### Off

#### Restriction is a prohibition on action – the aff is not

Jean Schiedler-Brown 12, Attorney, Jean Schiedler-Brown & Associates, Appellant Brief of Randall Kinchloe v. States Dept of Health, Washington, The Court of Appeals of the State of Washington, Division 1, http://www.courts.wa.gov/content/Briefs/A01/686429%20Appellant%20Randall%20Kincheloe%27s.pdf

3. The ordinary definition of the term "restrictions" also does not include the reporting and monitoring or supervising terms and conditions that are included in the 2001 Stipulation. ¶ Black's Law Dictionary, 'fifth edition,(1979) defines "restriction" as; ¶ A limitation often imposed in a deed or lease respecting the use to which the property may be put. The term "restrict' is also cross referenced with the term "restrain." Restrain is defined as; To limit, confine, abridge, narrow down, restrict, obstruct, impede, hinder, stay, destroy. To prohibit from action; to put compulsion on; to restrict; to hold or press back. To keep in check; to hold back from acting, proceeding, or advancing, either by physical or moral force, or by interposing obstacle, to repress or suppress, to curb. ¶ In contrast, the terms "supervise" and "supervisor" are defined as; To have general oversight over, to superintend or to inspect. See Supervisor. A surveyor or overseer. . . In a broad sense, one having authority over others, to superintend and direct. The term "supervisor" means an individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but required the use of independent judgment. ¶ Comparing the above definitions, it is clear that the definition of "restriction" is very different from the definition of "supervision"-very few of the same words are used to explain or define the different terms. In his 2001 stipulation, Mr. Kincheloe essentially agreed to some supervision conditions, but he did not agree to restrict his license.

Interp – Topical affs must increase STATUTORY and/ or JUDICIAL restrictions.

#### Statutory restrictions are controls or limits imposed by the legislative body

Blacks Online Legal Dictionary 13

(2nd Edition, http://thelawdictionary.org/statutory-restriction/)

Statutory Restriction- Limits or controls that have been place on activities by its ruling legislation.

#### Judicial belongs to court of law

Oxford English Dictionary Online (Oxford University

(http://www.oed.com/view/Entry/101916?redirectedFrom=judicial+#eid)

Of or belonging to judgment in a court of law, or to a judge in relation to this function; pertaining to the administration of justice; proper to a court of law or a legal tribunal; resulting from or fixed by a judgment in court.

#### Violation

#### The aff is neither a statutory nor a judicial restriction. It is a call to “cripple” the WPA of the president

Voter

a.) bidirectionality- no stable interpretation of what “Cripple” means, justifies affs that defend the increase or decrease of Pres WPA

b.) Precision - Our evidence clearly defines restrictions in the context of authority = Precision is key to generate topic education and research.

### Off

#### The 1AC's research scholarship represents a continual regurgitation and fixation on presenting Native communities as damaged. There is nothing unique about this oversaturated scholarship, it reproduces colonialism and disempowers Native communities.

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Elsewhere, Eve (Tuck, 2009, 2010) has argued that educational research and much of social science research has been concerned with documenting damage, or empirically substantiating the oppression and pain of Native communities, urban communities, and other disenfranchised communities. Damage-centered researchers may operate, even benevolently, within a theory of change in which harm must be recorded or proven in order to convince an outside adjudicator that reparations are deserved. These reparations presumably take the form of additional resources, settlements, affirmative actions, and other material, political, and sovereign adjustments. Eve has described this theory of change1 as both colonial and flawed, because it relies upon Western notions of power as scarce and concentrated, and because it requires disenfranchised communities to position themselves as both singularly defective and powerless to make change (2010). Finally, Eve has observed that “won” reparations rarely become reality, and that in many cases, communities are left with a narrative that tells them that they are broken. Similarly, at the center of the analysis in this chapter is a concern with the fixation social science research has exhibited in eliciting pain stories from communities that are not White, not wealthy, and not straight. Academe’s demonstrated fascination with telling and retelling narratives of pain is troubling, both for its voyeurism and for its consumptive implacability. Imagining “itself to be a voice, and in some disciplinary iterations, the voice of the colonised” (Simpson, 2007, p. 67, emphasis in the original) is not just a rare historical occurrence in anthropology and related fields. We observe that much of the work of the academy is to reproduce stories of oppression in its own voice. At first, this may read as an intolerant condemnation of the academy, one that refuses to forgive past blunders and see how things have changed in recent decades. However, it is our view that while many individual scholars have chosen to pursue other lines of inquiry than the pain narratives typical of their disciplines, novice researchers emerge from doctoral programs eager to launch pain-based inquiry projects because they believe that such approaches embody what it means to do social science. The collection of pain narratives and the theories of change that champion the value of such narratives are so prevalent in the social sciences that one might surmise that they are indeed what the academy is about. In her examination of the symbolic violence of the academy, bell hooks (1990) portrays the core message from the academy to those on the margins as thus: No need to hear your voice when I can talk about you better than you can speak about yourself. No need to hear your voice. Only tell me about your pain. I want to know your story. And then I will tell it back to you in a new way. Tell it back to you in such a way that it has become mine, my own. Re-writing you I write myself anew. I am still author, authority. I am still colonizer the speaking subject and you are now at the center of my talk. (p. 343) Hooks’s words resonate with our observation of how much of social science research is concerned with providing recognition to the presumed voiceless, a recognition that is enamored with knowing through pain. Further, this passage describes the ways in which the researcher’s voice is constituted by, legitimated by, animated by the voices on the margins. The researcher-self is made anew by telling back the story of the marginalized/subaltern subject. Hooks works to untangle the almost imperceptible differences between forces that silence and forces that seemingly liberate by inviting those on the margins to speak, to tell their stories. Yet the forces that invite those on the margins to speak also say, “Do not speak in a voice of resistance. Only speak from that space in the margin that is a sign of deprivation, a wound, an unfulfilled longing. Only speak your pain” (hooks, 1990, p. 343).

#### You have engaged in role confusion - we aren't litigators putting the world on trial, voting affirmative will never result in an actual crippling the president's war powers, nor will it resolve the affirmative's questions of accessibility - we are academics. All the 1ac leaves us with is damage, and in doing so they serve as an advertisement for Colonial violence. The time for damage narratives are over, prefer desire.

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(Eve, “Suspending Damage: A Letter to Communities”, Harvard Educational Review Vol. 79 No. 3 Fall 2009, http://pages.ucsd.edu/~rfrank/class\_web/ES-114A/Week%204/TuckHEdR79-3.pdf)

Some scholars have built their careers around producing damage narratives of tribalized and detribalized peoples. Though it is no longer in fashion to frame research as “the problem with (insert tribe or urban community here)” as it was in past generations, the legacy of this approach is alive and well. (See also Harvey [1999] on “civilized oppression.”) Native communities, poor communities, communities of color, and disenfranchised communities tolerate this kind of data gathering because there is an implicit and sometimes explicit assurance that stories of damage pay off in material, sovereign, and political wins. Many communities engage, allow, and participate in damage-centered research and in the construction of damage narratives as a strategy for correcting oppression. However, I worry that the theory of change itself may be unreliable and ineffective. It is a powerful idea to think of all of us as litigators, putting the world on trial, but does it actually work? Do the material and political wins come through? And, most importantly, are the wins worth the longterm costs of thinking of ourselves as damaged? To offer a counterstory, my friend and Indigenous scholar Sandy Grande (personal communication, April 2008) shared with me that some of the narratives I would categorize as damage centered, she would categorize as stories of colonization; the after-effects and the colonizing are inextricably linked. Earlier, Grande (2004) wrote: The “Indian Problem” is not a problem of children and families but rather, ﬁrst and foremost, a problem that has been consciously and historically produced by and through the systems of colonization: a multidimensional force underwritten by Western Christianity, deﬁned by White supremacy, and fueled by global capitalism. (p. 19) Contemporary damage-centered narratives (of abuse, addiction, poverty, illness) in the United States can be directly tied to 400-plus years of occupation of Native lands, genocide, and colonization. Like Sandy, I can’t help but hear these stories within the context of this history, but I suspect that for many people, Native and non-Native, this context has been made invisible and natural. As in African American communities that have been coarsely expected to have “gotten over slavery by now,” Native American and First Alaskan communities are expected to have gotten over the past, which is reduced to the unfortunate birth pangs of a new nation, thus dismissing the very real and ongoing colonization of these communities to the corners of our imaginations (Tuck & Fine, 2007). Although, as I have noted, damage-centered research involves social and historical contexts at the outset, the signiﬁcance of these contexts is regularly submerged. Without the context of racism and colonization, all we’re left with is the damage, and this makes our stories vulnerable to pathologizing analyses (Kelley, 1997). Our evidence of ongoing colonization by research—absent a context in which we acknowledge that colonization—is relegated to our own bodies, our own families, our own social networks, our own leadership. After the research team leaves, after the town meeting, after the news cameras have gone away, all we are left with is the damage. I want to recognize that, particularly in Native communities, there was a need for research that exposed the uninhabitable, inhumane conditions in which people lived and continue to live. My ability to articulate this critique is due to the lessons and accomplishments that have been made on the backs of prior generations of communities and researchers. I have boundless respect for the elders who paved the way for respectful, mutually beneﬁcial research in Indigenous communities. I appreciate that, in many ways, there was a time and place for damage-centered research. However, in talking with some of these elders, they agree that a time for a shift has come, that damage-centered narratives are no longer sufﬁcient. We are in a new historical moment—so much so that even Margaret Mead probably would not do research like Margaret Mead these days. 1 Researching for Desire In my own autobiographical performance projects, I identify this chiasmatic shift in the possibility that all those performances I did about getting bashed only provided knowledge of subjugation, serving almost as an advertisement for power: “Don’t let this happen to you. Stay in the closet.” . . . I decided to write more about the gratiﬁcations of same-sex relationships, to depict intimacy and desire, the kinds of subjugated knowledges we don’t get to see on the afterschool specials and movies of the week that parade queer bruises and broken bones but shy away from the queer kiss. Craig Gingrich-Philbrook, “Auto-ethnography’s Family Values” (2005) One alternative to damage-centered research is to craft our research to capture desire instead of damage. I submit that a desire-based framework is an antidote to damage-centered research. An antidote stops and counteracts the effects of a poison, and the poison I am referring to here is not the supposed damage of Native communities, urban communities, or other disenfranchised communities but the frameworks that position these communities as damaged. As I will explore, desire-based research frameworks are concerned with understanding complexity, contradiction, and the self-determination of lived lives. Considering the excerpt from Craig Gingrich-Philbrook (2005), desirebased frameworks defy the lure to serve as “advertisements for power” by documenting not only the painful elements of social realities but also the wisdom and hope. Such an axiology is intent on depathologizing the experiences of dispossessed and disenfranchised communities so that people are seen as more than broken and conquered. This is to say that even when communities are broken and conquered, they are so much more than that—so much more that this incomplete story is an act of aggression. Several solid examples of such depathologizing work come to mind. 2 In these examples, typical scripts of blame are ﬂipped, and latent assumptions about responsibility are provoked. For instance, in her study of the relationships between privatization of the public sphere and constructed public perceptions of women who are responsible for the death of their children, Sarah Carney (2006) argues: Race, class and gender work in combination within a current (U.S.) social and political moment that favors privatization and the withdrawal of public support to frame and construct various images of “natural” women, of “good” and “bad” mothers, and of female responsibility; and these now-familiar images work to support/bolster state policies regarding shrinking social assistance, and allow the state to place the burden for caring back on the backs of women, particularly women who are poor and of color. (p. 11)

#### Our alternative is desired-centered research. It is not about denying tragedy or 'seeing the bright side', but rather tends to the complexity of lived experience to allow disabled bodies to write their own history. This is a prior-framing question because it highlights what it means to engage in crip research.

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Alongside analyses of pain and damage-centered research, Eve (Tuck 2009, 2010) has theorized desire-based research as not the antonym but rather the antidote for damage-focused narratives. Pain narratives are always incomplete. They bemoan the food deserts, but forget to see the food innovations; they lament the concrete jungles and miss the roses and the tobacco from concrete. Desirecentered research does not deny the experience of tragedy, trauma, and pain, but positions the knowing derived from such experiences as wise. This is not about seeing the bright side of hard times, or even believing that everything happens for a reason. Utilizing a desire-based framework is about working inside a more complex and dynamic understanding of what one, or a community, comes to know in (a) lived life. Logics of pain focus on events, sometimes hiding structure, always adhering to a teleological trajectory of pain, brokenness, repair, or irreparability—from unbroken, to broken, and then to unbroken again. Logics of pain require time to be organized as linear and rigid, in which the pained body (or community or people) is set back or delayed on some kind of path of humanization, and now must catch up (but never can) to the settler/unpained/abled body (or community or people or society or philosophy or knowledge system). In this way, the logics of pain has superseded the now outmoded racism of an explicit racial hierarchy with a much more politically tolerable racism of a developmental hierarchy.2 Under a developmental hierarchy, in which some were undeterred by pain and oppression, and others were waylaid by their victimry and subalternity, damagecentered research reifies a settler temporality and helps suppress other understandings of time. Desire-based frameworks, by contrast, look to the past and the future to situate analyses. Desire is about longing, about a present that is enriched by both the past and the future; it is integral to our humanness. It is not only the painful elements of social and psychic realities, but also the textured acumen and hope. (Tuck, 2010, p. 644) In this way, desire is time-warping. The logics of desire is asynchronous just as it is distemporal, living in the gaps between the ticking machinery of disciplinary institutions. To be clear, again, we are not making an argument against the existence of pain, or for the erasure of memory, experience, and wisdom that comes with suffering. Rather, we see the collecting of narratives of pain by social scientists to already be a double erasure, whereby pain is documented in order to be erased, often by eradicating the communities that are supposedly injured and supplanting them with hopeful stories of progress into a better, Whiter, world. Vizenor talks about such “the consumer notion of a ‘hopeful book,’” and we would add hopeful or feel-good research, as “a denial of tragic wisdom” bent on imagining “a social science paradise of tribal victims” (1993, p. 14). Desire interrupts this metanarrative of damaged communities and White progress.

#### Do not be confused, this does not mean we cannot deal with the nitty-gritty of Ableism, rather a focus on desire challenges at a more fundamental level the way that history has victimized whole populations.

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Said another way, the academy as an apparatus of settler colonial knowledge already domesticates, denies, and dominates other forms of knowledge. It too refuses. It sets limits, but disguises itself as limitless. Frederic Jameson (1981) writes, “[H]istory is what hurts. It is what refuses desire and sets inexorable limits to individual as well as collective praxis” (p. 102). For Jameson, history is a master narrative of inevitability, the logic of teleos and totality: All events are interconnected and all lead toward the same horizon of progress. The relentlessness of the master narrative is what hurts people who find themselves on the outside or the underside of that narrative. History as master narrative appropriates the voices, stories, and histories of all Others, thus limiting their representational possibilities, their expression as epistemological paradigms in themselves. Academic knowledge is particular and privileged, yet disguises itself as universal and common; it is settler colonial; it already refuses desire; it sets limits to potentially dangerous Other knowledges; it does so through erasure, but importantly also through inclusion, and its own imperceptibility. Jameson’s observation also positions desire as a counterlogic to the history that hurts. Desire invites the ghosts that history wants exorcised, and compels us to imagine the possible in what was written as impossible; desire is haunted. Read this way, desire expands personal as well as collective praxis.

## Case Debate

#### The negative forces the subject to position itself within the coercive demands of the state; this evades social explanations and limits action to the political. Only aesthetics situates the subject within a global network of bodies to break down multiple forms of oppression

Armstrong ’96 (Prof English @ UChicago) “"The Effects of Blackness": Gender, Race, and the Sublime in Aesthetic Theories of Burke and¶ Kant”

In the eighteenth century, largely through the in- ¶ fluence of an aesthetic treatise by Edmund Burke ¶ and the precritical aesthetics of Immanuel Kant, ¶ the sublime became both an effect of an object ¶ which inspired terror and the disposition of a ¶ subject capable of aesthetic judgment. What has ¶ not often been recognized in subsequent analy- ¶ ses of these texts is that in each the sublime is ¶ described not only through analogies to the dif- ¶ ferences between the sexes (Burke and Kant), but ¶ also as a product of an aesthetic disposition in- ¶ herent in sexual, national, and historical charac- ¶ teristics (Kant), and is sometimes provoked by ¶ images of racial difference (Burke and Kant). ¶ The description of the sublime in terms of cul- ¶ ture, race, nation, or gender ought now to be a ¶ highly remarkable feature of discussions of aes- ¶ thetics, particularly to the extent that it suggests ¶ that aesthetic discourse was not only integral to ¶ the construction of a "self-determining" bour- ¶ geois subject, but also that this subject was posi- ¶ tioned within growing discourses of difference in ¶ the eighteenth and nineteenth centuries.4 There ¶ is, however, a provocative silence on the relation ¶ between the sublime and the exotic, and even the ¶ most insightful commentaries on the romantic ¶ sublime spawned by recent interests in decon- ¶ struction have neglected to mention the preva- ¶ lent association between the sublime and various, ¶ embodied, forms of difference.5 The reason for ¶ this is, perhaps, that the philosophical discourses ¶ of sublimity turn away from such embodied (and ¶ often "exotic") forms at the same time that they ¶ abjure the relevance of historical and cultural ¶ contingencies which have thrown them into the ¶ line of vision.6 The repetitive motions with which ¶ the national, cultural, racial, or gendered bodies ¶ of the sublime are erased in order to assert the ¶ "naturalness" of aesthetic vision indicates a per- ¶ sistent anxiety and ambivalence surrounding the ¶ relationship between subjectivity, aesthetics, and ¶ the production of images-one could even say ¶ stereotypes-of difference. ¶ Prior to Kant's third Critique, natural objects or ¶ "majestic scenes in nature" (mountains, oceans, ¶ vast spaces), sublime objects or phenomena ¶ which are suggestive of things not readily en- ¶ compassed, conceptualized, or represented, are ¶ joined by "culturally unintelligible" bodies and ¶ others. It is a cliche of criticism that romantic ¶ poets reformulated theologically transcendent ¶ ideas in natural symbolism, and that natural ob- ¶ jects and phenomena familiar in European coun- ¶ tries became emblems of sublimity in the secular ¶ imagination of lyric poets. What is not often ob- ¶ served in discussions of this reformulation is not ¶ simply that the naturalization also applies to its ¶ attachment to specific bodies but also that these ¶ bodies are often imported from foreign domains, ¶ "other" by virtue of racial or cultural differences, ¶ often from regions important to imperialistic designs of European empires.7 Yet, even if such ¶ bodies are initially "abject"-neither subject nor ¶ object-they quickly become subjected to an ¶ aesthetic discourse. By positioning the subject ¶ within a constellation of images of foreign bod- ¶ ies which compel sublime vision, the aesthetic ¶ uses these "abject" or "black bodies" to organize ¶ desires for difference while compelling the dis- ¶ avowal of the transgressive passions with which ¶ they are associated. The "ideology of the aes- ¶ thetic"8 is, then, not limited to the construction ¶ of a subject which must position itself within the ¶ coercive demands of the state. Rather, aesthetic ¶ discourse at least since Burke and Kant locates ¶ this subject within a global network of "bodies" ¶ (sensual signs of the sublime) whose gendered, ¶ national, and racial markings are integral to that ¶ subject's self-identification (if not also its unspo- ¶ ken or illegitimate desires). ¶ The difficulties inherent in this double ma- ¶ neuver may be part of the reason why sublimity, ¶ though inspiring awe or wonder, is not always ¶ thought particularly pleasing, and is a site of ex- ¶ treme ambivalence. The discomfort instigated ¶ by the sublime (as aesthetic artifact and as aes- ¶ thetic discourse) might be read as a tension be- ¶ tween two somewhat conflicting and competing ¶ possibilities. First, according to a "transcendent" ¶ interpretation of the sublime which buys into ¶ the rhetoric of philosophical aesthetics, sublime ¶ vision is problematic because it harbors within ¶ itself the contradictions and regret which arise ¶ from confrontations with difference and the in- ¶ evitable failure of aesthetic discourse to satisfy ¶ desires for totality and unity. In the rhetorical ¶ heart of sublime vision is the awareness that ¶ prior to this visionary totality there is a break or ¶ rupture between the ideal of the whole and the ¶ incoherent experiences of the real. The task of the ¶ aesthetic might be, then, to create a provisional ¶ resolution for this breach. For instance, the sub- ¶ lime could be an emblem of the superiority of ¶ reason (as an indication of the supersensible in ¶ man), exemplifying unity, mastery, and control ¶ of frightening or alien aspects of the natural ¶ world,9 as it was in Kant's third Critique. It ¶ could be an image of unity with a deity, or, ¶ strictly subjectively, the union of rational and ¶ imaginative faculties. Or, the sublime could be the mark of noble feelings in particular races ¶ in Kant's precritical aesthetics such nobility was ¶ attributed to "Englishmen." But on a more mel- ¶ ancholy note, the sublime might approach the ¶ apocalyptic vision of some Romantic painters, ¶ the Burkean terror-filled sublime, a threat to vi- ¶ sions of totality, or a broken unity between crea- ¶ ture (most often masculine) and deity or the ¶ natural world, sometimes suggesting a mark ¶ of permanent difference, exile, and alienation. ¶ And, for Burke, this negative, melancholy mark ¶ of the sublime could be aptly (and uncritically) ¶ allegorized in a young white man's fear of a black ¶ female. For Kant, terrifying expressions of the ¶ sublime were the province of "the Spaniard" as ¶ a national type. The sublime is in these latter in- ¶ stances some thing or body which is imagined to ¶ be threatening, the experience of which can be in- ¶ tegral not only to the experiencing, aestheticizing ¶ subject's integration or identity-formation, but also ¶ to a general classification of the physiologies and ¶ feelings of all those noble, splendid, or terrifying ¶ "others" encountered with growing imperialist ¶ and nationalist claims. Finally, while it may serve ¶ as a basis for power and mastery within aesthetic ¶ ideology, the sublime is also a figure for the ter- ¶ ror of images and passions which transgress the ¶ "natural" orders of society. In aesthetic discourse, ¶ the threat of this excess must be simultaneously ¶ provoked by, contained within, and sacrificed to ¶ the economy of sublime vision. ¶ And here another, far less transcendent but ¶ perhaps more troubling, possibility emerges. The ¶ sublime is not simply a moment of terror and ¶ privation on the way to a recovery of self-pos- ¶ session and mastery (or recognition of oneself ¶ within a transcendent symbolic order); rather, ¶ the sublime exceeds this drama of identification ¶ and marks the sheer ecstasy of the image of for- ¶ eign bodies. Making the sublime less terrifying ¶ or obscure is the business of aesthetic discourse; ¶ in Burke's Enquiry, the aesthetic works to contain passions, direct desire, and steady what is al- ¶ ready an unsteady and passionate eye for excess. ¶ In this work, there is not only no end, but by def- ¶ inition, no satisfaction.

#### Prioritizing emotion overwhelms rationality and ensures that decision-making fails

George F. Loewenstein et al 2001, “Risk as Feelings,” Psychological Bulletin, Vol. 127, No. 2, google it

Although neither the affect-as-information hypothesis nor the affect heuristic rule out the possibility that affective reactions to decisions can diverge from cognitive evaluations, neither perspective draws attention to such divergences or their consequences for behavior, In contrast, other strands of literature in psychology most closely associated with the clinical literature suggest that emotions often conllict with cognitive evaluations and can in some situations produce pathologies of decision making and behavior., Research on anxiety, for example, shows that emoti~l}.al reactions to a risky siruation often diverge from cognitive evaluations of risk severity (Ness & Klaas. 1994), When such departures occur. moreover" the emotional reactions often ex.ert a dominating influence on behavior and frequently produce behavior that does not appear to be adaptive., Fear causes us to slam on the brakes instead of steering into the skid. immobilizes us when we have greatest need for strength, causes sexual dysfUnction. insomnia, ulcers. and gives us dry mouth and jitters at the very moment when there is the greatest premium on clarity and eloquence. Most people, therefore. have at least occasionally experienced their own emotions as a destructive influence that they wish they could turn off, As Rolls (1999) wrote, the puzzle is not only that the emotion is so intense, but also that even with our rationaL reasoning capacities. humans still find themselves in these situations. and may find it difficult to produce reasonable and effet.:tive behaviour for resolving the siruation, (p, 282) RoUs argues that such divergences between emotional reactions and cognitive evaluations arise because in humans. tlte reward and punishment systems may operate implicitly in comparable ways to those in other animals But in addition to this, humans have the explicit system [closely related to consciousness] which enables us consciously to look and predict many steps ahead (p. 282) The divergence of emotional responses from cognitive evaluations of risks; as well as the potency of emotional responses in influencing behaVior, are evident in the large numbers of individuals who suffer from often-debilitating fear- and anxiety-related disorders who. in the words of one anxiety researcher, are typically "well aware that there is little or nothing to fear in situations they find so difficul~' (Barlow, 1988, p. 13). Even people who are not suffering from full-blown phobias commonly experience powerful fears about outcomes that they recognize as highly unlikely (such as airplane crashes) or not objectively tenible (such as public speaking); in contrast, many experience little fear about hazards that are both more likely and probably more severe (such as car accidents). The divergence between emotional reactions to, and cognitive evaluations of~ risk is a common source of the feeling of intrapersonal conflict (see, e.g, Schelling, 1984). As Schelling documented. people often use sophisticated tactics to override their emotional responses to situations-to "conquer their fears .. "

#### Negative forces a strategy of lawfare – voting yes to legal interpretations justify an ever-expanding and authoritarian system of violence.

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Foucault’s envisioning of a more governmentalized and securitized modernity, framed by a ubiquitous architecture of security, speaks on various levels to the contemporary US military’s efforts in the war on terror, but I want to mention three specifically, which I draw upon through the course of the paper. First, in the long war in the Middle East and Central Asia, the US military actively seeks to legally facilitate both the ‘circulation’ and ‘conduct’ of a target population: its own troops. This may not be commonly recognized in biopolitical critiques of the war on terror but, as will be seen later, the Judge Advocate General Corps has long been proactive in a ‘juridical’ form of warfare, or lawfare, that sees US troops as ‘technical-biopolitical’ objects of management whose ‘operational capabilities’ on the ground must be legally enabled. Secondly, as I have explored elsewhere, the US military’s ‘grand strategy of security’ in the war on terror — which includes a broad spectrum of tactics and technologies of security, including juridical techniques — has been relentlessly justified by a power/knowledge assemblage in Washington that has successfully scripted a neoliberal political economy argument for its global forward presence.’9 Securitizing economic volatility and threat and regulating a neoliberal world order for the good of the global economy are powerful discursive touchstones registered perennially on multiple forums in Washington — from the Pentagon to the war colleges, from IR and Strategic Studies policy institutes to the House and Senate Armed Services Committees — and the endgame is the legitimization of the military’s geopolitical and biopolitical technologies of power overseas,20 Finally, Foucault’s conceptualization of a ‘society of security’ is marked by an urge to ‘govern by contingency’, to ‘anticipate the aleatory’, to ‘allow for the evental’.2’ It is a ‘security society’ in which the very language of security is promissory, therapeutic and appealing to liberal improvement. The lawfare of the contemporary US military is precisely orientated to plan for the ‘evental’, to anticipate a 4 series of future events in its various ‘security zones’ — what the Pentagon terms ‘Areas of Responsibility’ or ‘AORs’ (see figure 1)•fl These AORs equate, in effect, to what Foucault calls “spaces of security”, comprising “a series of possible events” that must be securitized by inserting both “the temporal” and “the uncertain”. And it is through preemptive juridical securitization ‘beyond the battlefield’ that the US military anticipates and enables the necessary biopolitical modalities of power and management on the ground for any future interventionary action. AORs and the ‘milieu’ of security For CENTCOM Commander General David Petraeus, and the other five US regional commanders across the globe, the population’ of primary concern in their respective AORs is the US military personnel deployed therein. For Petraeus and his fellow commanders, US ground troops present perhaps less a collection of “juridical-political” subjects and more what Foucault calls “technical- political” objects of “management and government”.25 In effect, they are tasked with governing “spaces of security” in which “a series of uncertain elements” can unfold in what Foucault terms the “milieu”.26 What is at stake in the milieu’ is “the problem of circulation and causality”, which must be anticipated and pLanned for in terms of “a series of possible events” that need to “be regulated within a multivalent and transformable framework”.27 And the “technical problem” posed by the eighteenth-century town planners Foucault has in mind is precisely the same technical problem of 5 space, population and regulation that US military strategists and Judge Advocate General Corps (JAG) personnel have in the twenty-first century. For US military JAGs, their endeavours to legally securitize the AORs of their regional commanders are ultimately orientated to “fabricate, organize, and plan a milieu” even before ground troops are deployed (as in the case of the first action in the war on terror, which I return to later: the negotiation by CENTCOM JAGs of a Status of Forces Agreement with Uzbekistan in early October 2OO1).2 JAGs play a key role in legally conditioning the battlefield, in regulating the circulation of troops, in optimizing their operational capacities, and in sanctioning the privilege to kill. The JAG’s milieu is a “field of intervention”, in other words, in which they are seeking to “affect, precisely, a population”.29 To this end, securing the aleatory or the uncertain is key. As Michael Dillon argues, central to the securing of populations are the “sciences of the aleatory or the contingent” in which the “government of population” is achieved by the regulation of “statistics and probability”.30 As he points out elsewhere, you “cannot secure anything unless you know what it is”, and therefore securitization demands that “people, territory, and things are transformed into epistemic objects”.3’ And in planning the milieu of US ground forces overseas, JAGs translate regional AORs into legally-enabled grids upon which US military operations take place. This is part of the production of what Matt Hannah terms “mappable landscapes of expectation”;32 and to this end, the aleatory is anticipated by planning for the ‘evental’ in the promissory language of securitization.¶ The ontology of the event’ has recently garnered wide academic engagement. Randy Martin, for example, has underlined the evental discursive underpinnings of US military strategy in the war on terror; highlighting how the risk of future events results in ‘preemption’ being the tactic of their securitization.33 Naomi Klein has laid bare the powerful event-based logic of disaster capitalism’;34 while others have pointed out how an ascendant logic of premediation’. in which the future is already anticipated and mediated”. is a marked feature of the “post-9/1 I cultural landscape”.35 But it was Foucault who first cited the import of the evental’ in the realm of biopolitics. He points to the “anti-scarcity system” of seventeenth-century Europe as an early exemplar of a new ‘evental’ biopolitics in which “an event that could take place” is prevented before it “becomes a reality”.36 To this end, the figure of ‘population’ becomes both an ‘object’, “on which and towards which mechanisms are directed in order to have a particular effect on it”, but also a ‘subject’, “called upon to conduct itself in such and such a fashion”.37 Echoing Foucault, David Nally usefully argues that the emergence of the “era of bio-power” was facilitated by “the ability of ‘government’ to seize, manage and control individual bodies and whole populations”.38 And this is part of Michael Dillon’s argument about the “very operational heart of the security dispositif of the biopolitics of security”, which seeks to ‘strategize’, ‘secure’. ‘regulate’ and ‘manipulate’ the “circulation of species Iife”.3 For the US military, it is exactly the circulation and regulation of life that is central to its tactics of lawfare to juridically secure the necessary legal geographies and biopolitics of its overseas ground presence.

#### Can’t overcome beauty paradigms- it’s an alt cause to the aff

Przybyło 2010 (Ela, currently completing a PhD in Women's Studies at York University, “The Politics of Ugliness” http://www.gla.ac.uk/media/media\_180322\_en.pdf)

Ugly Specimen II: The Monstrous Body ¶ Monstrosity denotes anything that is horrifying, ambiguous, or ¶ hybridized, “the in between, the mixed, the ambivalent‟ (Braidotti ¶ 1997, p.61). Monstrosity may be characterized by excess or ¶ absence; it is ¶ excess, lack, or displacement […] [t]here can be too ¶ many parts or too few; the right ones in the wrong ¶ places or duplicated at random. (Braidotti 1999, p.290) ¶ Monsters are also unpredictable; it “will never be known what the ¶ next monster is going to look like‟, it “moves, flows, changes‟ ¶ (1999, p.300). Thus, like ugliness, the monstrous is culturally ¶ contingent, reflecting cultural anxieties, fears, and fascinations. It is ¶ a category of ambivalence, “both horrible and wonderful, object of ¶ aberration and adoration‟ (1997, p.61-62). Finally, monsters share ¶ with one another an inherent capacity to blur boundaries and ¶ binaries. ¶ Many monsters are category errors; they contradict ¶ standing cultural concepts. They may be living and dead ¶ at the same time […] or they may be incongruous ¶ fusions of the animate and inanimate. (Carroll 2000, ¶ p.40) ¶ Because they do not at all fit into binary oppositions but rather occupy ambiguous spaces in between, monsters also imply that pre- established categories are a farce, and altogether useless. In this sense, monsters are themselves “failed repetitions‟, “de-formities‟, they are embodied failures of re-production (Butler, 2006, p.173, 179).¶ But I wish to emphasize that monsters are both representations and actual bodies. For instance, women are particularly monstrous, because their bodies are subject to dramatic changes in pregnancy and childbirth. Women’s bodies deny a set form and are prone to leaking and transforming, they are “morphologically dubious‟ (Braidotti 1997, p.64). Also, monsters are tied to the feminine because a search for their origin always leads to the maternal body (Braidotti, 1999, p.291). Women’s monstrous bodies can only be understood in the context of hierarchical binaries, which privilege the fantasy of a whole, impermeable male subject at the price of a perceived leaky, unstable woman’s body. The monstrous body is feared because it does not conform to binarical systems. It exists in the interstices of binaries, between categories. For instance, woman’s body at childbirth denies easy binary divisions confusing inside/outside and self/other; it is a confusion of two bodies, which were recently one. Women’s bodies, as sites of binary and boundary blurring are “ugly‟ and disturbing.¶ Like women, “racialized‟ bodies are likewise often figured in terms of ugly monstrosity. Nöel Carroll speculates that “nonbeauty [ugliness] [...] is somehow an inadequate instantiation of the concept of human being‟ which, when applied to “racial others‟, is indicative of them figuring as “beneath or outside ethics‟ (2000, p.37, 52). Ugliness here becomes a mark of racial sub-humanity or “primitivism‟. One specific historical instance of the application of “monstrosity‟ and “ugliness‟ to an actual black body is the case of Saartjie Baartman (anglicized as Sarah Bartman), the “Hottentot Venus‟. Originally from the cape of South Africa, Baartman was brought to London in 1810 to be publically displayed on account of her large buttocks, which was medically stigmatized as “steatopygia‟ (Hobson 2003, p.88). Janell Hobson emphasizes that the popularity of the London and Paris shows, which featured Baartman, is a result of the performative situating of her as a “freak‟ (2003, p.90). Significantly, Baartman was regarded as emblematic of black women in general and “Baartman [...] came to signify the “ugliness” of her race‟ (2003, p.94, emphasis in original). Anne Fausto- Sterling likewise observes that Baartman’s popularity as a “specimen‟ or “spectacle‟ was possible because of current-day anxieties about women and the “savage other‟ (2001, p.361). Thus, Baartman’s perceived monstrous ugliness was part and parcel of the larger mechanisms of colonization and racism. Understanding black bodies, such as Baartman’s, as “ugly‟ allowed them to be exploited without moral regret, since their monstrosity enabled them to be viewed as subhuman, “beneath or outside ethics‟ (Carroll 2000, p.52). Interestingly, Jasbir Puar and Amit Rai observe that labels of monstrosity are similarly deployed against Muslims in the post- September 11 context to justify politics of racial hatred and quarantining:¶ The monsters that haunt the prose of contemporary counterterrorism emerge out of figures in the eighteenth and nineteenth centuries that have always been racialized, classed, and sexualized. The undesirable, the vagrant, the Gypsy, the savage, the Hottentot Venus [...] shares a basic kinship with the terrorist-monster. (2002, p.124) Bodies which we perceive as monstrously ugly also include those disfigured by illness or circumstance. According to Braidotti, such productions of monstrosity are connected to environmental, technological, or toxicity-based causes (1999, p.292). Again, these bodies are perceived as monstrous and ugly not because they are “aesthetically displeasing‟ but because they are jarring, because they unsettle hierarchical binaries through inhabiting ambiguous spaces in between. As Wendell argues, in the context of the visibly disabled, such bodies are “constant reminders to those who are currently measuring up that they might slip outside the standards‟ (2009, p.247). Thus not only do they blur binaries and boundaries, but disfigured bodies also remind us of the impermanence of life, the reality of mortality, and the fact that sooner or later each one of us will become “ugly;‟¶ “everyone who does not die suddenly will become a member of the subordinated group‟ (p.249, emphasis in original). Charles Feitosa, in an unpublished essay, puts it even more bluntly: “[w]e oppose ugliness as we oppose death; in opposing ugliness we are fighting against our own mortality‟ ([n.d.], p.4).¶ Monstrous ugliness is thus in a certain way, the most disheveling ugliness, an ugliness with the greatest power to shock. The ugliness of monstrosity and monstrous bodies is politically transgressive in two senses. First, it serves as an index for global and personal traumas (wars, pollution, and illness). Thus it is an embodied sign reminding us of various illnesses, viruses, and political unrest. Second, it reminds us of our own mortality, and the inability to remain “beautiful‟ permanently. In this way it demonstrates the regulatory aspect of normative ideals, the actual impossibility of conforming to these ideals, and the limits of hierarchical binaries. Monstrous bodies are ugly because they resist simple classification and demonstrate the limits of systems of classification (such as binaries). Also, monstrous bodies serve as embodiments of failed performativity. They actually are living reminders of the “regulatory fiction‟ of body and beauty ideals (Butler 2006, p.185).

### 2nc

### Top

#### **Congrats they are complicit in colonialism also.**

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Participatory action research and other research approaches that involve participants in constructing the design and collection of voice (as data) are not immune to the fetish for pain narratives. It is a misconception that by simply building participation into a project—by increasing the number of people who collaborate in collecting data—ethical issues of representation, voice, consumption, and voyeurism are resolved. There are countless examples of research in which community or youth participants have made their own stories of loss and pain the objects of their inquiry (see also Tuck & Guishard, forthcoming).

### Alt

#### It would situate itself to mark the protest on Indias capel demanding passage of equal rights bills.

AFP 2-3

(Thousands of India's disabled protest to demand equal rights http://www.google.com/hostednews/afp/article/ALeqM5jzlycJ2PPsdUH1S5WpQzbHT9T\_vA?docId=7fff396d-50fd-4c0a-b4da-56a2ad581b86)

New Delhi — Thousands of disabled people protested in the Indian capital on Monday, demanding parliament pass long-awaited legislation that gives them equal rights including to education and employment. Thousands with intellectual or physical impairments gathered to support the bill drafted for the country's 40-90 million disabled people, who have long been among the most excluded and stigmatised in society. "We have been waiting since independence for this, some of us even longer," National Association of the Deaf president Zorin Singha said of the country's estimated 18 million deaf people. "This bill will change everything for us," he told AFP, sitting in front of India Gate among a crowd of supporters waving placards that read, "We want our rights, not your charity". Indian political boss Sonia Gandhi has pledged to push for the bill's passing when the national parliament sits this week for the final session before her ruling Congress party faces general elections due by May. But its introduction and passage through the chaotic and often dysfunctional parliament is uncertain, with 126 other bills already pending in the parliament which is set for a 16-day session. Singha singled out the right to education as a highlight of the bill, which will guarantee that disabled students are entitled to teachers trained to meet their needs. "Basically my school taught me nothing at all. The school had no teachers for deaf students and there were no alternatives. They just kept trying to force me to speak even though they knew I was deaf," Singha said. Some disabled groups have opposed the bill, which would replace one from 1995. They say the latest draft has been watered down, and for example does not define people with psychosocial problems as disabled. But Mohammed Umar, who contracted polio when he was three and walks with crutches, said the bill would increase the chances of disabled people finding jobs. "We are pushed into the margins of society. People won't give us jobs, even our own families consider us a burden and this is especially so in rural areas," said Umar from Jais city in neighbouring Uttar Pradesh state. The bill, modelled on the United Nations Convention on Rights of Persons with Disabilities, raises the quota of government jobs reserved for people with disabilities from three to five percent. It also makes private companies accountable for creating a disabled-friendly environment for employees and visitors. A World Bank study in 2007 said people with disabilities were among the most marginalised in Indian society, and 50 percent of people surveyed for the study saw disability as a "curse of God."

It would talk about the protests that are ongoing now in New Dehli, who are " on march appealing to the Indian President to pass the ordinance on disability rights after the Parliament last week failed to pass the landmark disability rights bill."

It would highlight protestors in the US challenging their disability reassessment

Mercury 2-28

(Protest against disabled benefits changes, http://www.thewestonmercury.co.uk/news/protest\_against\_disabled\_benefits\_changes\_1\_3370147)

People in receipt of the employment support allowance have recently had their disability needs reassessed by healthcare firm ATOS under Westminster reforms. The work capability assessments have meant some benefits recipients are receiving much less, so they took to the streets to rally against the procedure last week at Regent House in Oxford Place.

#### Protests for policy changes in Canada for immutable disability

Metronews 2-2

http://metronews.ca/news/halifax/928839/group-for-those-with-intellectual-disabilities-want-policy-changes-protest-in-front-of-halifax-courthouse/

HALIFAX – A Nova Scotia group that speaks for people with intellectual disabilities says although it has been gaining public support, it wants more commitments from federal and provincial leaders to implement policy changes in the justice system. About 40 people held signs and tied red ribbons around their arms as they marched to Halifax provincial court in the city’s downtown Sunday afternoon. It was one of eight protests happening across the province as part of the group’s push to stop the criminalization of people with special needs. Nichele Benn, a 26-year-old Nova Scotia woman with an intellectual disability, was recently charged with assault and assault with a weapon after she was accused of biting and striking a staff member at a care facility in Halifax. Related: Two Nova Scotia schools put under lockdown after threatening text sent to student Nova Scotia woman dead after vehicle loses control, rolls into ditch Nova Scotia cop rescues woman whose car slid off road, was buried in snow Yvette Cherry, a rally organizer, said cases like Benn’s shouldn’t be before the courts because the behaviour challenges of those with intellectual disabilities shouldn’t be considered criminal. “These are individuals who are the mental age of a child, 12 or younger,” said Cherry, whose 17-year-old son has an intellectual disability. “Our criminal code protects children from being dealt with in the criminal justice system. We need to amend that code so it protects our other vulnerable persons who may be in an adult body but have the cognitive skills of a child.” The group is calling on federal Justice Minister Peter MacKay and Nova Scotia Premier Stephen McNeil to look at amending the criminal code to ensure there are protections in place for people with intellectual disabilities. Benn’s family recently met with McNeil. Although no commitments were made, McNeil said the province’s Community Services Department would follow up with them. Devin Way, a 39-year-old man who says he has intellectual and physical disabilities, said the challenges that come with having special needs are complex and those people shouldn’t be held accountable in the same way as someone without an intellectual disability. “Your thought process may be able to hold onto a complete day of conversation, and while some of us can hold onto that conversation, there’s some… who are going to forget right after the conversation done,” he said while walking down Barrington Street. “I have to push the limits all the time.” Police allege Benn assaulted an employee at the Quest Regional Rehabilitation Centre on Dec. 12. Her case is scheduled to return to Dartmouth provincial court on Feb. 24.

### A2: Read a disaled

Nice badge of authenticity, you are also an academic, remember that next time. Our alt allows theorizing *with* and *as.*

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Citizenship is, as I said, you live there, you grew up there, that is the life that you know—that is who you are. Membership is more of a legislative enactment designed to keep people from obtaining the various benefits that Aboriginals can receive. (p. 76) Simpson describes this counterlogic as “the logic of the present,” one that is witnessed, lived, suffered through, and enjoyed (p. 76). Out of the predicaments, it innovates “tolerance and exceptions and affections” (p. 76). Simpson writes (regarding the Indian Act, or blood quantum), “‘Feeling citizenships’ . . . are structured in the present space of intra-community recognition, affection and care, outside of the logics of colonial and imperial rule” (p. 76). Simpson’s logic of the present dovetails with our discussion on the logics of desire. Collectively, Kahnawake refusals decenter damage narratives; they unsettle the settler colonial logics of blood and rights; they center desire. By theorizing through desire, Simpson thus theorizes with and as Kahnawake Mohawk. It is important to point out that Simpson does not deploy her tribal identity as a badge of authentic voice, but rather highlights the ethical predicaments that result from speaking as oneself, as simultaneously part of a collective with internal disputes, vis-à-vis negotiations of various settler colonial logics. Simpson thoughtfully differentiates between the Native researcher philosophically as a kind of privileged position of authenticity, and the Native researcher realistically as one who is beholden to multiple ethical considerations. What is tricky about this position is not only theorizing with, rather than theorizing about, but also theorizing as. To theorize with and as at the same time is a difficult yet fecund positionality—one that rubs against the ethnographic limit at the outset. Theorizing with (and in some of our cases, as) repositions Indigenous people and otherwise researched Others as intellectual subjects rather than anthropological subjects. Thus desire is an “epistemological shift,” not just a methodological shift (Tuck, 2009, p. 419).

### 1nr

#### Topic Specific education good – Yes in theory they can win that drones are bad, but they fail to engage in questions of war powers and how restrictions affect the president. Inevitably we will learn about US policies, but legal focus is key to expand applicable research skills and prevent stale education

Topp & Bricker ‘10 (Sarah – prof @Trinity & Bret – U of Kansas “SUPPLYING A WELL-ROUNDED EDUCATION: A CASE FOR MANDATORY TOPIC ROTATION” http://www.cedadebate.org/cad/index.php/CAD/article/view/270/242

Mandatory topic rotation would guarantee that students achieve depth of education on a diversity of areas. Mandating a new topic area each year means that a four- year debater will have in-depth knowledge of four different areas of controversy. It is true that absent compulsory rotation, students still learn about several topic areas, but with forced rotation, there will likely be a larger variety of topics discussed. Crucially, each student will be exposed to issues relevant to foreign policy, domestic policy, and in stale education. A mandatory rotation ensures that students are exposed to a large variety of literature bases, and therefore expand their research skills. Debaters’ research skills already tend to be far ahead of their non-debate peers in college. However, some debaters can currently go their entire college career searching a database or source unrelated to domestic or legal issues. In particular, the focus on foreign policy and avoidance of legal policy has limited the research bases to which debaters are exposed. A topic rotation changes the types of databases and searches done because some databases are more relevant and useful for some topics than they are for others. The result is that students will experience and benefit from working with different interfaces and reading a variety of academic genres. Such exposure will make them more well-rounded debaters and students and better prepare them for life in the law, academia, and other professions.

#### Procedural rules aren’t censorship or violence – they are necessary for a productive debate and the only consequence is you lose, which just incentivizes better arguments.

Armstrong 2k—Paul, Dean and Professor of Literature at Brown University, “The Politics of Play: The Social Implications of Iser’s Aesthetic Theory,” New Literature History, pg 211–223

The contradictory combination of restriction and openness in how play deploys power is evident in Iser’s analysis of “regulatory” and “aleatory” rules. Even the regulatory rules, which set down the conditions participants submit to in order to play a game, “permit a certain range of combinations while also establishing a code of possible play. . . . Since these rules limit the text game without producing it, they are regulatory but not prescriptive. They do no more than set the aleatory in motion, and the aleatory rule differs from the regulatory in that it has no code of its own” (FI 273). Submitting to the discipline of regulatory restrictions is both constraining and enabling because it makes possible certain kinds of interaction that the rules cannot completely predict or prescribe in advance. Hence the existence of aleatory rules that are not codiﬁed as part of the game itself but are the variable customs, procedures, and practices for playing it. Expert facility with aleatory rules marks the difference, for example, between someone who just knows the rules of a game and another who really knows how to play it. Aleatory rules are more ﬂexible and openended and more susceptible to variation than regulatory rules, but they too are characterized by a contradictory combination of constraint and possibility, limitation and unpredictability, discipline and spontaneity. As a rule-governed but open-ended activity, play provides a model for deploying power in a nonrepressive manner that makes creativity and innovation possible not in spite of disciplinary constraints but because of them. Not all power is playful, of course, and some restrictions are more coercive than enabling. But thinking about the power of constraints on the model of rules governing play helps to explain the paradox that restrictions can be productive rather than merely repressive. Seeing constraints as structures for establishing a play-space and as guides for practices of exchange within it envisions power not necessarily and always as a force to be resisted in the interests of freedom; it allows imagining the potential for power to become a constructive social energy that can animate games of to-and-fro exchange between participants whose possibilities for self-discovery and self-expansion are enhanced by the limits shaping their interactions.