-reflective deliberation that that prompts – will invariably matter more than deliberative democrats of a more discursive stripe would have us believe. However much or little difference formal group discussions might make, on any given occasion, the pre-discursive phases of the jury process will invariably have a considerable impact on changing the way jurors approach an issue. From Citizens’ Juries to Ordinary Mass Politics? In a citizens’ jury sort of setting, then, it seems that informal, pre-group deliberation – ‘deliberation within’ – will inevitably do much of the work that deliberative democrats ordinarily want to attribute to the more formal discursive processes. What are the preconditions for that happening? To what extent, in that sense, can findings about citizens’ juries be extended to other larger or less well-ordered deliberative settings? Even in citizens’ juries, deliberation will work only if people are attentive, open and willing to change their minds as appropriate. So, too, in mass politics. In citizens’ juries the need to participate (or **the anticipation of participating) in formally organized group discussions might be the ‘prompt’ that evokes those attributes**. But there might be many other possible ‘prompts’ that can be found in less formally structured mass-political settings. Here are a few ways citizens’ juries (and all cognate micro-deliberative processes)37 might be different from mass politics, and in which lessons drawn from that experience might not therefore carry over to ordinary politics: • A citizens’ jury concentrates people’s minds on a single issue. Ordinary politics involve many issues at once. • A citizens’ jury is often supplied a background briefing that has been agreed by all stakeholders (Smith and Wales, 2000, p. 58). In ordinary mass politics, there is rarely any equivalent common ground on which debates are conducted. • A citizens’ jury separates the process of acquiring information from that of discussing the issues. In ordinary mass politics, those processes are invariably intertwined. • A citizens’ jury is provided with a set of experts. They can be questioned, debated or discounted. But there is a strictly limited set of ‘competing experts’ on the same subject. In ordinary mass politics, claims and sources of expertise often seem virtually limitless, allowing for much greater ‘selective perception’. • Participating in something called a ‘citizens’ jury’ evokes certain very particular norms: norms concerning the ‘impartiality’ appropriate to jurors; norms concerning the ‘common good’ orientation appropriate to people in their capacity as citizens.38 There is a very different ethos at work in ordinary mass politics, which are typically driven by flagrantly partisan appeals to sectional interest (or utter disinterest and voter apathy). • In a citizens’ jury, **we think and listen in anticipation of the discussion phase, knowing that we soon will have to defend our views in a discursive setting where they will be probed intensively**.39 In ordinary mass-political settings, there is no such incentive for paying attention. It is perfectly true that citizens’ juries are ‘special’ in all those ways. But if being special in all those ways makes for a better – more ‘reflective’, more ‘deliberative’ – political process, then those are design features that we ought try to mimic as best we can in ordinary mass politics as well. There are various ways that that might be done. Briefing books might be prepared by sponsors of American presidential debates (the League of Women Voters, and such like) in consultation with the stakeholders involved. Agreed panels of experts might be questioned on prime-time television. Issues might be sequenced for debate and resolution, to avoid too much competition for people’s time and attention. Variations on the Ackerman and Fishkin (2002) proposal for a ‘deliberation day’ before every election might be generalized, with a day every few months being given over to small meetings in local schools to discuss public issues. All that is pretty visionary, perhaps. And (although it is clearly beyond the scope of the present paper to explore them in depth) there are doubtless many other more-or-less visionary ways of introducing into real-world politics analogues of the elements that induce citizens’ jurors to practice ‘democratic deliberation within’, even before the jury discussion gets underway. Here, we have to content ourselves with identifying those features that need to be replicated in real-world politics in order to achieve that goal – and with the ‘possibility theorem’ that is established by the fact that (as sketched immediately above) there is at least one possible way of doing that for each of those key features.

#### Third is Dogmatism – Most problems are not black and white but have complex, uncertain interactions. By declaring that \_\_\_\_\_ is always bad, they prevent us from understanding the nuances of an incredibly important and complex issue. This is the epitome of dogmatism

Keller, et. al,– Asst. professor School of Social Service Administration U. of Chicago - 2001

(Thomas E., James K., and Tracly K., Asst. professor School of Social Service Administration U. of Chicago, professor of Social Work, and doctoral student School of Social Work, “Student debates in policy courses: promoting policy practice skills and knowledge through active learning,” Journal of Social Work Education, Spr/Summer 2001, EBSCOhost)

John Dewey, the philosopher and educational reformer, suggested that the initial advance in the development of reflective thought occurs in the transition from holding fixed, static ideas to an attitude of doubt and questioning engendered by exposure to alternative views in social discourse (Baker, 1955, pp. 36-40). Doubt, confusion, and conflict resulting from discussion of diverse perspectives "force comparison, selection, and reformulation of ideas and meanings" (Baker, 1955, p. 45). Subsequent educational theorists have contended that learning requires openness to divergent ideas in combination with the ability to synthesize disparate views into a purposeful resolution (Kolb, 1984; Perry, 1970). On the one hand, clinging to the certainty of one's beliefs risks dogmatism, rigidity, and the inability to learn from new experiences. On the other hand, if one's opinion is altered by every new experience, the result is insecurity, paralysis, and the inability to take effective action. The educator's role is to help students develop the capacity to incorporate new and sometimes conflicting ideas and experiences into a coherent cognitive framework. Kolb suggests that, "if the education process begins by bringing out the learner's beliefs and theories, examining and testing them, and then integrating the new, more refined ideas in the person's belief systems, the learning process will be facilitated" (p. 28).

The authors believe that involving students in substantive debates challenges them to learn and grow in the fashion described by Dewey and Kolb. Participation in a debate stimulates clarification and critical evaluation of the evidence, logic, and values underlying one's own policy position. In addition, to debate effectively students must understand and accurately evaluate the opposing perspective. The ensuing tension between two distinct but legitimate views is designed to yield a reevaluation and reconstruction of knowledge and beliefs pertaining to the issue.

#### Our method solves – Even if the resolution is wrong, having a devil’s advocate in deliberation is vitally important to critical thinking skills and avoiding groupthink

**Hugo Mercier and Hélène Landemore- 2011**

**(Philosophy, Politics and Economics prof @ U of Penn, Poli Sci prof @ Yale), Reasoning is for arguing: Understanding the successes and failures of deliberation, Political Psychology, http://sites.google.com/site/hugomercier/publications**

Reasoning can function outside of its normal conditions when it is used purely internally. But it is not enough for reasoning to be done in public to achieve good results. And indeed the problems of individual reasoning highlighted above, such **as polarization and overconfidence, can** also **be found in group reasoning** (Janis, 1982; Stasser & Titus, 1985; Sunstein, 2002). Polarization and overconfidence happen **because not all group discussion is deliberative.** According to some definitions of deliberation, including the one used in this paper, **reasoning has to be applied to the same thread of argument *from different opinions* for deliberation to occur.** As a consequence, “**If the participants are mostly like-minded or hold the same views before they enter into the discussion, they are not situated in the circumstances of deliberation.”** (Thompson, 2008: 502). We will presently review evidence showing that the absence or the silencing of dissent is a quasi-necessary condition for polarization or overconfidence to occur in groups. Group polarization has received substantial empirical support. 11 So much support in fact that Sunstein has granted group polarization the status of law (Sunstein, 2002). There is however an important caveat: group polarization will mostly happen when people share an opinion to begin with. In defense of his claim, Sunstein reviews an impressive number of empirical studies showing that many groups tend to form more extreme opinions following discussion. The examples he uses, however, offer as convincing an illustration of group polarization than of the necessity of having group members that share similar beliefs at the outset for polarization to happen (e.g. Sunstein, 2002: 178). Likewise, in his review of the group polarization literature, Baron notes that “The crucial antecedent condition for group polarization to occur is the presence of a likeminded group; i.e. individuals who share a preference for one side of the issue.” (Baron, 2005). Accordingly, when groups do not share an opinion, they tend to depolarize. This has been shown in several experiments in the laboratory (e.g. Kogan & Wallach, 1966; Vinokur & Burnstein, 1978). Likewise, studies of deliberation about political or legal issues report that many groups do not polarize (Kaplan & Miller, 1987; Luskin, Fishkin, & Hahn, 2007; Luskin et al., 2002; Luskin, Iyengar, & Fishkin, 2004; Mendelberg & Karpowitz, 2000). On the contrary, some groups show a homogenization of their attitude (they depolarize) (Luskin et al., 2007; Luskin et al., 2002). The contrasting effect of discussions with a supportive versus dissenting audience is transparent in the results reported by Hansen ( 2003 reported by Fishkin & Luskin, 2005). Participants had been exposed to new information about a political issue. When they discussed it with their family and friends, they learned more facts supporting their initial position. On the other hand, during the deliberative weekend—and the exposition to other opinions that took place—they learned more of the facts supporting the view they disagreed with. The present theory, far from being contradicted by the observation that groups of likeminded people reasoning together tend to polarize, can in fact account straightforwardly for this observation. **When people are engaged in a genuine deliberation, the confirmation bias present in each individual’s reasoning is checked, compensated by the confirmation bias of individuals who defend another opinion. When no other opinion is present (or expressed, or listened to), people will be disinclined to use reasoning to critically examine the arguments put forward by other discussants**, since they share their opinion. **Instead, they will use reasoning to strengthen these arguments or find other arguments supporting the same opinion.** In most cases the reasons each individual has for holding the same opinion will be partially non-overlapping. Each participant will then be exposed to new reasons supporting the common opinion, reasons that she is unlikely to criticize. It is then only to be expected that group members should strengthen their support for the common opinion in light of these new arguments. In fact, **groups of like-minded people should have little endogenous motivation to start reasoning together: what is the point of arguing with people we agree with? In most cases, such groups are lead to argue because of some external constraint**. These constraints can be more or less artificial—a psychologist telling participants to deliberate or a judge asking a jury for a well supported verdict—but they have to be factored in the explanation of the phenomenon. 4. Conclusion: a situational approach to improving reasoning We have argued that reasoning should not be evaluated primarily, if at all, as a device that helps us generate knowledge and make better decisions through private reflection. Reasoning, in fact, does not do those things very well. Instead, we rely on the hypothesis that the function of reasoning is to find and evaluate arguments in deliberative contexts. This evolutionary hypothesis explains why, when reasoning is used in its normal conditions—in a deliberation—it can be expected to lead to better outcomes, consistently allowing deliberating groups to reach epistemically superior outcomes and improve their epistemic status. Moreover, seeing reasoning as an argumentative device also provides a straightforward account of the otherwise puzzling confirmation bias—the tendency to search for arguments that favor our opinion. The confirmation bias, in turn, generates most of the problems people face when they reason in abnormal conditions— when they are not deliberating. This will happen to people who reason alone while failing to entertain other opinions in a private deliberation and to groups in which one opinion is so dominant as to make all others opinions—if they are even present—unable to voice arguments. In both cases, the confirmation bias will go unchecked and create polarization and overconfidence. We believe that the argumentative theory offers a good explanation of the most salient facts about private and public reasoning. This explanation is meant to supplement, rather than replace, existing psychological theories by providing both an answer to the why-questions and a coherent integrative framework for many previously disparate findings. The present article was mostly aimed at comparing deliberative vs. non-deliberative situations, but the theory could also be used to make finer grained predictions within deliberative situations. It is important to stress that the theory used as the backbone for the article is a theory of reasoning. The theory can only make predictions about reasoning, and not about the various other psychological mechanisms that impact the outcome of group discussion. We did not aim at providing a general theory of group processes that could account for all the results in this domain. But it is our contention that the best way to reach this end is by investigating the relevant psychological mechanisms and their interaction. For these reasons, the present article should only be considered a first step towards more fined grained predictions of when and why deliberation is efficient. Turning now to the consequences of the present theory, we can note first that our emphasis on the efficiency of diverse groups sits well with another recent a priori account of group competence. According to Hong and Page’s Diversity Trumps Ability Theorem for example, under certain plausible conditions, a diverse sample of moderately competent individuals will outperform a group of the most competent individuals (Hong & Page, 2004). Specifically, what explains the superiority of some groups of average people over smaller groups of experts is the fact that cognitive diversity (roughly, the ability to interpret the world differently) can be more crucial to group competence than individual ability (Page, 2007). That argument has been carried over from groups of problem-solvers in business and practical matters to democratically deliberating groups in politics (e.g., Anderson, 2006; Author, 2007, In press). At the practical level, the present theory potentially has important implications. Given that individual reasoning works best when confronted to different opinions, the present theory supports the improvement of the presence or expression of dissenting opinions in deliberative settings. Evidently, many people, in the field of deliberative democracy or elsewhere, are also advocating such changes. While these common sense suggestions have been made in the past (e.g., Bohman,

2007; Sunstein, 2003, 2006), the present theory provides additional arguments for them. It also explains why approaches focusing on individual rather than collective reasoning are not likely to be successful. Specifically tailored practical suggestions can also be made by using departures from the normal conditions of reasoning as diagnostic tools. Thus, different departures will entail different solutions. Accountability—having to defends one’s opinion in front of an audience—can be used to bring individual reasoners closer to a situation of private deliberation. The use of different aggregation mechanisms could help identify the risk of deliberation among like-minded people. For example, before a group launches a discussion, a preliminary vote or poll could establish the extent to which different opinions are represented. If this procedure shows that people agree on the issue at hand, then skipping the discussion may save the group some efforts and reduce the risk of polarization. Alternatively, a **devil’s advocate** could be introduced in the group to defend an alternative opinion (e.g. Schweiger, Sandberg, & Ragan, 1986).

### Case

#### No movements – the public doesn’t care

Galloway 7

[Ryan, Director of Debate and assistant professor in Communication Studies at Samford University, “DINNER AND CONVERSATION AT THE ARGUMENTATIVE TABLE: RECONCEPTUALIZING DEBATE AS AN ARGUMENTATIVE DIALOGUE”, Contemporary Argumentation and Debate, Vol. 28, MW]

Additionally, debate is unlike public speaking since it happens almost always in a private setting. There are several distinctions. First, very few people watch individual contest rounds. The vast majority of such rounds take place with five people in the room—the four debaters, and the lone judge. Even elimination rounds with the largest audiences have no more than approximately one hundred observers, almost all of whom are debaters. Rarely do people outside the community watch debates. Also, debate has developed a set of norms and procedures quite unlike public speaking. While some indict these norms (Warner 2003), the rapid rate of speed and heavy reliance on evidence distinguishes debate from public speaking. Our activity is more like the closed debating society that Murphy admits can be judged by “pedagogical, rather than ethical, standards” (1957, p. 7). When debates do occur that target the general public (public debates on campus for example), moderators are careful to explain that debaters may be playing devil’s advocate. Such statements prevent confusion regarding whether or not a debater Contemporary Argumentation and Debate, Vol. 28 (2007) 11 speaks in a role or from personal conviction. While speaking from conviction is a political act, speaking in accordance with a role is a pedagogical one (Klopf & McCroskey, 1964, p. 37).

#### Democratic and legal norms prevent the state of exception

Dickinson, History Prof at UC Davis, ‘4 (Edward, “Biopolitics, Fascism, Democracy: Reflections On Our Discourse Concerning 'Modernity’” Central European History, Vol 37, p 1-48)

In short, the continuities between early twentieth-century biopolitical discourse and the practices of the welfare state in our own time are unmistakable. Both are instances of the "disciplinary society" and of biopolitical, regulatory, social-engineering modernity, and they share that genealogy with more authoritarian states, including the National Socialist state, but also fascist Italy, for example. And it is certainly fruitful to view them from this very broad perspective. But that analysis can easily become superficial and misleading, because it obfuscates the profoundly different strategic and local dynamics of power in the two kinds of regimes. Clearly the democratic welfare state is not only formally but also substantively quite different from totalitarianism. Above all, again, it has nowhere developed the fateful, radicalizing dynamic that characterized National Socialism (or for that matter Stalinism), the psychotic logic that leads from economistic population management to mass murder. Again, there is always the potential for such a discursive regime to generate coercive policies. In those cases in which the regime of rights does not successfully produce "health," such a system can — and historically does — create compulsory programs to enforce it. But again, there are political and policy potentials and constraints in such a structuring of biopolitics that are very different from those of National Socialist Germany. Democratic biopolitical regimes require, enable, and incite a degree of self-direction and participation that is functionally incompatible with authoritarian or totalitarian structures. And this pursuit of biopolitical ends through a regime of democratic citizenship does appear, historically, to have imposed increasingly narrow limits on coercive policies, and to have generated a "logic" or imperative of increasing liberalization. Despite limitations imposed by political context and the slow pace of discursive change, I think this is the unmistakable message of the really very impressive waves of legislative and welfare reforms in the 1920s or the 1970s in Germany.90 Of course it is not yet clear whether this is an irreversible dynamic of such systems. Nevertheless, such regimes are characterized by sufficient degrees of autonomy (and of the potential for its expansion) for sufficient numbers of people that I think it becomes useful to conceive of them as productive of a strategic configuration of power relations that might fruitfully be analyzed as a condition of "liberty," just as much as they are productive of constraint, oppression, or manipulation. At the very least, totalitarianism cannot be the sole orientation point for our understanding of biopolitics, the only end point of the logic of social engineering. This notion is not at all at odds with the core of Foucauldian (and Peukertian) theory. Democratic welfare states are regimes of power/knowledge no less than early twentieth-century totalitarian states; these systems are not "opposites," in the sense that they are two alternative ways of organizing the same thing. But they are two very different ways of organizing it. The concept "power" should not be read as a universal stifling night of oppression, manipulation, and entrapment, in which all political and social orders are grey, are essentially or effectively "the same." Power is a set of social relations, in which individuals and groups have varying degrees of autonomy and effective subjectivity. And discourse is, as Foucault argued, "tactically polyvalent." Discursive elements (like the various elements of biopolitics) can be combined in different ways to form parts of quite different strategies (like totalitarianism or the democratic welfare state); they cannot be assigned to one place in a structure, but rather circulate. The varying possible constellations of power in modern societies create "multiple modernities," modern societies with quite radically differing potentials.91 Biopolitics: Who Is Doing What To Whom? This understanding of the democratic and totalitarian potentials of biopolitics at the level of the state needs to be underpinned by a reassessment of how biopolitical discourse operates in society at large, at the "prepolitical" level. I would like to try to offer here the beginnings of a reconceptualization of biopolitical modernity, one that focuses less on the machinations of technocrats and experts, and more on the different ways that biopolitical thinking circulated within German society more broadly. It is striking, then, that the new model of German modernity is even more relentlessly negative than the old Sonderweg model. In that older model, premodern elites were constantly triumphing over the democratic opposition. But at least there was an opposition; and in the long run, time was on the side of that opposition, which in fact embodied the historical movement of modern- ization. In the new model, there is virtually a biopolitical consensus.92 And that consensus is almost always fundamentally a nasty, oppressive thing, one that partakes in crucial ways of the essential quality of National Socialism. Everywhere biopolitics is intrusive, technocratic, top-down, constraining, limiting. Biopolitics is almost never conceived of— or at least discussed in any detail — as creating possibilities for people, as expanding the range of their choices, as empowering them, or indeed as doing anything positive for them at all. Of course, at the most simple-minded level, it seems to me that an assessment of the potentials of modernity that ignores the ways in which biopolitics has made life tangibly better is somehow deeply flawed. To give just one example, infant mortality in Germany in 1900 was just over 20 percent; or, in other words, one in five children died before reaching the age of one year. By 1913, it was 15 percent; and by 1929 (when average real purchasing power was not significantly higher than in 1913) it was only 9.7 percent.93 The expansion of infant health programs — an enormously ambitious, bureaucratic, medicalizing, and sometimes intrusive, social engineering project — had a great deal to do with that change. It would be bizarre to write a history of biopolitical modernity that ruled out an appreciation for how absolutely wonderful and astonishing this achievement — and any number of others like it — really was. There was a reason for the "Machbarkeitswahn" of the early twentieth century: many marvelous things were in fact becoming machbar. In that sense, it is not really accurate to call it a " Wahn" (delusion, craziness) at all; nor is it accurate to focus only on the "inevitable" frustration of "delusions" of power. Even in the late 1920s, many social engineers could and did look with great satisfaction on the changes they genuinely had the power to accomplish.

#### A focus on policy is necessary to learn the pragmatic details of powerful institutions – acting without this knowledge is doomed to fail in the face of policy pros who know what they’re talking about [highlight]

McClean 01 SOCIETY FOR THE ADVANCEMENT OF AMERICAN PHILOSOPHY – GRADUATE AND PHILOSOPHER – NYU, “THE CULTURAL LEFT AND THE LIMITS OF SOCIAL HOPE”, http://www.american-philosophy.org/archives/2001%20Conference/Discussion%20papers/david\_mcclean.htm]

Leftist American culture critics might put their considerable talents to better use if they bury some of their cynicism about America's social and political prospects and help forge public and political possibilities in a spirit of determination to, indeed, achieve our country - the country of Jefferson and King; the country of John Dewey and Malcom X; the country of Franklin Roosevelt and Bayard Rustin, and of the later George Wallace and the later Barry Goldwater. To invoke the words of King, and with reference to the American society, the time is always ripe to seize the opportunity to help create the "beloved community," one woven with the thread of agape into a conceptually single yet diverse tapestry that shoots for nothing less than a true intra-American cosmopolitan ethos, one wherein both same sex unions and faith-based initiatives will be able to be part of the same social reality, one wherein business interests and the university are not seen as belonging to two separate galaxies but as part of the same answer to the threat of social and ethical nihilism. We who fancy ourselves philosophers would do well to create from within ourselves and from within our ranks a new kind of public intellectual who has both a hungry theoretical mind and who is yet capable of seeing the need to move past high theory to other important questions that are less bedazzling and "interesting" but more important to the prospect of our flourishing - questions such as "How is it possible to develop a citizenry that cherishes a certain hexis, one which prizes the character of the Samaritan on the road to Jericho almost more than any other?" or "How can we square the political dogma that undergirds the fantasy of a missile defense system with the need to treat America as but one member in a community of nations under a "law of peoples?"The new public philosopher might seek to understand labor law and military and trade theory and doctrine as much as theories of surplus value; the logic of international markets and trade agreements as much as critiques of commodification, and the politics of complexity as much as the politics of power (all of which can still be done from our arm chairs.) This means going down deep into the guts of our quotidian social institutions, into the grimy pragmatic details where intellectuals are loathe to dwell but where the officers and bureaucrats of those institutions take difficult and often unpleasant, imperfect decisions that affect other peoples' lives, and it means making honest attempts to truly understand how those institutions actually function in the actual world before howling for their overthrow commences. This might help keep us from being slapped down in debates by true policy pros who actually know what they are talking about but who lack awareness of the dogmatic assumptions from which they proceed, and who have not yet found a good reason to listen to jargon-riddled lectures from philosophers and culture critics with their snobish disrespect for the so-called "managerial class."

#### Forcing specific policy analysis is key – allows state institutions to be reclaimed and generates debater education necessary to create a left governmentality – necessary to create a public sphere [highlight]

Ferguson, Professor of Anthropology at Stanford, 11

(The Uses of Neoliberalism, Antipode, Vol. 41, No. S1, pp 166–184)

If we are seeking, as this special issue of Antipode aspires to do, to link our critical analyses to the world of grounded political struggle—not only to interpret the world in various ways, but also to change it—then there is much to be said for focusing, as I have here, on mundane, real- world debates around policy and politics, even if doing so inevitably puts us on the compromised and reformist terrain of the possible, rather than the seductive high ground of revolutionary ideals and utopian desires. But I would also insist that there is more at stake in the examples I have discussed here than simply a slightly better way to ameliorate the miseries of the chronically poor, or a technically superior method for relieving the suffering of famine victims.¶ My point in discussing the South African BIG campaign, for instance, is not really to argue for its implementation. There is much in the campaign that is appealing, to be sure. But one can just as easily identify a series of worries that would bring the whole proposal into doubt. Does not, for instance, the decoupling of the question of assistance from the issue of labor, and the associated valorization of the “informal”, help provide a kind of alibi for the failures of the South African regime to pursue policies that would do more to create jobs? Would not the creation of a basic income benefit tied to national citizenship simply exacerbate the vicious xenophobia that already divides the South African poor,¶ in a context where many of the poorest are not citizens, and would thus not be eligible for the BIG? Perhaps even more fundamentally, is the idea of basic income really capable of commanding the mass support that alone could make it a central pillar of a new approach to distribution? The record to date gives powerful reasons to doubt it. So far, the technocrats’ dreams of relieving poverty through efficient cash transfers have attracted little support from actual poor people, who seem to find that vision a bit pale and washed out, compared with the vivid (if vague) populist promises of jobs and personalistic social inclusion long offered by the ANC patronage machine, and lately personified by Jacob Zuma (Ferguson forthcoming).¶ My real interest in the policy proposals discussed here, in fact, has little to do with the narrow policy questions to which they seek to provide answers. For what is most significant, for my purposes, is not whether or not these are good policies, but the way that they illustrate a process through which specific governmental devices and modes of reasoning that we have become used to associating with a very particular (and conservative) political agenda (“neoliberalism”) may be in the process of being peeled away from that agenda, and put to very different uses. Any progressive who takes seriously the challenge I pointed to at the start of this essay, the challenge of developing new progressive arts of government, ought to find this turn of events of considerable interest.¶ As Steven Collier (2005) has recently pointed out, it is important to question the assumption that there is, or must be, a neat or automatic fit between a hegemonic “neoliberal” political-economic project (however that might be characterized), on the one hand, and specific “neoliberal” techniques, on the other. Close attention to particular techniques (such as the use of quantitative calculation, free choice, and price driven by supply and demand) in particular settings (in Collier’s case, fiscal and budgetary reform in post-Soviet Russia) shows that the relationship between the technical and the political-economic “is much more polymorphous and unstable than is assumed in much critical geographical work”, and that neoliberal technical mechanisms are in fact “deployed in relation to diverse political projects and social norms” (2005:2).¶ As I suggested in referencing the role of statistics and techniques for pooling risk in the creation of social democratic welfare states, social technologies need not have any essential or eternal loyalty to the political formations within which they were first developed. Insurance rationality at the end of the nineteenth century had no essential vocation to provide security and solidarity to the working class; it was turned to that purpose (in some substantial measure) because it was available, in the right place at the right time, to be appropriated for that use. Specific ways of solving or posing governmental problems, specific institutional and intellectual mechanisms, can be combined in an almost infinite variety of ways, to accomplish different social ends. With social, as with any other sort of technology, it is not the machines or the mechanisms that decide what they will be used to do.¶ Foucault (2008:94) concluded his discussion of socialist government- ality by insisting that the answers to the Left’s governmental problems require not yet another search through our sacred texts, but a process of conceptual and institutional innovation. “[I]f there is a really socialist governmentality, then it is not hidden within socialism and its texts. It cannot be deduced from them. It must be invented”. But invention in the domain of governmental technique is rarely something worked up out of whole cloth. More often, it involves a kind of bricolage (Le ́vi- Strauss 1966), a piecing together of something new out of scavenged parts originally intended for some other purpose. As we pursue such a process of improvisatory invention, we might begin by making an inventory of the parts available for such tinkering, keeping all the while an open mind about how different mechanisms might be put to work, and what kinds of purposes they might serve. If we can go beyond seeing in “neoliberalism” an evil essence or an automatic unity, and instead learn to see a field of specific governmental techniques, we may be surprised to find that some of them can be repurposed, and put to work in the service of political projects very different from those usually associated with that word. If so, we may find that the cabinet of governmental arts available to us is a bit less bare than first appeared, and that some rather useful little mechanisms may be nearer to hand than we thought.

# 2NC

### Solvency

#### Individual rejection is insufficient – absent pushing to change state policy, elites use it as an alibi for violence

Wendy Brown 2006, Regulating Aversion: Tolerance in the age of Identity and Empire, pg 99-101

In the immediate aftermath of the September 11 terrorist episodes, George W. Bush surprised many Americans with his frequent remarks about the importance of treating Arab Americans with respect, his effort to distinguish Islamic belief and practices from the violence of the perpetrators, and his warnings against scapegoating and stereotyping as well as abuse and vigilantism. His efforts in this direction were sometimes fumbling—he spoke of “women of cover” when expressing his dismay about intimidation of Islamic Americans wearing religiously sanctioned clothing and he stuttered over the formulation of an American “we” that was not normatively Christian: “Our nation must be mindful that there are thousands of Arab Americans . . . who love their flag just as much as . . . [we] do. And we must be mindful that as we seek to win the war that we treat Arab Americans and Muslims with the respect they deserve.”31 Following a meeting with American Islamic leaders in Washington, D.C., on September 17, he declared, “It is my honor to be meeting with leaders who feel just the same way I do. They’re outraged, they’re sad. They love America just as much as I do.”32 Multiculturalist talk does not come easily or naturally to Bush: he reinstalls a “we” and a “they” at the very moment he is trying to dispel the distinction; he tacitly represents Muslims as outsiders to America; and he can establish belonging only by asserting subjective identicality—“they feel exactly the way I do.” Still, the very earnestness and the repetition of these efforts to staunch bigotry and racial violence took many by surprise. But while Bush continuously urged citizen regard for the rich diversity of the American population, while he preached respect and tolerance as model citizen behavior, this was hardly the state’s bearing either in prosecuting the war in Afghanistan or in “fighting terrorism” on the domestic front. Even as the populace was suborned to civility and tolerance, state practice was immediately and flagrantly extralegal, violent, race-conscious, and religion-conscious. The prosecution of the war on Afghanistan involved substantial “collateral damage”— that is, civilian Afghan casualties at rates that would have been flatly unacceptable if suffered by Europeans or Americans.33 The state detained thousands of Arabs and Arab Americans after the September 11 attacks, several hundred of whom remain in custody without being charged, despite subsequent revelations that evidence linking them to any illegal, let alone terrorist, activity is nonexistent.34 During these detentions, near relatives of the detainees were not informed of the names or whereabouts of the detainees, nor were the detainees permitted legal counsel.35 Interrogation at their residences of another 5,000 young men on student, tourist, or business visas who were reputed to “have come to the U.S. from countries with suspected terrorist links” began in December 2001; Miranda rights were not read to these men, and those questioned who had expired visas joined the growing numbers of individuals from the Middle East targeted by the Immigration and Naturalization Service for immediate deportation or indefinite detention.36 At the same time, the state was rapidly creating an increasingly wide domain of unaccountable power for itself. The first USA Patriot Act, signed into law shortly after September 11, licensed not only unprecedented levels of surveillance of the citizenry but also “court stripping”—removing authority from the judiciary in times of crisis and, in particular, circumventing judicial powers that protect civil liberties. In early October 2001, Attorney General John Ashcroft also instructed all federal agencies to resist Freedom of Information Act requests made by American citizens whenever “institutional, commercial, and personal privacy interests could be implicated by disclosure of the information”;37 in effect, he single-handedly overturned the FOIA in the name of national security. Meanwhile, federal investigators began to chafe against civil and criminal rights provisions protecting detainees who refuse to speak. In November 2001, the FBI and the Justice Department raised the possibility of using truth serums or torture to extract information, or of sending detainees to countries where such means of interrogation are legal or routine.38 (Four years later it has come to light that many of the torture techniques involving sexual humiliation and religious desecration performed at Abu Ghraib were also used on Arab detainees in domestic custody, and were directly sanctioned by Secretary of Defense Donald Rumsfeld.)39 Then came Bush’s mandate that terrorists be tried in military tribunals rather than federal courts and his refusal to abide by Geneva Convention standards, coupled with images of Afghan prisoners of war in Guantánamo Bay—shackled, blindfolded, shaved, gagged, caged in the open air—and in crowded prisons in Afghanistan, starving, sometimes to death. Thus, in the months after 9/11, the state’s own vigilantism, violence, and racial profiling, at home and abroad, did not simply stand in contrast with the state’s proscription of citizen vigilantism and calls for tolerance. Rather, it was legitimated by this proscription and these calls; as long as the state implores its subjects to be peaceful, law-abiding, and without prejudice, it can use its prerogative power—and even mobilize the citizenry—for the opposite practices. The state can abrogate its commitments to upholding civil liberties and to egalitarian enjoyment of these liberties by substituting a discourse of tolerance for a practice of equal protection or equal treatment. Moreover, the state issues calls for tolerance not because it is or can be tolerant, but so that we will be and it does not have to be—so that it can act like a state. This is not to say that the state is forthrightly intolerant, but that neither equality nor tolerance nor protection of civil rights is within the ambit of raison d’état.

#### Student protests fail without specific policy prescriptions

Deloria, Native American Activist, ’99 (“Spirit and Reason” p 242-243)

A people's movement has many benefits—the mass of minority groups are involved, and political strength increases dramatically— but it also has immense vulnerability in that goals that can be seen, articulated, and achieved are surrendered in favor of symbolic acts that illustrate and demonstrate the suffering and frustrations of the people. Symbolic acts demand attention from an otherwise unaware general public, but they also fail to articulate the necessity of specific actions that can and must be taken by the government at the local, state, and federal levels to alleviate the crisis. Consequently, the choice of remedy is given to the institutional structure that oppresses people and to the good and bad politicians and career bureaucrats who op­erate the institution. The Poor People's March of 1968 best exemplifies the problem of a people's movement unable to articulate specific solutions and see them through to completion. Organized partially in memory of the slain Martin Luther King, Jr., and partially as an effort to secure increases in the funding of social programs, the march loundered when participants spent their time harassing members of the cabinet about problems that had no immediate solution and demanding sympathy and understanding from federal officials who could not translate these concerns into programmatic responses. Smaller protests had maintained a decent level of funding for poverty programs in past years, but, this time, the march faced the bitter reality of the Vietnam War and the impossibility of continuing to expand the federal budget into unrealistic deficits.

#### Only the organized public matters – individual opinion alone is useless

Skocpol 2013 – professor in political science at Harvard (January, Theda, “NAMING THE PROBLEM What It Will Take to Counter Extremism and Engage Americans in the Fight against Global Warming” <http://www.scholarsstrategynetwork.org/sites/default/files/skocpol_captrade_report_january_2013y.pdf>)

This will never be just a matter of merely pointing to national opinion polls in which aggregates register tepid support for “environmentalism” or vaguely endorse pending pieces of legislation. Professionally run organizations and DC insiders take national surveys too seriously. A lot of what they measure amounts to nothing more than momentary shifts in aggregate opinion, swayed by events, elite debates, and the latest television coverage. Public sympathy for a cause can be broad but very shallow – and that has been true for decades now with U.S. national public sympathy for environmental priorities. Environmental organizations are investing way too much money in polling operations, and spending too much time imaging which phrases they should use in messaging campaigns disconnected from organized networks. The new vogue to pay psychological researchers to come up with phrases that subliminally appeal to individuals is even more of a waste of resources for organizations facing serious political challenges, not because psychology is uninteresting, but because it tells us nothing about networks and organizations, the real stuff of politics. Opponents of climate-change legislation do not worry about shallow, inert aggregate individual opinions. Key actors in Congress and the economy know that only organizationally mobilized public opinion matters. As the HCAN experience in the health reform battles of 2009 demonstrated, a nationwide network with organizational reach into states and localities will have much more ability to pressure and persuade Congress than any inside-the-Beltway advocates waving episodic national opinion polls.150 And mass persuasion advertisements are likely to matter only in the context of organized, clashing groups and coalitions. That is why the millions USCAP spent on disconnected messaging campaigns in 2009 and 2010 were largely wasted.

### F/W

#### Being germane doesn’t cut it – they still link to all of our offense

Galloway 7

[Ryan, Director of Debate and assistant professor in Communication Studies at Samford University, “DINNER AND CONVERSATION AT THE ARGUMENTATIVE TABLE: RECONCEPTUALIZING DEBATE AS AN ARGUMENTATIVE DIALOGUE”, Contemporary Argumentation and Debate, Vol. 28]

For example, an affirmative case on the 2007-2008 college topic might defend neither state nor international action in the Middle East, and yet claim to be germane to the topic in some way. The case essentially denies the arguments that state action is oppressive or that actions in the international arena are philosophically or pragmatically suspect. Instead of allowing for the dialogue to be modified by the interchange of the affirmative case and the negative response, the affirmative subverts any meaningful role to the negative team, preventing them from offering effective “counter-word” and undermining the value of a meaningful exchange of speech acts. Germaneness and other substitutes for topical action do not accrue the dialogical benefits of topical advocacy.

#### Our framework creates stronger forms of advocacy

Galloway 7

[Ryan, Director of Debate and assistant professor in Communication Studies at Samford University, “DINNER AND CONVERSATION AT THE ARGUMENTATIVE TABLE: RECONCEPTUALIZING DEBATE AS AN ARGUMENTATIVE DIALOGUE”, Contemporary Argumentation and Debate, Vol. 28, MW]

However, this does not mean that debaters are victims. The sophistication of modern argument and the range of strategic choices available to modern debaters allow them to choose positions that are consistent with their belief structures. The rise of plan-inclusive counterplans, kritiks, and other strategies allow negative teams to largely align themselves with agreeable affirmative cases while distinguishing away narrow slivers of arguments that allow debaters to rarely argue completely against their convictions. While some contend that this undermines the value of switch-side debate (Ellis, 2008b; Shanahan, 2004), in fact, the notion that debaters employ nuanced answers to debate topics illustrates the complexity of modern debate resolutions. Those who worry that competitive academic debate will cause debaters to lose their convictions, as Greene and Hicks do in their 2005 article, confuse the cart with the horse. Conviction is not a priori to discussion, it flows from it. A. Craig Baird argued, “Sound conviction depends upon a thorough understanding of the controversial problem under consideration (1955, p. 5). Debate encourages rigorous training and scrutiny of arguments before debaters declare themselves an advocate for a given cause. Debate creates an ethical obligation to interrogate ideas from a neutral position so that they may be freely chosen subsequently. A second reason to reject the topic has to do with its

#### Only formal, pre-agreed upon rules can ensure openness and equal access—the lack of explicit goals destroys transparency and gives free reign to those in power

Tonn 05 (Mari Boor Tonn, Associate Professor of Communication at the University of Maryland, College Park, 2005

“Taking Conversation, Dialogue, and Therapy Public ,” Rhetoric & Public Affairs 8.3 (2005) 405-430 )

Second, democratic processes and public problem solving necessarily diverge from social conversations by articulating objectives at the outset; adhering to formal rules for participating in, managing, and achieving problem resolution; and documenting outcomes. Through the scrupulous recording of motions, discussions, amendments, and votes, the dynamics of such joint action are rendered visible, accessible, and retrievable, even to persons not party to the immediate deliberative process. "Democracies," Schudson writes, "put great store in the power of writing to secure, verify, and make public. Democracies require public memories."32 Thus, contrary to the framing of conversation and dialogue as egalitarian public problem-solving models, they, in truth, can reify pecking orders by licensing group members with social authority to set agendas, steer and dominate discussion, and—absent the polling and recording of votes—interpret the "will" of the group. Moreover, such informal processes can reward those who speak the loudest, the longest, are the most articulate, or even the most recalcitrant. Freeman's analysis of consciousness-raising groups is instructive:

At any small group meeting anyone with a sharp eye and an acute ear can tell who is influencing whom. The members of the friendship group will relate more to each other than to other people. They listen more attentively, and interrupt less; they repeat each other's points and tend to give in amiably; they tend to ignore or grapple with the "outs" whose approval is not necessary for making a decision . . . They are nuances of interaction, not prewritten scripts. But they are discernible, and they do have their effect. Once one knows . . . whose approval is the stamp of acceptance, one knows who is running things.33

As a result, Freeman argues that purportedly "structureless" organizations are a "deceptive . . . smokescreen," given that "'structurelessness' does not prevent the formation of informal structures, but only formal ones . . . For everyone to have the opportunity to be involved . . . and to participate . . . the structure must be explicit, not implicit. The rules of decision-making must be open and available to everyone, and this can only happen if they are formalized." Schudson likewise argues that the inherently "threatening" nature of political deliberation demands procedures guaranteeing "equal access to the floor, equal participation in setting the ground rules for discussion, and a set of ground rules designed to encourage pertinent speaking, attentive listening, appropriate simplifications, and widely apportioned speaking rights."

# 1NR

### Solvency

#### Even if true, assumptions that the law/state are inherently racist collapse aff solvency – they foreground the assumption of racism, which turns debate and dialogue into a witch hunt to determine which kind of racism people are guilty of – this assumption of guilt and hopelessness of reform collapses coalitions and public dialogue on racism that are pre-requisites to solvency

Farber 98

(Daniel, Prof. of the Minnesota School of Law, “Is American Law Inherently Racist”, w/ Prof. Delgado, Berkeley Law Scholarship Repository, http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1211&context=facpubs)

Finally, and I think perhaps this is the most significant practical problem, the inherent racism approach is not a step toward bringing us to seriously confront the problems that our society has. In fact, I think it is taking us down a false path. The dynamics of the concept of inherent racism has several unfortunate effects. First of all, among even its adherents, it leads to a kind of "witch hunt" mentality, in which people are constantly searching for more and more subtle forms of racism among themselves, among their opponents in the legal system generally, and so forth. As a result, people invest their time combing the Internal Revenue Code for deductions that might seem more favorable to one group than another group, rather than looking at what is the stark and overwhelming problem-not how people's income is taxed but who is earning how much and why. So we become more and more obsessed with looking for more and more subtle flaws. Furthermore, at least in the hands of some of the practitioners or adherents to this position, it leads to a breakdown in debate, even both among people who are essentially on the liberal side of the spectrum and in disputes with their opponents. For example, consider the attacks on liberals like Randy Kennedy, a black professor on the Harvard Law School faculty. We see how people, who are in some sense fundamentally allies, who all support affirmative action and think racial problems are very important, find it impossible to hold a discussion because of this search for motives, hidden agendas, and biases. We see the same thing within critical legal studies in which two figures in the movement, Mark Tushnet and Gary Peller, bludgeoned each other in the pages of the Georgetown Law Journal 25 about their motivations and potential racism, etc. I do not think that is the way we can move forward. This thesis also has been destructive of dialogue with outsiders, with the rest of American society, with people who are not already believers in critical race theory or the inherent racism of American society and law. For example, at my own law school, a young member of our faculty, Jim Chen, wrote an article about racial intermarriage 6 that was considered to be inappropriate by some other minority group members. An entire issue27 of the Iowa Law Review was published, dedicated not only to criticizing his views, which I think was entirely appropriate, but to speculations about the kinds of twisted motives that could lead a member of a minority group to take a position other than the approved critical race theory position. That is not the way for us to move forward. We also see this in the attacks, of which we heard a distant echo from Professor Delgado earlier, on Daniel Moynihan, who has been a staunch liberal, strongly concerned about minorities during his entire career, and yet has been anathemized for making what were considered to be politically incorrect statements. I do not think this is going to lead us forward. And finally, what I fear the most is the response that seemed to be implied by one of the audience questions earlier. If it is true that American society is inherently racist, doesn't that mean that it is essentially hopeless? Now this conclusion does not logically follow from that premise, any more than it logically follows that if certain character traits have a genetic basis then it is hopeless to do anything about them. But nevertheless, we all recognize that when we are talking about individuals and biology, these genetic theories tend to discourage the idea of reform, and tend to reinforce, as a matter of social reality, the view that any bad behavior that we see is just inherent. I think we can expect to see the same kind of thing when we are dealing with the sociological equivalent involving the claim that there is this inherent genetic flaw in American society. You can see this most clearly in Derrick Bell's writings, which are redolent of despair and which, in that respect, curiously resemble Robert Bork's writings, who is similarly convinced that the genetic flaws of American society will prevent it from ever achieving his vision of justice.

#### The proper response to recurrent state/legal racism is protective measures – only legal reform can embed bulwarks against historical injustice

Delgado 98

(Richard, Jean N. Lindsley Professor of Law at the University of Colorado Law School, “Is American Law Inherently Racist”, Debate w/ Prof. Farber, Berkeley Law Scholarship Repository, http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1211&context=facpubs)

AUDIENCE: If we accept the premise that American law is inherently racist, what can be done about it? Where do we start? And related to that, how can an inherently racist law be made unracist, or are we just doomed to a perpetual battle to decrease the level of racism in our laws? PROFESSOR DELGADO: No. I don't think that it is a dispiriting or an overly pessimistic view, if one accepts the position-as I do, that American law is recurrently, inherently racist any more than, it is enervating to accept the proposition that the human body, let's say, is inherently frail. From which it follows then that one ought to take reasonable measures. One ought to wear safety belts, one ought to vaccinate children, and one does not simply give up from the recognition that something is inherently a difficulty or a problem. Vigilance is what is called for, not giving up. So no, I do not take the position that the inherent racism that seems to inflict our society requires any sort of surrender. Quite the contrary, it requires all of our efforts if we are to be the society that we can be and that we are in other respects. I will address this point later in my talk.