# \*\*\*1NC

# 1

#### Our interpretation is that the aff must defend an increase in statutory and/or judicial restrictions on the war powers authority of the President.

**Ericson 3** (Jon M., Dean Emeritus of the College of Liberal Arts – California Polytechnic U., et al., The Debater’s Guide, Third Edition, p. 4)

The Proposition of Policy: Urging Future Action In policy propositions, each topic contains certain key elements, although they have slightly different functions from comparable elements of value-oriented propositions. 1. An agent doing the acting ---“The United States” in “The United States should adopt a policy of free trade.” Like the object of evaluation in a proposition of value, the agent is the subject of the sentence. 2. The verb should—the first part of a verb phrase that urges action. 3. An action verb to follow should in the should-verb combination. For example, should adopt here means to put a program or policy into action though governmental means. 4. A specification of directions or a limitation of the action desired. The phrase free trade, for example, gives direction and limits to the topic, which would, for example, eliminate consideration of increasing tariffs, discussing diplomatic recognition, or discussing interstate commerce. Propositions of policy deal with future action. Nothing has yet occurred. The entire debate is about whether something ought to occur. What you agree to do, then, when you accept the affirmative side in such a debate is to offer sufficient and compelling reasons for an audience to perform the future action that you propose.

**The aff is not a statutory restriction on the executives power**

**Fisher, 97 –** (Louis, Senior Specialist in Separation of Powers, Congressional Research Service, The Library of Congress, “Presidential Independence and the Power of the Purse,” U.C. Davis J. Int'l L. & Pol'y 107, Lexis)

A legal analysis by Walter Dellinger, at that time Assistant Attorney General for the Office of Legal Counsel, draws a bold definition of presidential war power but appears to concede that if Congress gets its act together to enact a statutory restriction, the legislative limit controls the President: "By establishing and funding a military force capable of being sent around the globe, and declining in the War Powers Resolution or elsewhere to forbid the President's use of his statutory and constitutional powers to deploy troops into situations of risk such as Haiti, Congress left the President both the authority and the means to take such initiatives." n131

#### our interpretation is good:

#### (1) a precursor to debating should be creating a well-prepared opponent --- limited topic discussion provide equitable distribution of ground which is key to inculcate decision-making skills by defending yourself against a well-prepared opponent --- truth claims of the 1ac only get validated when the other side is given a fair shot a contestation --- even if their position is contestable it is different from it providing a valuable stasis while still providing room for innovation and creativity --- fairness is an impact in and of itself

**Steinberg & Freeley, 8 –** \*Austin J. Freeley is a Boston based attorney who focuses on criminal, personal injury and civil rights law, AND \*\*David L. Steinberg , Lecturer of Communication Studies @ U Miami, Argumentation and Debate: Critical Thinking for Reasoned Decision Making pp45-

Debate is a means of settling differences, so there must be a difference of opinion or a conflict of interest before there can be a debate. If everyone is in agreement on a tact or value or policy, there is no need for debate: the matter can be settled by unanimous consent. Thus, for example, it would be pointless to attempt to debate "Resolved: That two plus two equals four," because there is simply no controversy about this statement. (Controversy is an essential prerequisite of debate. Where there is no clash of ideas, proposals, interests, or expressed positions on issues, there is no debate. In addition, debate cannot produce effective decisions without clear identification of a question or questions to be answered. For example, general argument may occur about the broad topic of illegal immigration. How many illegal immigrants are in the United States? What is the impact of illegal immigration and immigrants on our economy? What is their impact on our communities? Do they commit crimes? Do they take jobs from American workers? Do they pay taxes? Do they require social services? Is it a problem that some do not speak English? Is it the responsibility of employers to discourage illegal immigration by not hiring undocumented workers? Should they have the opportunity- to gain citizenship? Docs illegal immigration pose a security threat to our country? Do illegal immigrants do work that American workers are unwilling to do? Are their rights as workers and as human beings at risk due to their status? Are they abused by employers, law enforcement, housing, and businesses? I low are their families impacted by their status? What is the moral and philosophical obligation of a nation state to maintain its borders? Should we build a wall on the Mexican border, establish a national identification can!, or enforce existing laws against employers? Should we invite immigrants to become U.S. citizens? Surely you can think of many more concerns to be addressed by a conversation about the topic area of illegal immigration. Participation in this "debate" is likely to be emotional and intense. However, it is not likely to be productive or useful without focus on a particular question and identification of a line demarcating sides in the controversy. To be discussed and resolved effectively, controversies must be stated clearly. Vague understanding results in unfocused deliberation and poor decisions, frustration, and emotional distress, as evidenced by the failure of the United States Congress to make progress on the immigration debate during the summer of 2007. Someone disturbed by the problem of the growing underclass of poorly educated, socially disenfranchised youths might observe, "Public schools are doing a terrible job! They are overcrowded, and many teachers are poorly qualified in their subject areas. Even the best teachers can do little more than struggle to maintain order in their classrooms." That same concerned citizen, facing a complex range of issues, might arrive at an unhelpful decision, such as "We ought to do something about this" or. worse. "It's too complicated a problem to deal with." Groups of concerned citizens worried about the state of public education could join together to express their frustrations, anger, disillusionment, and emotions regarding the schools, but without a focus for their discussions, they could easily agree about the sorry state of education without finding points of clarity or potential solutions. A gripe session would follow. But if a precise question is posed—such as "What can be done to improve public education?"—then a more profitable area of discussion is opened up simply by placing a focus on the search for a concrete solution step. One or more judgments can be phrased in the form of debate propositions, motions for parliamentary debate, or bills for legislative assemblies. The statements "Resolved: That the federal government should implement a program of charter schools in at-risk communities" and "Resolved: That the state of Florida should adopt a school voucher program" more clearly identify specific ways of dealing with educational problems in a manageable form, suitable for debate. They provide specific policies to be investigated and aid discussants in identifying points of difference. To have a productive debate, which facilitates effective decision making by directing and placing limits on the decision to be made, the basis for argument should be clearly defined. If we merely talk about "homelessness" or "abortion" or "crime'\* or "global warming" we are likely to have an interesting discussion but not to establish profitable basis for argument. For example, the statement "Resolved: That the pen is mightier than the sword" is debatable, yet fails to provide much basis for clear argumentation. If we take this statement to mean that the written word is more effective than physical force for some purposes, we can identify a problem area: the comparative effectiveness of writing or physical force for a specific purpose. Although we now have a general subject, we have not yet stated a problem. It is still too broad, too loosely worded to promote well-organized argument. What sort of writing are we concerned with—poems, novels, government documents, website development, advertising, or what? What does "effectiveness" mean in this context? What kind of physical force is being compared—fists, dueling swords, bazookas, nuclear weapons, or what? A more specific question might be. "Would a mutual defense treaty or a visit by our fleet be more effective in assuring Liurania of our support in a certain crisis?" The basis for argument could be phrased in a debate proposition such as "Resolved: That the United States should enter into a mutual defense treatv with Laurania." Negative advocates might oppose this proposition by arguing that fleet maneuvers would be a better solution. This is not to say that debates should completely avoid creative interpretation of the controversy by advocates, or that good debates cannot occur over competing interpretations of the controversy; in fact, these sorts of debates may be very engaging. The point is that debate is best facilitated by the guidance provided by focus on a particular point of difference, which will be outlined in the following discussion.

**(2) discussion of specific policy-questions is crucial for skills development---we control uniqueness: university students already have preconceived and ideological notions about how the world operates---government policy discussion is vital to force engagement with and resolution of competing perspectives to improve social outcomes, however those outcomes may be defined---and, it breaks out of traditional pedagogical frameworks by positing students as agents of decision-making**

**Esberg & Sagan 12**\*Jane Esberg is special assistant to the director at New York University's Center on. International Cooperation. She was the winner of 2009 Firestone Medal, AND \*\*Scott Sagan is a professor of political science and director of Stanford's Center for International Security and Cooperation “NEGOTIATING NONPROLIFERATION: Scholarship, Pedagogy, and Nuclear Weapons Policy,” 2/17 The Nonproliferation Review, 19:1, 95-108

These government or quasi-government think tank simulations often provide very similar lessons for high-level players as are learned by students in educational simulations. Government participants learn about the importance of understanding foreign perspectives, the need to practice internal coordination, and the necessity to compromise and coordinate with other governments in negotiations and crises. During the Cold War, political scientist Robert Mandel noted how crisis exercises and war games forced government officials to overcome ‘‘bureaucratic myopia,’’ moving beyond their normal organizational roles and thinking more creatively about how others might react in a crisis or conflict.6 The skills of imagination and the subsequent ability topredict foreign interests and reactions remain critical for real-world foreign policy makers. For example,simulations of the Iranian nuclear crisis \*held in 2009 and 2010 at the Brookings Institution’s Saban Center and at Harvard University’s Belfer Center, and involving former US senior officials and regional experts\*highlighted the dangers of misunderstanding foreign governments’ preferences and misinterpreting their subsequent behavior. In both simulations, the primary criticism of the US negotiating team lay in a failure to predict accurately how other states, both allies and adversaries, would behave in response to US policy initiatives.7 By university age, students often have a pre-defined view of international affairs, and the literature on simulations in education has long emphasized how such exercises force students to challenge their assumptions about how other governments behave and how their *own* government works.8 Since simulations became more common as a teaching tool in the late 1950s, educational literature has expounded on their benefits, from encouraging engagement by breaking from the typical lecture format, to improving communication skills, to promoting teamwork.9 More broadly, simulations can deepen understanding by asking students to link fact and theory, providing a context for facts while *bringing theory into the realm of practice*.10 These exercises are particularly valuable in teaching international affairs for many of the same reasons they are useful for policy makers: they force participants to ‘‘grapple with the issues arising from a world in flux.’’11 Simulations have been used successfully to teach students about such disparate topics as European politics, the Kashmir crisis, and US response to the mass killings in Darfur.12 Role-playing exercises certainly encourage students to learn political and technical facts\* but they learn them in a more active style. Rather than sitting in a classroom and merely receiving knowledge, students actively research *‘‘*their’’government’s positions and actively argue, brief, and negotiate with others.13 Facts can change quickly; simulations teach students how to contextualize and act on information.1

**Effective decision-making is the lynchpin to solve all social and political problems --- this is an impact to limits, role-playing and decision-making that turns case**

**Lundberg, 10 –** (Christian Lundberg, Professor of Communications @ University of North Carolina, Chapel Hill, “Tradition of Debate in North Carolina” in Navigating Opportunity: Policy Debate in the 21st Century By Allan D. Louden, p311)

The second major problem with the critique that identifies a naivety in articulating debate and democracy is that it presumes that the primary pedagogical outcome of debate is speech capacities. But the democratic capacities built by debate are not limited to speech—as indicated earlier, **debate builds** capacity forcritical thinking, analysis of public claims, informed **decision making**, and better public judgment. If the picture of **modem political life** that underwrites this critique of debate **is** a **pessimistic** view of increasingly labyrinthine and bureaucratic administrative politics, rapid scientific and technological change outpacing the capacities of the citizenry to comprehend them, and ever-expanding insular special-interest- and money-driven **politics**, it **is a** puzzling solution**,** at best, to argue that these conditions warrant giving up on debate. If democracy is open to rearticulation, it is open to rearticulation precisely because **as** the **challenges** of modern political life **proliferate,** the **citizenry's capacities can change**, which is one of the primary reasons that theorists of democracy such as Ocwey in The Public awl Its Problems place such a high premium on education (Dewey 1988,63, 154). Debate provides an indispensible form of education in the modem articulation of democracy because it **builds precisely** the **skills that allow** thecitizenry **to research and** be informed about policy decisions that impact them, to son rhroueh and evaluate the evidence for and relative merits of arguments for and against a policy in an increasingly infonnation-rich environment, and to prioritize their time and political energies toward policies that matter the most to them. The merits of debate as a tool for building democratic capacity-building take on a special significance in the context of information literacy. John Larkin (2005, HO) argues that one of the primary failings of modern colleges and universities is that they have not changed curriculum to match with the challenges of a new information environment. This is a problem for the course of academic study in our current context, but perhaps more important, argues Larkin, for the future of a citizenry that will need to make evaluative choices against an increasingly complex and multimediatcd information environment (ibid-). Larkin's study tested the benefits of debate participation on information-literacy skills and concluded that in-class debate participants reported significantly higher self-efficacy ratings of their ability to navigate academic search databases and to effectively search and use other Web resources: To analyze the self-report ratings of the instructional and control group students, we first conducted a multivariate analysis of variance on all of the ratings, looking jointly at the effect of instmction/no instruction and debate topic . . . that it did not matter which topic students had been assigned . . . students in the Instnictional [debate) group were significantly more confident in their ability to access information and less likely to feel that they needed help to do so----These findings clearly indicate greater self-efficacy for online searching among students who participated in (debate).... These results constitute strong support for the effectiveness of the project on students' self-efficacy for online searching in the academic databases. There was an unintended effect, however: After doing ... the project, instructional group students also felt more confident than the other students in their ability to get good information from Yahoo and Google. It may be that the library research experience increased self-efficacy for any searching, not just in academic databases. (Larkin 2005, 144) Larkin's study substantiates Thomas Worthcn and Gaylcn Pack's (1992, 3) claim that **debate in the college classroom plays a** critical role in fostering **the kind of** problem-solving skills **demanded by the increasingly rich media and information environment of modernity.** Though their essay was written in 1992 on the cusp of the eventual explosion of the Internet as a medium, Worthcn and Pack's framing of the issue was prescient: the primary question facing today's student has changed from how to best research a topic to the crucial question of learning how to best evaluate which arguments to cite and rely upon from an easily accessible and veritable cornucopia of materials. There are, without a doubt, a number of important criticisms of employing debate as a model for democratic deliberation. But cumulatively, **the evidence presented here warrants** strong support **for expanding** debate practice in the classroom as a technology **for enhancing** democratic deliberativecapacities. **The unique combination of** critical thinking skills**,** research **and** information processing **skills, oral** communication **skills, and capacities for listening and thoughtful, open engagement with hotly contested issues argues for debate as a** crucial **component of a** rich and vital democratic life. In-class debate practice both aids students in achieving the best goals of college and university education, and serves as an unmatched practice for creating thoughtful, engaged, open-minded and self-critical students who are open to the possibilities of **meaningful political engagement** and new articulations of democratic life**.** Expanding this practice is crucial, if only because the more we produce citizens that can actively and effectively engage the political process, the more likely we are to **produce** revisions **of** democratic life that are necessary if democracy is not only to survive, but to thrive. Democracy faces a myriad of challenges, including: domestic and international **issues of** class**,** gender**, and** racial justice; wholesale environmental destruction and the potential for **rapid** climate change; emerging **threats to** international stability in the form of terrorism, intervention and new possibilities for great power conflict; andincreasing **challenges of rapid globalization** including an increasingly volatile global economic structure. More than any specific policy or proposal, an informed and active citizenry **that** deliberates **with greater skill** and sensitivity provides one of the best hopes for responsive and effective democratic governance, and by extension, one of the last best hopes for dealing with the existential challenges to democracy [in an] increasingly complex world.

**(3) switch side debate---effective deliberation is crucial to the activation of personal agency and is possible in a switch-side debate format where debaters divorce themselves from ideology to engage in political contestation---this activation of agency is vital to preventing mass violence and genocide**

**Robert-Miller, 3 –** Patricia Roberts-Miller 3 is Associate Professor of Rhetoric at the University of Texas "Fighting Without Hatred:Hannah Arendt ' s Agonistic Rhetoric" JAC 22.2 2003

Arendt is probably most famous for her analysis of totalitarianism (especially her The Origins of Totalitarianism andEichmann in Jerusa¬lem), but the recent attention has been on her criticism of mass culture (The Human Condition). Arendt's main criticism of the current human condition is that the common world of deliberate and joint action is fragmented into **solipsistic and unreflective behavior**. In an especially lovely passage, she says that in mass society people are all **imprisoned in the subjectivity of their own singular experience**, which does not cease to be singular if the same experience is multiplied innumerable times. The end of the common world has come when it is seen only under one aspect and is permitted to present itself in only one perspective. (Human 58) What Arendt so beautifully describes is that isolation and individualism are not corollaries, and may even be antithetical because obsession with one's own self and the particularities of one's life prevents one from engaging in conscious, deliberate, collective action. Individuality, unlike isolation, depends upon a collective with whom one argues in order to direct the common life. Self-obsession, even (especially?) when coupled with isolation from one' s community is far from apolitical; it has political consequences. Perhaps a better way to put it is that **it is political precisely because it aspires to be apolitical**. This fragmented world in which many people live simultaneously and even similarly but not exactly together is what Arendt calls the "social." Arendt does not mean that group behavior is impossible in the realm of the social, but that social behavior consists "in some way of isolated individuals, incapable of solidarity or mutuality, who **abdicate their human capacities** and responsibilities to a projected 'they' or 'it,' with **disastrous consequences**, **both for other people and eventually for themselves**" (Pitkin 79). One can behave, butnot act. For someone like Arendt, a German-assimilated Jew, one of the most frightening aspects of the Holocaust was the ease with which a **people who had not been extraordinarily anti-Semitic could be put to work industriously and efficiently on the genocide of the Jews**. And what was striking about the perpetrators of the genocide, ranging from minor functionaries who facilitated the murder transports up to major figures on trial at Nuremberg, was their **constant and apparently sincere insistence that they were not responsible**. For Arendt, this was not a peculiarity of the German people, but of the current human and heavily bureaucratic condition of twentieth-century culture: we do not consciously choose to engage in life's activities; we drift into them, or we do them out of a desire to conform. Even while we do them, we do not acknowledge an active, willed choice to do them; instead, we attribute our behavior to necessity, and we perceive ourselves as determined—determined by circumstance, by accident, by what "they" tell us to do. We do something from within the anonymity of a mob that we would never do as an individual; we do things for which we will not take responsibility. Yet, whether or not people acknowledge responsibil¬ity for the consequences of their actions, those consequences exist. Refusing to accept responsibility can even make those consequences worse, in that the people who enact the actions in question, because they do not admit their own agency, cannot be persuaded to stop those actions. They are simply doing their jobs. In a **totalitarian system**, however, everyone is simply doing his or her job; **there never seems to be anyone who can explain, defend, and change the policies**. Thus, it is, as Arendt says, rule by nobody. It is illustrative to contrast Arendt's attitude toward discourse to Habermas'. While both are critical of modern bureaucratic and totalitar¬ian systems, Arendt's solution is the **playful and competitive space of agonism**; it is not the rational-critical public sphere. The "actual content of political life" is "the joy and the gratification that arise out of being in company with our peers, out of acting together and appearing in public, out of inserting ourselves into the world by word and deed, thus acquiring and sustaining our personal identity and beginning something entirely new" ("Truth" 263). According to Seyla Benhabib, Arendt's public realm emphasizes the **assumption of competition,** and it "represents that space of appearances in which moral and political greatness, heroism, and preeminence are revealed, displayed, shared with others. This is a competitive space in which one competes for recognition, precedence, and acclaim" (78). These qualities are displayed, but not entirely for purposes of acclamation; they are **not displays of one's self, but of ideas and arguments**, **of one's thought**. When Arendt discusses Socrates' thinking in public, she emphasizes his performance: "He performed in the marketplace the way the flute-player performed at a banquet. It is sheer performance, sheer activity"; nevertheless, it was thinking: "What he actually did was to make public, in discourse, the thinking process" {Lectures 37). Pitkin summarizes this point: "Arendt says that the heroism associated with politics is not the mythical machismo of ancient Greece but something more like the existential leap into action and public exposure" (175-76). Just as it is not machismo, although it does have considerable ego involved, so it is not instrumental rationality; Arendt's discussion of the kinds of discourse involved in public action include myths, stories, and personal narratives. Furthermore, the competition is not ruthless; it does not imply a willingness to triumph at all costs. Instead, it involves something like having such a passion for ideas and politics that one is willing to take risks. One tries to **articulate the best argument, propose the best policy, design the best laws, make the best response**. This is a risk in that one might lose; advancing an argument means that **one must be open to the criticisms others will make of it**. The situation is agonistic **not because the participants manufacture or seek conflict**, but because **conflict is a necessary consequence of difference**. This attitude is reminiscent of Kenneth Burke, who did not try to find a language free of domination but who instead theorized a way that the very tendency toward hierarchy in language might be used against itself (for more on this argument, see Kastely). Similarly, Arendt does not propose a public realm of neutral, rational beings who escape differences to live in the discourse of universals; she envisions one of different people who argue with passion, vehemence, and integrity. Eichmann perfectly exemplified what Arendt famously called the "banal¬ity of evil" but that might be better thought of as the bureaucratization of evil (or, as a friend once aptly put it, the evil of banality). That is, he was able to **engage in mass murder** **because he was able not to think about it,** especially **not from the perspective of the victims**, and he was able to **exempt himself from personal responsibility** by telling himself (and anyone else who would listen) that he was just following orders. It was the bureaucratic system that enabled him to do both. He was not exactly passive; he was, on the contrary, very aggressive in trying to do his duty. He behaved with the "ruthless, competitive exploitation" and "inauthen-tic, self-disparaging conformism" that characterizes those who people totalitarian systems (Pitkin 87). Arendt's theorizing of totalitarianism has been justly noted as one of her strongest contributions to philosophy. She saw that a situation like Nazi Germany is different from the conventional understanding of a tyranny. Pitkin writes, Totalitarianism cannot be understood, like earlier forms of domination, as the ruthless exploitation of some people by others, whether the motive be selfish calculation, irrational passion, or devotion to some cause.Understanding totalitarianism's essential nature requires solving the **central mystery of the holocaust**—the objectively useless and indeed dysfunctional,**fanatical pursuit of a purely ideological policy**, a pointless process to which the people enacting it have fallen captive. (87) Totalitarianism is closely connected to bureaucracy; it is oppression by rules, rather than by people who have willfully chosen to establish certain rules. It is the triumph of the social. Critics (both friendly and hostile) have paid considerable attention to Arendt's category of the "social," largely because, despite spending so much time on the notion, Arendt remains vague on certain aspects of it. Pitkin appropriately compares Arendt's concept of the social to the Blob, the type of monster that figured in so many post-war horror movies. That Blob was "an evil monster from outer space, entirely external to and separate from us [that] had fallen upon us intent on debilitating, absorb¬ing, and ultimately destroying us, gobbling up our distinct individuality and turning us into robots that mechanically serve its purposes" (4). Pitkin is critical of this version of the "social" and suggests that Arendt meant (or perhaps should have meant) something much more complicated. The simplistic version of the social-as-Blob can itself be an instance of Blob thinking; Pitkin's criticism is that Arendt talks at times as though the social comes from outside of us and has fallen upon us, turning us into robots. Yet, Arendt's major criticism of the social is that it involves seeing ourselves as victimized by something that comes from outside our own behavior. I agree with Pitkin that Arendt's most powerful descriptions of the social (and the other concepts similar to it, such as her discussion of totalitarianism, imperialism, Eichmann, and parvenus) emphasize that these processes are not entirely out of our control but that they happen to us when, and because, we keep refusing to make active choices. We create the social through negligence. It is not the sort of force in a Sorcerer's Apprentice, which once let loose cannot be stopped; on the contrary, it continues to exist because we structure our world to reward social behavior. Pitkin writes, "From childhood on, in virtually all our institutions, we reward euphemism, salesmanship, slo¬gans, and we punish and suppress truth-telling, originality, thoughtful-ness. So we continually cultivate ways of (not) thinking that induce the social" (274). I want to emphasize this point, as it is important for thinking about criticisms of some forms of the social construction of knowledge: **denying our own agency is what enables the social to thrive**. To put it another way, **theories of powerlessness are self-fulfilling prophecies**. Arendt grants that there are people who willed the Holocaust, but she insists that totalitarian systems result not so much from the Hitlers or Stalins as from the bureaucrats who may or may not agree with the established ideology but who enforce the rules for no stronger motive than a desire to avoid trouble with their superiors (see Eichmann and Life). They do not think about what they do. One might prevent such occurrences—or, at least, resist the modern tendency toward totalitarian¬ism—by thought: "critical thought is in principle anti-authoritarian" (Lectures 38). By "thought" Arendt does not mean eremitic contemplation; in fact, she has great contempt for what she calls "professional thinkers," refusing herself to become a philosopher or to call her work philosophy. Young-Bruehl, Benhabib, and Pitkin have each said that Heidegger represented just such a professional thinker for Arendt, and his embrace of Nazism epitomized the genuine dangers such "thinking" can pose (see Arendt's "Heidegger"). "Thinking" is not typified by the isolated con¬templation of philosophers; it requires the arguments of others and close attention to the truth. It is easy to overstate either part of that harmony. One must consider carefully the arguments and viewpoints of others: Political thought is representative. I form an opinion by considering a given issue from different viewpoints, by making present to my mind the standpoints of those who are absent; that is, I represent them. This process of representation does not blindly adopt the actual views of those who stand somewhere else, and hence look upon the world from a different perspective; this is a question neither of empathy, as though I tried to be or to feel like somebody else, nor of counting noses and joining a majority but of being and thinking in my own identity where actually I am not. The more people's standpoints I have present in my mind while I am ponder¬ing a given issue, and the better I can imagine how I would feel and think if I were in their place, the stronger will be my capacity for represen¬tative thinking and the more valid my final conclusions, my opinion. ("Truth" 241) There are two points to emphasize in this wonderful passage. First, one does not get these standpoints in one's mind through imagining them, but through listening to them; thus, good thinking requires that one hear the arguments of other people. Hence, as Arendt says, "**critical thinking**, while still a solitary business, does not cut itself off from' all others.'" Thinking is, in this view, **necessarily public discourse**: critical thinking is possible "**only where the standpoints of all others are open to inspection**" (Lectures 43). Yet, it is not a discourse in which one simply announces one's stance; **participants are interlocutors** and not just speakers; they must listen. Unlike many current versions of public discourse, this view presumes that speech matters. It is not asymmetric manipulation of others, nor merely an economic exchange; it must **be a world into which one enters and by which one might be changed.** Second, passages like the above make some readers think that Arendt puts too much faith in discourse and too little in truth (see Habermas). But Arendt is no crude relativist; she believes in truth, and she believes that there are facts that can be more or less distorted. She does not believe that reality is constructed by discourse, or that truth is indistinguishable from falsehood. She insists tha^ the truth has a different pull on us and, consequently, that it has a difficult place in the world of the political. Facts are different from falsehood because, while they can be distorted or denied, especially when they are inconvenient for the powerful, they also have a certain positive force that falsehood lacks: "Truth, though powerless and always defe ated in a head-on clash with the powers that be, possesses a strength of its own: whatever those in power may contrive, they are unable to discover or invent a viable substitute for it. Persuasion and violence can destroy truth, but they cannot replace it" ("Truth" 259). Facts have a strangely resilient quality partially because a lie "tears, as it were, a hole in the fabric of factuality. As every historian knows, one can spot a lie by noticing incongruities, holes, or the j unctures of patched-up places" ("Truth" 253). While she is sometimes discouraging about our ability to see the tears in the fabric, citing the capacity of totalitarian governments to create the whole cloth (see "Truth" 252-54), she is also sometimes optimistic. InEichmann in Jerusalem, she repeats the story of Anton Schmidt—a man who saved the lives of Jews—and concludes that such stories cannot be silenced (230-32). For facts to exert power in the common world, however, these stories must be told. Rational truth (such as principles of mathematics) might be perceptible and demonstrable through individual contemplation, but "factual truth, on the contrary, is always related to other people: it concerns events and circumstances in which many are involved; it is established by witnesses and depends upon testimony; it exists only to the extent that it is spoken about, even if it occurs in the domain of privacy. It is political by nature" (23 8). Arendt is neither a positivist who posits an autonomous individual who can correctly perceive truth, nor a relativist who positively asserts the inherent relativism of all perception. Her description of how truth functions does not fall anywhere in the three-part expeditio so prevalent in bothrhetoric and philosophy: it is not expressivist, positivist, or social constructivist. Good thinking depends upon good public argument, and good public argument depends upon access to facts: "Freedom of opinion is a farce unless factual information is guaranteed" (238). The sort of thinking that Arendt propounds takes the form of action only when it is public argument, and, as such, it is particularly precious: "For if no other test but the experience of being active, no other measure but the extent of sheer activity were to be applied to the various activities within the vita activa, it might well be that thinking as such would surpass them all" (Human 325). Arendt insists that it is "the same general rule— Do not contradict yourself (not your self but your thinking ego)—that determines both thinking and acting" (Lectures 3 7). In place of the mildly resentful conformism that fuels totalitarianism, Arendt proposes what Pitkin calls "a tough-minded, open-eyed readiness to perceive and judge reality for oneself, in terms of concrete experience and independent, critical theorizing" (274). **The paradoxical nature of agonism** (that it must involve both individuality and commonality) makes it difficult to maintain, as the temptation is great either to think one's own thoughts without reference to anyone else or to let others do one's thinking. Arendt's Polemical Agonism As I said, agonism does have its advocates within rhetoric—Burke, Ong, Sloane, Gage, and Jarratt, for instance—but while each of these theorists proposes a form of conflictual argument, not one of these is as adversarial as Arendt's. Agonism can emphasize persuasion, as does John Gage's textbook The Shape of Reason or William Brandt et al.'s The Craft of Writing. That is, the goal of the argument is to identify the disagreement and then construct a text that gains the assent of the audience. This is not the same as what Gage (citing Thomas Conley) calls "asymmetrical theories of rhetoric": theories that "presuppose an active speaker and a passive audience, a speaker whose rhetorical task is therefore to do something to that audience" ("Reasoned" 6). Asymmetric rhetoric is not and cannot be agonistic. Persuasive agonism still **values conflict, disagreement, and equality** among interlocutors, but it **has the goal of reaching agreement,** as when Gage says that the process of argument should enable one's reasons to be "understood and believed" by others (Shape 5; emphasis added). Arendt's version is what one might call polemical agonism: it puts less emphasis on gaining assent, and it is exemplified both in Arendt's own writing and in Donald Lazere's "Ground Rules for Polemicists" and "Teaching the Political Conflicts." Both forms of agonism (persuasive and polemical) require substantive debate at two points in a long and recursive process. First, one engages in debate in order to invent one's argument; even silent thinking is a "dialogue of myself with myself (Lectures 40). The difference between the two approaches to agonism is clearest when one presents an argument to an audience assumed to be an opposition. In persuasive agonism, one plays down conflict and moves through reasons to try to persuade one's audience. In polemical agonism, however, one's intention is not necessarily to prove one's case, but to make public one' s thought in order to test it. In this way, communicability serves the same function in philosophy that replicability serves in the sciences; it **is how one tests the validity of one's thought**. In persuasive agonism, success is achieved through persuasion; in polemical agonism, success may be marked through the quality of subsequent controversy. Arendt quotes from a letter Kant wrote on this point: You know that I do not approach reasonable objections with the intention merely of refuting them, but that in thinking them over I always weave them into my judgments, and afford them the opportunity of overturning all my most cherished beliefs. I entertain the hope that by thus viewing my judgments impartially from the standpoint of others some third view that will improve upon my previous insight may be obtainable. {Lectures 42) Kant's use of "impartial" here is interesting: he is not describing a stance that is free of all perspective; it is impartial only in the sense that it is not his own view. This is the same way that Arendt uses the term; she does not advocate any kind of positivistic rationality, but instead a "universal interdependence" ("Truth" 242). She does not place the origin of the "disinterested pursuit of truth" in science, but at "the moment when Homer chose to sing the deeds of the Trojans no less than those of the Achaeans, and to praise the glory of Hector, the foe and the defeated man, no less than the glory of Achilles, the hero of his kinfolk" ("Truth" 262¬63). It is useful to note that Arendt tends not to use the term "universal," opting more often for "common," by which she means both what is shared and what is ordinary, a usage that evades many of the problems associated with universalism while preserving its virtues (for a brief butprovocative application of Arendt's notion of common, see Hauser 100-03). In polemical agonism, there is a sense in which one' s main goal is not to persuade one's readers; persuading one's readers, if this means that they fail to see errors and flaws in one' s argument, might actually be a sort of failure. It means that one wishes to put forward an argument that makes clear what one's stance is and why one holds it, but with the intention of provoking critique and counterargument. Arendt describes Kant's "hope" for his writings not that the number of people who agree with him would increase but "that the circle of his examiners would gradually be en¬larged" {Lectures 39); he wanted interlocutors, not acolytes. This is not consensus-based argument, nor is it what is sometimes called "consociational argument," nor is this argument as mediation or conflict resolution. Arendt (and her commentators) use the term "fight," and they mean it. When Arendt describes the values that are necessary in our world, she says, "They are a sense of honor, desire for fame and glory, the spirit of fighting without hatred and 'without the spirit of revenge,' and indifference to material advantages" {Crises 167). Pitkin summarizes Arendt's argument: "Free citizenship presupposes the ability to fight— openly, seriously, with commitment, and about things that really mat¬ter—without fanaticism, without seeking to exterminate one's oppo¬nents" (266). My point here is two-fold: first, there is not a simple binary opposition between persuasive discourse and eristic discourse, the conflictual versus the collaborative, or argument as opposed to debate. Second, while polemical agonismrequires diversity among interlocutors, and thus seems an extraordinarily appropriate notion, and while it may be a useful corrective to too much emphasis on persuasion, it seems to me that polemical agonism could easily slide into the kind of wrangling that is simply frustrating. Arendt does not describe just how one is to keep the conflict useful. Although she rejects the notion that politics is "no more than a battlefield of partial, conflicting interests, where nothing countfs] but pleasure and profit, partisanship, and the lust for dominion," she does not say exactly how we are to know when we are engaging in the existential leap of argument versus when we are lusting for dominion ("Truth" 263). Like other proponents of agonism, Arendt argues that rhetoric does **not lead individuals or communities to ultimate Truth**; **it leads to decisions that will necessarily have to be reconsidered.** Even Arendt, who tends to express a greater faith than many agonists (such as Burke, Sloane, or Kastely) in the ability of individuals to perceive truth, insists that self-deception is always a danger, so public discourse is necessary as a form of testing (see especially Lectures and "Truth"). She remarks that it is difficult to think beyond one's self-interest and that "nothing, indeed, is more common, even among highly sophisticated people, than the blind obstinacy that becomes manifest in lack of imagination and failure to judge" ("Truth" 242). Agonism demands that one **simultaneously trust and doubt one' s own perceptions**, **rely on one's own judgment and consider the judgments of others, think for oneself and imagine how others think.** The question remains whether this is a kind of thought in which everyone can engage. Is the agonistic public sphere (whether political, academic, or scientific) only available to the few? Benhabib puts this criticism in the form of a question: "That is, is the 'recovery of the public space' under conditions of modernity necessarily an elitist and antidemocratic project that can hardly be reconciled with the demand for universal political emancipa¬tion and the universal extension of citizenship rights that have accompa¬nied modernity since the American and French Revolutions?" (75). This is an especially troubling question not only because Arendt's examples of agonistic rhetoric are from elitist cultures, but also because of com¬ments she makes, such as this one from The Human Condition: "As a living experience, thought has always been assumed, perhaps wrongly, to be known only to the few. It may not be presumptuous to believe that these few have not become fewer in our time" {Human 324). Yet, there are **important positive political consequences of agonism.** Arendt' s own promotion of the agonistic sphere helps to explain how **the system could be actively moral**. It is not an overstatement to say that a central theme in Arendt's work is the **evil of conformity**—the fact that the modern bureaucratic state **makes possible extraordinary evil** carried out by people who do not even have any ill will toward their victims. It does so by "imposing innumerable and various rules, all of which tend to 'normalize' its members, to make them behave, to exclude spontaneous action or outstanding achievement" (Human 40). It keeps people from thinking, and it keeps them behaving. The agonistic model's celebration of achievement and verbal skill **undermines the political force of conformity**, so it is **a force against the bureaucratizing of evil.** If people think for themselves, **they will resist dogma**; if people think of themselves as one of many, they will empathize; if people can do both, **they will resist totalitarianism**. And if they talk about what they see, tell their stories, argue about their perceptions, and listen to one another—that is, engage in rhetoric—then they are engaging in antitotalitarian action. In post-Ramistic rhetoric, it is a convention to have a thesis, and one might well wonder just what mine is—whether I am arguing for or against Arendt's agonism. Arendt does not lay out a pedagogy for us to follow (although one might argue that, if she had, it would lookmuch like the one Lazere describes in "Teaching"), so I am not claiming that greater attention to Arendt would untangle various pedagogical problems that teachers of writing face. Nor am I claiming that applying Arendt's views will resolve theoretical arguments that occupy scholarly journals. I am saying, on the one hand, that Arendt's connection of argument and thinking, as well as her perception that both serve to thwart totalitarian¬ism, suggest that agonal rhetoric (despite the current preference for collaborative rhetoric) is the **best discourse for a diverse and inclusive public sphere**. On the other hand, Arendt's advocacy of agonal rhetoric is troubling (and, given her own admiration for Kant, this may be intentional), especially in regard to its potential elitism, masculinism, failure to describe just how to keep argument from collapsing into wrangling, and apparently cheerful acceptance of hierarchy. Even with these flaws, Arendt describes something we would do well to consider thoughtfully: a fact-based but not positivist, communally grounded but not relativist, adversarial but not violent, independent but not expressivist rhetoric.

**(4) discussions of the topic are good --- they create an engaged citizenry and debaters that are capable of checking the executive --- these are decisions that affect our every day lives --- it is also applicable to our understanding of the violence that occurs too**

**Young, 13 –** (9/4, “Why Should We Debate About Restriction of Presidential War Powers,” <http://public.cedadebate.org/node/13>)

Lastly, debating presidential war powers is important because we the people have an important role in affecting the use of presidential war powers. As many legal scholars contend, regardless of the status of legal structures to check the presidency, an important political restrain on presidential war powers is the presence of a well-informed and educated public. As Justice Potter Stewart explains, “the only effective restraint upon executive policy and power…may lie in an enlightened citizenry – in an informed and critical public opinion which alone can protect the values of a democratic government” (http://www.law.cornell.edu/supct/html/historics/USSC\_CR\_0403\_0713\_ZC3.html). As a result, this is not simply an academic debate about institutions and powers that that do not affect us. As the numerous recent foreign policy scandals make clear, anyone who uses a cell-phone or the internet is potential affected by unchecked presidential war powers. Even if we agree that these powers are justified, it is important that today’s college students understand and appreciate the scope and consequences of presidential war powers, as these students’ opinions will stand as an important potential check on the presidency.

**The impact is uncheck tyranny and militarism**

**Schnieir, 5 –** (Bruce, “Schneier on Security,” <https://www.schneier.com/blog/archives/2005/12/the_security_th_1.html>)

T his past Thursday, the New York Times exposed the most significant violation of federal surveillance law in the post-Watergate era. President Bush secretly authorized the National Security Agency to engage in domestic spying, wiretapping thousands of Americans and bypassing the legal procedures regulating this activity. This isn't about the spying, although that's a major issue in itself. This is about the Fourth Amendment protections against illegal search. This is about circumventing a teeny tiny check by the judicial branch, placed there by the legislative branch, placed there 27 years ago -- on the last occasion that the executive branch abused its power so broadly. In defending this secret spying on Americans, Bush said that he relied on his constitutional powers (Article 2) and the joint resolution passed by Congress after 9/11 that led to the war in Iraq. This rationale was spelled out in a memo written by John Yoo, a White House attorney, less than two weeks after the attacks of 9/11. It's a dense read and a terrifying piece of legal contortionism, but it basically says that the president has unlimited powers to fight terrorism. He can spy on anyone, arrest anyone, and kidnap anyone and ship him to another country ... merely on the suspicion that he might be a terrorist. And according to the memo, this power lasts until there is no more terrorism in the world. Yoo starts by arguing that the Constitution gives the president total power during wartime. He also notes that Congress has recently been quiescent when the president takes some military action on his own, citing President Clinton's 1998 strike against Sudan and Afghanistan. Yoo then says: "The terrorist incidents of September 11, 2001, were surely far graver a threat to the national security of the United States than the 1998 attacks. ... The President's power to respond militarily to the later attacks must be correspondingly broader." This is novel reasoning. It's as if the police would have greater powers when investigating a murder than a burglary. More to the point, the congressional resolution of Sept. 14, 2001, specifically refused the White House's initial attempt to seek authority to preempt any future acts of terrorism, and narrowly gave Bush permission to go after those responsible for the attacks on the Pentagon and World Trade Center. Yoo's memo ignored this. Written 11 days after Congress refused to grant the president wide-ranging powers, it admitted that "the Joint Resolution is somewhat narrower than the President's constitutional authority," but argued "the President's broad constitutional power to use military force ... would allow the President to ... [take] whatever actions he deems appropriate ... to pre-empt or respond to terrorist threats from new quarters." Even if Congress specifically says no. The result is that the president's wartime powers, with its armies, battles, victories, and congressional declarations, now extend to the rhetorical "War on Terror": a war with no fronts, no boundaries, no opposing army, and -- most ominously -- no knowable "victory." Investigations, arrests, and trials are not tools of war. But according to the Yoo memo, the president can define war however he chooses, and remain "at war" for as long as he chooses. This is indefinite dictatorial power. And I don't use that term lightly; the very definition of a dictatorship is a system that puts a ruler above the law. In the weeks after 9/11, while America and the world were grieving, Bush built a legal rationale for a dictatorship. Then he immediately started using it to avoid the law. This is, fundamentally, why this issue crossed political lines in Congress. If the president can ignore laws regulating surveillance and wiretapping, why is Congress bothering to debate reauthorizing certain provisions of the Patriot Act? Any debate over laws is predicated on the belief that the executive branch will follow the law. This is not a partisan issue between Democrats and Republicans; it's a president unilaterally overriding the Fourth Amendment, Congress and the Supreme Court. Unchecked presidential power has nothing to do with how much you either love or hate George W. Bush. You have to imagine this power in the hands of the person you most don't want to see as president, whether it be Dick Cheney or Hillary Rodham Clinton, Michael Moore or Ann Coulter. Laws are what give us security against the actions of the majority and the powerful. If we discard our constitutional protections against tyranny in an attempt to protect us from terrorism, we're all less safe as a result.

# 2

**There exists an intrinsic antagonism in debate – on one side, debate is always shaped by strategy, winning, and debate theory. The other side is the desire to influence a larger public. The aff’s desire to change the debate community is always shaped by the norms of debate. Your aff will never be receptive to the larger public. We should view outside of the academy as more important than our debate spaces**

Welsh 12 Scott Department of Communication Appalachian State University (“Coming to Terms with the Antagonism between Rhetorical Reflection and Political Agency”, *Philosophy and Rhetoric,* Vol. 45, No. 1, 2012, Jstor)

Giroux’s concluding words, in which scholars reclaim the promises of a truly global democratic future, echo Ono and Sloop’s construction of scholarship as the politically embedded pursuit of utopia, McKerrow’s academic emancipation of the oppressed, McGee’s social surgery, Hartnett’s social justice scholar, and Fuller’s agent of justice. Each aims to unify the competing elements within the scholarly subject position—scholarly reflection and political agency—by reducing the former to the latter. Žižek’s advice is to consider how such attempts are always doomed to frustration, not because ideals are hard to live up to but because of the impossibility of resolving the antagonism central to the scholarly subject position. The titles “public intellectual” and “critical rhetorician” attest to the fundamental tension. “Public” and “rhetorician” both represent the aspiration to political engagement, while “critical” and “intellectual” set the scholar apart from noncritical, nonintellectual public rhetoric. However, rather than allowing the contingently articulated terms to exist in a state of paradoxical tension, these authors imagine an organic, unavoidable, necessary unity. The scholar is, in one moment, wholly public and wholly intellectual, wholly critical and wholly rhetorical, wholly scholar and wholly citizen—an impossible unity, characteristic of the sublime, in which the antagonism vanishes (2005, 147). Yet, as Žižek predicts, the sublime is the impossible. The frustration producing gap between the unity of the ideological sublime and conflicted experience quickly begins to put pressure on the ideology. This is born out in the shift from the exhilarated tone accompanying the birth of critical rhetoric (and its liberation of rhetoric scholarship from the incoherent and untenable demands of scientific objectivity) to a dispirited accounting for the difficulty of actually embodying the imagined unity of scholarly reflection and political agency. Simonson, for example, draws attention to the gap, noting how, twenty years later, it is hard to resist the feeling that “the bulk of our academic publishing is utterly inconsequential.” His hope is that a true connection between scholarly reflection and political agency may be possible outside of academia (2010, 95). Fuller approaches this conclusion when he says that the preferred path to filling universities with agents of justice is through “scaling back the qualifications needed for tenure-stream posts from the doctorate to the master’s degree,” a way of addressing the antagonism that amounts to setting half of it afloat (2006, 154). Hartnett is especially interesting because while he also insists on the existence of the gap, dismissing “many” of his “colleagues” as merely dispensing “politically vacuous truisms” or, worse, as serving as “tools of the state” and “humanities-based journals” as “impenetrably dense” and filled with “jargon-riddled nonsense,” he evinces a considerable impatience with the audiences he must engage as a social justice scholar (2010, 69, 74–75). In addition to reducing those populating the mass media to a cabal of “rotten corporate hucksters,” Hartnett rejects vernacular criticisms of his activism as “ranting and raving by fools,” and chafes at becoming “a target for yahoos of all stripes” (87, 84). In other words, the gap is not only recognized on the academic side of the ledger but appears on the public side as well; the public (in the vernacular sense of the word) does not yield to the desire of the social justice scholar. Or, as Žižek puts it, referencing Lacan, “You never look at me from the place in which I see you” (1991, 126). More telling still, Hartnett’s main examples of social justice scholars are either retired or located outside of academia (2010, 86). As Simonson suggests, and Hartnett implicitly concedes, it may well be that it really is only outside the academy that there can be immediate, material, political consequences.

**Our argument is particularly true to the 1AC – using debate for political purposes tradeoffs with producing tools useful for the public.**

Welsh 12 Scott Department of Communication Appalachian State University (“Coming to Terms with the Antagonism between Rhetorical Reflection and Political Agency”, *Philosophy and Rhetoric,* Vol. 45, No. 1, 2012, Jstor)

What does it mean to say rhetoric scholarship should be relevant to democratic practice? A prevailing answer to this question insists that rhetoric scholars are participants in the democratic contest for power just like all other citizens, no more and no less. Drawing on the work of Slavoj Žižek, the argument of this essay is that reducing scholarship to a mode of political agency not only produces an increasingly uninhabitable academic identity but also draws our attention away from producing results of rhetorical inquiry designed to be useful to citizens in democracy. Clinging to the idea that academic practice is a mode of political action produces a fantastic blindness to the antagonism between scholarly reflection and political agency that structures academic purpose. While empirical barriers to the production of rhetorical resources suitable for democratic appropriation undoubtedly exist, ignoring the self-frustrating character of academic desire is no less of an impediment to the production of democratically consequential rhetoric scholarship.

**Alternative – Reject the affirmative because of their use of debate as a conception of political agency. We should keep competing elements of the antagonism in view to understand the limits of debate as political agency in itself**

Welsh 12 Scott Department of Communication Appalachian State University (“Coming to Terms with the Antagonism between Rhetorical Reflection and Political Agency”, *Philosophy and Rhetoric,* Vol. 45, No. 1, 2012, Jstor)

In light of Žižek’s account of antagonism, one should not be surprised, however, by the conclusion that broadly effective activism is only possible outside of academia. The failure to unify scholarship and politics was predestined in the symbolic imagination that rendered them unified. Instead, effectively coming to terms with an antagonism means finding ways to keep the competing elements of the antagonism in view—and not simply as “bad” academic pretensions in conflict with “good” political motives. Rather, the two elements that constitute the scholarly subject position, reflective investigation and the production of unavoidable consequences, must be constantly present, each vying for our attention. And, insofar as the two elements are not kept in tension with each other, the scholarly subject position becomes increasingly unbearable, leading to the production of what Žižek calls supplemental ideological fantasies or ready explanations for the gap.

#### We should recognize debate as a site of contingent commonality in which we can forge bonds of argumentation beyond identity---the affirmative’s focus on subjectivity abdicates the flux of politics and debate for the incontestable truth of identity

Brown 95—prof at UC Berkeley (Wendy, States of Injury, 47-51)

The postmodern exposure of the imposed and created rather than discovered character of all knowledges—of the power-surtuscd, struggle-¶48¶produced quality of all truths, including reigning political and scientific ones—simultaneously exposes the groundlessness of discovered norms or visions. It also reveals the exclusionary and regulatory function of these norms: white women who cannot locate themselves in Nancy Hartsock’s account of women’s experience or women s desires, African American women who do not identify with Patricia Hill Collinss account of black women’s ways of knowing, are once again excluded from the Party of Humanism—this time in its feminist variant. ¶Our alternative to reliance upon such normative claims would seem to be engagement in political struggles in which there are no trump cards such as “morality” or “truth."Our alternative, in other words, is to struggle within an amoral political habitat for temporally bound and fully contestable visions of who we are and how we ought to live. Put still another way, postmodernity unnerves feminist theory not merely because it deprives us of uncomplicated subject standing, as Christine Di Stefano suggests, or of settled ground for knowledge and norms, as Nancy Hartsock argues, or of "centered selves and “emancipatory knowledge," as Seyla Bcnhabib avers. Postmodernity unsettles feminism because it erodes the moral ground that the subject, truth, and nor- mativity coproduce in modernity. When contemporary feminist political theorists or analysts complain about the antipolitical or unpolitical nature of postmodern thought—thought that apprehends and responds to this erosion—they arc protesting, inter' aha, a Nictzschcan analysis of truth and morality as fully implicated in and by power, and thereby dplegiti- mated qua Truth and Morality Politics, including politics with passion- ate purpose and vision, can thrive without a strong theory of the subject, without Truth, and without scientifically derived norms—one only need reread Machiavelli, Gramsci, or Emma Goldman to see such a politics flourish without these things. The question is whether fnninist politics can prosper without a moral apparatus, whether feminist theorists and activists will give up substituting Truth and Morality for politics. Are we willing to engage in struggle rather than recrimination, to develop our faculties rather than avenge our subordination with moral and epistemological gestures, to fight for a world rather than conduct process on the existing one? Nictzschc insisted that extraordinary strengths of character and mind would be necessary to operate in thce domain of epistemological and religious nakedness he heralded. But in this heexcessively individualized a challenge that more importantly requires the deliberate development of postmoral and antirelativist political spaces, practices of deliberation, and modes of adjudication.¶49¶The only way through a crisis of space is to invent a new space —Fredric Jameson. “Postmodernism"¶Precisely because of its incessant revelation of settled practices and identi- ties as contingent, its acceleration of the tendency to melt all that is solid into air. what is called postmodernity poses the opportunity to radically sever the problem of the good from the problem of the true, to decide “what we want” rather than derive it from assumptions or arguments about “who we are.” Our capacity to exploit this opportunity positively will be hinged to our success in developing new modes and criteria for political judgment. It will also depend upon our willingness to break certain modernist radical attachments, particularly to Marxism’s promise (however failed) of meticulously articulated connections betwreen a com- prehensive critique of the present and norms for a transformed future—a science of revolution rather than a politics of oneResistance, the practice most widely associated with postmodern polit- ical discourse, responds to without fully meeting the normativity chal- lenge of postmodernity. A vital tactic in much political w’ork as wrcll as for mere survival, resistance by itself does not contain a critique, a vision, or grounds for organized collective efforts to enact either. Contemporary affection for the politics of resistance issues from postmodern criticism’s perennial authority problem: our heightened consciousncss of the will to power in all political “positions” and our wrariness about totalizing an- alyses and visions. Insofar as it eschew’s rather than revisesthese problematic practices, resistance-as-politics does not raise the dilemmas of responsibility and justification entailed in “affirming” political projects and norms. In this respect, like identity politics, and indeed sharing with identity politics an excessively local viewpoint and tendency toward positioning without mapping, the contemporary vogue of resistance is more a symptom of postmodernity’s crisis of political space than a coherent response to it. Resistance goes nowhere in particular, has no inherent attachments, and hails no particular vision; as Foucault makes clear, resistance is an effect of and reaction to power, not an arrogation of it.¶What postmodernity disperses and postmodern feminist politics requires are cultivated political spaces for posing and questioning feminist political norms, for discussing the nature of “the good” for women. Democratic political space is quite undcrtheonzed in contemporary femi- nist thinking, as it is everywhere in latc-twentieth-ccntury political the- ory, primarily bccausc it is so little in evidence. Dissipated by the increasing tcchnologizing of would-be political conversations and pro- cesses, by the erosion of boundaries around specifically political domains¶50¶and activities, and by the decline of movement politics, political spaces are scarcer and thinner today than even in most immediately prior epochs of Western history. In this regard, their condition mirrors the splayed and centrifuged characteristics of postmodern political power. Yet precisely because of postmodernity’s disarming tendencies toward political disori- entation, fragmentation, and technologizing, the creation of spaces where political analyses and norms can be proffered and contested is su- premely important.¶Political space is an old theme in Western political theory, incarnated by the polis practices of Socrates, harshly opposed by Plato in the Repub- lic, redeemed and elaborated as metaphysics by Aristotle, resuscitated as salvation for modernity by Hannah Arendt. jnd given contemporary spin in Jurgen Habermas's theories of ideal speech situations and com- municative rationality. The project of developing feminist postmodern political spaces, while enriched by pieces of this tradition, necessarily also departs from it. In contrast with Aristotle’s formulation, feminist politi- cal spaces cannot define themselves against the private sphere, bodies, reproduction and production, mortality, and all the populations and is- sues implicated in these categories. Unlike Arendt’s, these spaces cannot be pristine, ratified, and policed at their boundaries but are necessarily cluttered, attuned to earthly concerns and visions, incessantly disrupted, invaded, and reconfigured. Unlike Habermas, wc can harbor no dreams of nondistorted communication unsullied by power, or even of a ‘com- mon language,’\* but wc recognize as a permanent political condition par- tiality of understanding and expression, cultural chasms whose nature may be vigilantly identified but rarely “resolved,” and the powers of words and images that evoke, suggest, and connote rather than transmit meanings.42 Our spaces, while requiring some definition and protection, cannot be clean, sharply bounded, disembodied, or permanent: to engage postmodern modes of power and honor specifically feminist knowledges, they must be heterogenous, roving, relatively noninstitutionalized, and democratic to the point of exhaustion.¶Such spaces are crucial for developing the skills and practices of post- modern judgment, addressing the problem of “how to produce a discourse on justicc . . . when one no longer relies on ontology or epistemology.”43 Postmodemity’s dismantling of metaphysical foundations for justice renders us quite vulnerable to domination by technical reason ¶51¶unless we seize the opportunity this erosion also creates to develop democratic processes for formulating postepistemelogical and postontological judgments. Such judgements require learning how to have public conversations with each other, arguing from a vision about the common (“what I want for us") rather than from identity (“who I am”), and from explicitly postulated norms and potential common values rather than false essentialism or unreconstructed private interest.44 Paradoxically, such public and comparatively impersonal arguments carry potential for greater accountability than arguments from identity or interest. While the former may be interrogated to the ground by others, the latter are insulated from such inquiry with the mantle of truth worn by identity-based speech. Moreover, post identity political positions and conversations potentially replace a politics of difference with a politics of diversity—differences grasped from a perspective larger than simply one point in an ensemble. Postidentity public positioning requires an outlook that discerns structures of dominance within diffused and disorienting orders of power, thereby stretching toward a more politically potent analysis than that which our individuated and fragmented existences can generate. In contrast to Di Stefano's claim that 'shared identity” may constitute a more psychologically and politically reliable basis for “attachment and motivation on the part of potential activists,” I am suggesting that political conversation oriented toward diversity and the common, toward world rather than self, and involving a conversion of ones knowledge of the world from a situated (subject) position into a public idiom, offers us the greatest possibility of countering postmodern social fragmentations and political disintegrations.¶Feminists have learned well to identify and articulate our "subject positions —we have become experts at politicizing the “I”that is produced through multiple sites ofpower and subordination. But the very practice so crucial to making these elements of power visible and subjectivity political may be partly at odds with the requisites for developing political conversation among a complex and diverse “we.” We may need to learn public speaking and the pleasures of public argument not to overcome our situatedness, but in order to assume responsibility for our situations and to mobilize a collective discourse that will expand them. For the political making of a feminist future that does not reproach the history on which it is borne, we may need to loosen our attachments to subjectivity, identity, and morality and to redress our underdeveloped taste for political argument.

**Our goal as rhetorical scholars should be the exploration and production of inventional resources suitable for the larger public, otherwise we get lost in TOO-EASY ASSURANCES that what we are doing here – in the debate space – is necessary and sufficient**

Welsh 12 Scott Department of Communication Appalachian State University (“Coming to Terms with the Antagonism between Rhetorical Reflection and Political Agency”, *Philosophy and Rhetoric,* Vol. 45, No. 1, 2012, Jstor)

The challenge is to resist synthetically resolving these antagonisms, whether in confirming or disconfirming ways. Rather, as Žižek might suggest, the aim should be to “come to terms” with these antagonisms by articulating academic identities less invested in reparative fantasies that imagine a material resolution of them (1989, 3, 5, 133; 2005, 242–43). Accounts that fail to come to terms with the impossibility of closure and continue to invest in such fantasies yield either indignant calls for activism or too-easy assurance of the potential consequence of one’s work, neither of which is well suited to scholar-citizen engagement. Coming to terms with these antagonisms, I ultimately argue, is aided by a reconsideration of a number of Jürgen Habermas’s (1973, 1970) early works on the relationship between theory and practice and C. Wright Mills’s (2000) account of the relationship between scholarly reflection and political agency in The Sociological Imagination. Turning to Giambattista Vico, Habermas shows us how to keep the antagonisms clearly in view, even though he does not suggest a vision of scholarship that might allow academics to deliberately respond to the antagonism between scholarship and political agency. It is Mills, rather, through his concept of academics working in support of the sociological imagination, who suggests how academics might do just that. Directly and indirectly returning, in a sense, to classical rhetorical roots, each challenges rhetoric scholars to emphasize, as the aim of rhetoric scholarship, the exploration and production of inventional resources suitable for appropriation by citizen-actors. Such a construction of the relationship between academics and politics locates political agency and the situated pursuit of practical wisdom in democratic publics without absolving scholars of responsibility to them.

**The question of institutional support is key to expanding wider base for change and caring for other communities – radical exposures fail**

Ruggero 9 E. Colin, The New School for Social Research in New York, Center for Energy and Environmental Policy, University of Delaware, Radical Green Populism: Climate Change, Social Change and the Power of Everyday Practices, 11-11, http://theanarchistlibrary.org/library/e-colin-ruggero-radical-green-populism-climate-change-social-change-and-the-power-of-everyday-p

Radicals must carefully deliberate the development of alternative social institutions and intellectual resources for subversion and, ultimately, change. What will they look like? Self-managed energy systems, car and bicycle shares, farming collectives, green technology design firms, recycling and composting operations, construction and refitting operations...the needs are broad and the possibilities are endless, but each must be carefully considered. What institutions and resources might prove most valuable over the long term? What institutions and resources can help strengthen radical communities? What institutions and resources would other communities be best served by, a particularly important question in the process of broadening the cultural-social unity of a wide social base for change.

# Case

#### Socio-political results are more important than methodological analysis

Strathausen 4 Assoc Pf of German & English Studies, U of Missouri-Columbia, (Carsten, theory @ buffalo 9)

Confronted with this criticism, Bourdieu readily acknowledges his tendency to "transform philosophical problems into politico-practical problems" *(Rede und Antwort* 47). In his view, one cannot "formulate the justification [for his theory] in absolute terms: it is a gradual problem" that requires the continuous self-analysis of the theorist in historical and practical terms (46). The reason is that any "objective" explanation of social relations cannot but substitute "the observer's relation to practice for the practical relation to practice" *(Logic of Practice* 34). Actively participating in a given society, Bourdieu claims, is radically different from simply describing the same society from an "outside" perspective: the former activity experiences practice as practice, whereas the latter objectifies practice in and as theory. Thus, society can be analyzed adequately only if an observer reflects upon *both the social relations he perceives and his own structural position vis-a-vis those relations.* Only then can the observer overcome the inevitable limitations of his own theoretical viewpoint from within a structuralist model that acknowledges these limitations and thereby accounts for their (contingent) effects. In the end, what matters to Bourdieu is **not a philosophical self-analysis of one's theoretical mode of operation**, but a pragmatic account of the socio-political results triggered by one's discursive intervention. For Bourdieu, much like for Marx himself, theory leads to practice, meaning that philosophical questions need to be explained historically and solved pragmatically, not theoretically.

#### Gendered binaries don’t organize the world- Their method is a flawed mode of analysis because it can’t explain everything

Hooper 1Charlotte (University of Bristol research associate in politics), *Manly States: Masculinities, International Relations, and Gender Politics* pp 45-46.

They constitute one dimension in the triangular nexus out of which gender identities and the gender order are produced. But at the same time, institutional practices are not always completely or unambiguously informed by such dichotomies, which may then **operate to obscure more complex relationships**. It is a mistake to see the language of gendered dichotomies as a uniﬁed and totalizing discourse that dictates every aspect of social practice to the extent that we are coherently produced as subjects in its dualistic image. As well as the disruptions and discontinuities engendered by the intersections and interjections of other discourses (race, class, sexuality, and so on) **there is always room for evasion, reversal, resistance, and dissonance** between rhetoric, practice, and embodiment, as well as reproduction of the symbolic order, as identities are negotiated in relation to all three dimensions, in a variety of **complex and changing circumstances**. On the other hand, the symbolic gender order does inform practice, and our subjectivities are produced in relation to it, so to dismiss it as performing only an ideological or propagandistic role is also too simplistic.

#### The left has to move beyond questions of oppression and the body as a site of political struggle. We can recognize that experiences are very real, but these experiences only become a resource when articulated as a political strategy. This is the only way to mobilize people against hegemonic structures.

**Grossberg, 92** [Lawrence, “Professor of Communications Studies at the University of North Carolina, We Gotta Get Out of This Place: Popular Conservatism and Postmodern Culture, 1992 p. 377-379]

The question, however, is whether a politics of identity **can provide a sufficient ground to organize both opposition and alternatives** to the contemporary conservative hegemony. The Left cannot ignore the issues of the differential structures of power that are inscribed upon the population, bur **it must refuse to begin by assuming that power can always be adequately understood or contested by simply acknowledging the suffering of the subordinate**. It has to address the increasing segmentation of the various subordi¬nate groups. Groups which have been traditionally produced through and within a binary mechanism are increasingly deployed in complex and context-specific ways. The contemporary organiza¬tion of power may construct and enable particular structures of binary racism in one place, while fragmenting the binarism in another. It may refuse racism at particular sites, and at others, demand it. And it may articulate specific fractions of apparently subordinated groups into real positions of power, or into positions in which their "real" interests lead them into conservative positions within which they seem to embrace their subordination. Thus, **it cannot be a simple question of Blacks or women or differentially abled organizing against the new conservatism** (since they are clearly not all in opposition), but rather of constructing a movement which can strategically and effectively mobilize people against it. It requires, in Deleuze and Guattari's terms, a politics of the minor. Oppositional struggle depends upon an analysis and identification of the agents and agencies, the historical forces (economic, cultural and political) which construct the configuration of everyday life, specific positions within it, and the relations between these and the larger social formation. The politics of identity is always a politics of resistance, operating at the local level, within the configurations of everyday life, since it refuses to transcend the specific identities and oppressions which are being contested. It allows only the extremes of political involvement: one can only act very locally or at very great distances. The Left, because it must allow any morally correct protest (and who is to decide except the victims), **cannot strategically define its priorities. Too often, it trivializes itself in public struggles**  which focus on the most minor signs of subordinate identities, especially given the real problems facing not only minorities but also the world. To develop a new conception of politics and alliance, we must move beyond both essentialism and the assumption that identity is the major site of political struggle. We have to define politics and the appropriate sites and forms of struggle by something other than the feelings of the oppressed. Racism, for example, whether aimed at Blacks, Latinos, Jews, Arabs, Asians, or any other group, is not merely a matter of the experience of the subordinate although that experience—the pain and anger—is very real. But it can only become a resource if it is articulated into a viable political strategy. We need to confront all forms of racism, including the racisms of subordinate groups, in our society. And we need to confront as well the ways racism is deployed in specific hegemonic struggles. This requires a politics of practice (e.g., a politics of antiracism) built on agency rather than identity.

#### Oppression is more than body politics- changing material conditions is necessary to resist oppression

Ebert 95, Pf Critical and Cultural Theory, University at Albany,

(Teresa, (Untimely) Critiques for a Red Feminism, Post-Ality, Marxism and Postmodernism, edited by Mas'ud Zavarzadeh)

For a red feminism this means that issues about the "nature of individuals" — gender, sexuality, pleasure, desire, needs — cannot be separated from the conditions producing individuals: not just the discursive and ideological conditions but most important the material conditions, the relations of production, which shape discourses and ideologies. Thus the struggle to end the exploitation and oppression of all women, and in particular of people of colour, lesbians and gays, within the metropole as well as the periphery, is **not simply a matter of** discursive or semiotic liberation or a question of the **resisting "matter of the body**," but a global social relation: it thus requires the transformation of the material conditions — the relations of production — producing these forms of oppression.

#### Body politics is reductionist- it posits that the body is the best starting point for all politics- this trades off with other attempts at liberation.

Ebert 95, Pf Critical and Cultural Theory, University at Albany,

(Teresa, (Untimely) Critiques for a Red Feminism, Post-Ality, Marxism and Postmodernism, edited by Mas'ud Zavarzadeh)

How is making discourse **or the matter of the body** the ground of politics and social analytic **any less reductive** than the economic base? Yet, while economic reductionism is to be avoided at all costs according to ludic theories, a discursive reductionism or a theological matterism **is widely embraced as a complex, sophisticated, and open multiplicity.** The issue here is not whether "reductionism" is negative: it is not-ask any rigorous scientist (Weinberg, "Two Cheers for Reductionism"). **To articulate the relations connecting seemingly disparate events and phenomena is in fact a necessary and unavoidable part of effective knowledge of the real**. Rather the question is why are some reductions-particularly those connecting the exploitation and gender division of labour to the accumulation of capital-suppressed and rendered taboo in ludic (socialist) feminism while other reductions-such as the discursive construction of sex/gender or a matterist resistance as performance-are championed and widely circulated? The answer, of course, does not lie in the "logic" of the argument, although that is the way it is commonly represented. On a purely epistemological or logical level both moves establish a necessary relation between two phenomena. Instead, the answer is in the economic, social and political interests these two forms of "reductionism" support and the power of bourgeois ideology to discredit historical materialist knowledges. Thus what is at stake in this displacement of the economic by discourse is the **elision of issues of exploitation** and the **substitution of a discursive identity politics** for the struggle for full social and economic emancipation.

#### Masculinity criticisms have been the primary means of explaining social change in the Middle East. Your K of masculinity gets it wrong and serves a conduit for domination

Amar 11 Paul, Journal of Middle East Women's Studies, Volume 7, Number 3, Fall

These public-discourse versions of masculinity studies and everyday etiologies of racialized Middle Eastern maleness operate as some of the primary public tools for analyzing political change and social conflict in the region. The same sets of vernacular theories also prop up intelligence services and terrorology industries whose wildly inaccurate studies of Islamism and of politics in general in the Middle East are often built upon pseudo-anthropological or psychological-behavioralist accounts of atavistic, misogynist, and hypersexual masculinities. These institutionalized methods of masculinity studies have shaped geopolitics [End Page 38] and generated support for war, occupation, and repression in the region for decades. In this light, when one embarks upon an attempt to reframe Middle East masculinity studies, it must be done with full self-consciousness. Although this field is seen by some as a cutting-edge, progressive corner of feminist and queer studies, its vernacular avatar is a primary node of domination. In a line of research I am developing, in which this article represents a first phase, I examine how everyday theories of masculinity and vernacular discourses of "masculinity in crisis" play crucial roles in misrecognizing, racializing, moralistically-depoliticizing, and class-displacing emergent social forces. Vernacular, public discourses and theories of masculinity help to render illegible the social realities of twenty-first-century multipolar geopolitics and the origins of insurgent racial, humanitarian, and securitized nationalisms and globalisms. I am searching for gender/sexuality/coloniality-conscious ways to reframe and render legible emergent formations and patterns that are rising up to challenge, reappropriate, or humanize security-state and police-state governance forms. These governance forms, which I group under the term "human security states" (Amar 2011b), emerged in part through the retrenchment and market-making structures referred to as neoliberalism. However, these governance forms now seem to be abandoning economistic rationalization and market liberalization frames for legitimization. They instead justify coercive state action through the humanization or humanitarianization of security governance, without reference to market rationales. They do so by invoking the rescue or cultivation of securitized human subjects, particularly those of sexualized gender and racialized class, as informed by both colonial legacies and new imperatives of transnational humanitarian discourses and parastatal security industries. Faced with this colonial return and the intensification of security-state governance forms, I argue that critical scholarly approaches need not resort to totalizing metaphors of "bare life" (Agamben 1998), emergency sovereignty, and imperial domination, as some contemporary European critical theory has done. By adopting a more conjunctural mix of post-disciplinary empiricism and alternative bodies of political and cultural theory, fields such as gender and sexuality studies, women's studies, queer studies, race and neocolonialism studies, and Middle Eastern studies can examine critically subjects of [End Page 39] masculinity and their hypervisibility in these contexts. By hypervisible subjects I mean fetishized figures that preoccupy public discourse and representations but are not actually recognizable or legible as social formations and cannot speak on their own terms as autonomous subjects rather than as problems to solve. They cannot be recognizable in their own socio-economic context of production. Moralized, criminalized, racialized, colonized masculinities in the Middle East are some of the most popular subjects of modern geopolitical hypervisibility, twinned with their fetishized Others or victims—the supposedly suppressed traditionalized veiled woman and the supposedly Occidentally-identified modernized gay man.

#### The belief that the state is only counter-productive is a narcotic form of politics – causing us to fall deeper into sleep.

Falk 11 Richard, American professor emeritus of international law at Princeton University, Is The State a Monster? Pro and Contra Nietzsche , June, http://richardfalk.wordpress.com/2011/06/

And yet we must be careful. Nietzsche’s excess, however eye-opening, is still excess. History vindicates the case for limited government. We need protection to live moderate and satisfying lives, to avoid crippling feuds. Nietzsche, shouting to be heard, exaggerated in some ways that are not instructive. We must not deify the state, or renounce our responsibilities as citizens to speak truthfully, or free the government from its obligations at home and abroad to act within the law, but even most of those among us who try to be citizens in the proper sense would still not opt for the chaos of an ungoverned social order if given a free choice. Our task is to build a just and ethically accountable state, not to abandon the enterprise as futile. It is not a middle ground that we seek that is content with more moderate forms of secular forms of idolatry. The struggle I support is what the French philosopher, Jacques Derrida, called for, I believe, when speaking of ‘the democracy to come.’ We need to listen carefully to the words of Nietzsche, but not be seduced by them to indulge idolatry in its negative form. To remove the blindfold, and see the state as the coldest of monsters is a necessary wakeup call for which we should thank Nietzsche for, even now, 140 years after Zarathustra was published. And yet we also need to resist the temptation to fall into a deeper sleep by adopting a posture of unrealizable and unacceptable negation of this strange political creature called the state. In the end, the state is not a monster, but a work in progress.

1. EXPOSURE becomes addictive. Your aff over-focuses on calling the state out, instead of fighting to relieve suffering

Isaac 2 New School for Social Research, (Jeffrey C., Social Research, Summer, p. EXAC)

More to the point, when such exposure becomes itself a political project, and **when it usurps the tasks of judgment, then it becomes insidious, for it lacks all nuance.** In a world of media manipulation and melodramatic sensationalism it may be clever, and may even be in a sense just, to **hoist politicians on their own moral petards**. But in a world of serious violence and injury, in which policies are not simply about rhetoric or appearances but about human consequences, **it is irresponsible** to make the exposure of official hypocrisy the ultimate public intellectual project. For this makes unnecessary, and cynical, concessions to a media culture that there is no reason to embrace and many reasons to resist. Even more significantly, to do so represents **a callous indifference** to real human suffering. For **it implies that the real issue is not what might be done to relieve the suffering**, but rather how certain (American) officials can be caught in their own verbal contradictions. To do so also ignores the important fact that politicians, try though they may, **do not control** moral symbols or political discourse. The discourse of human rights is **not a creation** of the Pentagon or the State Department. While these institutions may seek to use this discourse when it suits their purposes, **the discourse has a seriousness and a truth value independent** of these uses. Citizens, intellectuals, relief workers, and human rights activists who invoke this discourse to justify a range of actions, including but by no means reducible to military interventions in the name of humanitarian relief, are **not creatures of American propaganda**.

1. The ESSENTIALIZATION OF THE GOVERNMENT gets it wrong. It pre-decides what all governments can do and it becomes a way to ignore radical shifts in governing

Triantafillou in 0 Dept of Intercultural Communication & Management @ Copenhagen, (Peter, Work and subjectivity – A review of psychological, sociological and post-structuralist approaches, IKL Working Paper, no 39, Feb)

From this perspective, government may change its forms but it essentially remains the same, namely the attempt by one group to govern others. **Governmentality is thereby reduced to a transcendental and essentially undifferentiated (Same) activity**. However, as shown not only by Foucault but also by numerous political historians and philosophers, such as Quentin Skinner and James Tully, the problematizations, techniques, and knowledges informing the attempts to govern in Western Europe has **undergone several radical shifts just within the last four or five centuries**. Moreover, as noted by several authors - such as Nikolas Rose, Peter Miller, Jacques Donzelot, and Mitchell Dean - government has undergone a crucial mutation after WWII with the emergence of neo-liberal rationalities of government in the industrialized countries. In fact, du Gay’s own analysis of the emergence of the entrepreneurial self as a model for government, is an excellent demonstration of the transformation of the rationalities and practices of government in the UK during the 1980s. Thus **rather** **than travelling through history in an empty sameness** characterized by some abstract will to govern, the notion of governmentality – conceived in terms of rationalities and practices of government – may be more adequately understood as **designating a historically specific phenomenon**.

#### The contempt of the law is the same logic that justifies the demonization of all Muslims.

Kacem 11 M.B., French-Tunisian writer and philosopher. A Tunisian Renaissance. <http://www.lacan.com/thesymptom/?page\_id=1046>

As a Tunisian, I was already tired of the haughty contempt of those, always from important bourgeois universities, who have never stepped foot in a dictatorship but nonetheless think, from a distance, that Chinese concentration camps–they’re just great, the same thing as Lacan’s couch. I had had enough of the position typical of seventies’ leftism, the contempt for the Law, this way of saying that when all is said and done capitalist dictatorship is the same everywhere. At best it’s ridiculous, at worst obscene. This “hatred of democracy,” as Rancière puts it, which for the last few years has been eating away at the French intellectual extreme-left and beyond. This haughty contempt, as you put it, for formal “freedoms.” It’s always from within a democracy that one plays the trendy provocateur thumbing his nose at democracy. It’s always when one is protected by the Law that one can say, from the perspective of “the” political truth dreamed up in one’s office or some prestigious academic chair, that Law has no importance. It’s always when one already enjoys formal freedoms that one can scorn them elsewhere. There are no fewer rich on the side of “radical chic” than on the right, and in both cases, as if by chance, all those who make these kinds of remarks come from the grand bourgeoisie, and so give themselves away, even if they **brandish the little red book to shock the gallery**. Those who make these kinds of remarks are no better than those who, during the Tunisian revolution and now elsewhere, claim to see Islamism everywhere.

#### Reductionism turn-

#### Your dismissal of EVERYTHING legal is a MASSIVE over-generalization. And none of your arguments demonstrate that EVERY SINGLE INSTANCE of legalism is counter-productive. Your blanket rejection of ALL legalism turns the left into the right and it creates exclusions against disenfranchised groups who have worked to use the law.

Wilson 95 James G. Professor of Law, Cleveland State University. Arizona State Law Journal, Fall, 27 Ariz. St. L.J. 773

Karl Popper maintained that the Left is even more bedeviled by excessive rationalism than the Right. 309 Still influenced by Hegel and Marx, leftists tend to believe they can scientifically diagnose and cure all of society's ills. Their truths are self-evident and live in harmony. Because they know what [\*839] is "reasonable," anyone who disagrees with them must be "prejudiced." Indeed, many members of the Left are attracted to conspiracy theories to explain why their self-evident truths do not immediately triumph. 310 They gain excessive confidence in their beliefs, because few would disagree that our society suffers from class conflict, sexism, racism, and cultural intolerance. Their fury at the American judiciary, which refuses to adopt all of their ends immediately or completely, leads them to attack the entire legal enterprise. All existing judicial ends and means become suspicious, because some judicial means and ends do not satisfy their substantive standards. If some or all of the judges are class warriors or sexists, then it follows that all their means are equally tainted. Rules are no longer tools available to decisionmakers of all ideological perspectives, but become venal weapons of oppression. Thus, the leftist zeal to purge the system of prejudice creates a prejudice against judicial means that traditionally has been used to advance a wide range of ideologies. The Left and Right end up resembling each other by strictly applying different litmus tests to both judicial ends and judicial means to determine if a particular decision is politically correct. At the least, leftists feel they have successfully indicted the legal system by demonstrating its lack of logic. Roberto Unger described modern liberalism as riddled with antimonies -- logical contradictions. 311 Thus, they claim that balancing tests' indeterminacies or courts' fluctuations between forms reveals liberalism's incoherence. Technical problems are translated into core dilemmas of political philosophy. This article's examples demonstrate that there is no "logical" contradiction in using different means to satisfy conflicting ends. Legal opinions are enthymemes, not logical syllogisms. One should not expect complete coherence, because all legal enthymemes are premised upon prevailing public norms, which are not and need not be completely internally consistent. Most of us are understandably ambivalent about our fellow citizens. For instance, each of us wants to be treated individually (substantive justice) and equally (formal justice). Less abstractly, most of us are torn between maximizing one's own advantage and generating a civil, stable society. The legal Left's fascination with theory is particularly tragic, because leftist lawyers need to use all available technical tools to alter [\*840] society. Their clients cannot afford the luxury of lawyers trained exclusively in grand theory, "correct" outcomes, and indifference to legal technique.

#### LAW IS NOT INHERENTLY PATRIARCHIAL – YOUR ARGUMENT IS AN OVERSIMPLIFICATION

**SMART**, Pf Sociology @ Manchester, **1998**

(Carol, CRIMINOLOGY AT THE CROSSROADS, pg. 22)

This tension traditionally used to take the form of an assertion that law, being an epiphenomenal effect of patriarchy, could hardly be used to dismantle the said patriarchy. Attractive and succinct as this may sound, we now recognize that it is both **an oversimplification and a recipe for despair,** given that theorizing everything as an effect of a monolithic patriarchy rendered feminism itself little more than a false consciousness at best, or a device for sustaining patriarchy at worst. Our theories of gender and of law have moved on, but there has been another important development. The entry of feminists into law has **turned law into a site of struggle** rather than being taken only as a tool of struggle.

#### Unifying theories distract time and energy from a democratic renaissance – they divide ranks, telling people that their current forms of resistance are a waste of time.

RUDD 5 \* JEFFREY, Adjunct Professor of Law, University of Montana; University of Wisconsin-Madison, William and Mary Environmental Law and Policy Review, Spring, 29 Wm. & Mary Envtl. L. & Pol'y Rev. 551

Society should give up the unproductive pursuit of unifying theories purporting to explain the underlying structure of environmental law, policy, and regulation, and focus instead on the particular regulations and agency decision-making processes impeding the resolution of environmental conflicts. Practical solutions to regulatory problems develop in context, not through philosophical holism justified by "unifying" theories. Foundationalist n28 theories will never "screen off" n29 uncertainty or eliminate normative influences from regulatory decisions. [\*557] Democratic principles should guide efforts to improve the quality of the environmental regulatory system and its decision-making organizations. The hopeless endeavor of searching for "unifying" principles diverts valuable time and energy away from a productive, democratic renaissance in environmental law and regulation. "The answer to the defects of democracy is not denial of the democratic idea." n30

#### Totalization produces drones. Drones depend on abstraction inherent in the logic of threats. If we win a link you can’t solve our aff.

Wall 11, Tyler, Eastern Kentucky University. “Surveillance and Violence From Afar: The Politics of Drones and Liminal Security Scapes.” Theoretical Criminology.

Taken together, the techno-scientific mediation of modern-day weapons systems and the symbolic mediation of television and computer screens allow drone pilots and the general public to view war ‘from a distance’ while making way for organized state violence to be seen as virtuous (Der Derian, 2001)—that is, clean, precise, and noble. In this context of computerized ‘postmodern warfare’ (Gray, 1997), it seems reasonable to assert, as Kevin Robins and Les Levidow (1995: 120) did in the aftermath of the Gulf War of 1991: Killing is done ‘at a distance’, through technological mediation, without the shock of direct confrontation. The victims become psychologically invisible. The soldier appears to achieve a moral dissociation; the targeted ‘things’ on the screen do not seem to implicate him in a moral relationship. The technological mediation vital to what we call ‘the drone stare’ is most often framed by advocates of UAV systems as an unproblematic ability to see the truth of a particular situation (see Rattansi, 2010) or to achieve a totalizing view of the ‘object’ under cosmic control. In the words of Robins and Levidow (1995: 121): ‘Enemy threats—real or imag- inary, human or machine—became precise grid locations, abstracted from their human context.’ To the extent that this description is accurate, it would appear to hold true for the use of drones in combat as well as non-combat settings. Journalist Noah Shachtman (2005), who observed drone operators monitoring the US–Mexico border, betrays through his description the dehumanizing tendency of drone- mediated perceptions: ‘Everyone looks like germs, like ants, from the Hunter’s 15,000- foot point of view. Especially when the ant hill breaks apart, and everybody scatters in a dozen different directions.’ But this particular articulation makes no distinction between ‘illegal immigrants’, political refugees, or Mexican-American citizens. In this sense, the drone system radically homogenizes these identities into a single cluster of racialized information that is used for remote-controlled processes of control and harm. Bodies below become things to track, monitor, apprehend, and kill, while the pilot and other allies on the network remain differentiated and proximate, at least culturally if not physically.

# \*\*\*2NC

**Educational institutions like debate should enable students to participate in the process of governing. We can’t dismantle warfare states without creating the cultural conditions and public spheres to move beyond being spectators of war.**

Giroux 13 Henry A. is a social critic and educator, and the author of many books. He currently holds the Global Television Network Chair in English and Cultural Studies at McMaster University, Ontario, Monthly Review, Volume 65, Issue 01 (May)

In addition, as the state is hijacked by the financial-military-industrial complex, the “most crucial decisions regarding national policy are not made by representatives, but by the financial and military elites.”53 Such massive inequality and the suffering and political corruption it produces point to the need for critical analysis in which the separation of power and politics can be understood. This means developing terms that clarify how power becomes global even as politics continues to function largely at the national level, with the effect of reducing the state primarily to custodial, policing, and punishing functions—at least for those populations considered disposable. The state exercises its slavish role in the form of lowering taxes for the rich, deregulating corporations, funding wars for the benefit of the defense industries, and devising other welfare services for the ultra-rich. There is no escaping the global politics of finance capital and the global network of violence it has produced. Resistance must be mobilized globally and politics restored to a level where it can make a difference in fulfilling the promises of a global democracy. But such a challenge can only take place if the political is made more pedagogical and matters of education take center stage in the struggle for desires, subjectivities, and social relations that refuse the normalizing of violence as a source of gratification, entertainment, identity, and honor. War in its expanded incarnation works in tandem with a state organized around the production of widespread violence. Such a state is necessarily divorced from public values and the formative cultures that make a democracy possible. The result is a weakened civic culture that allows violence and punishment to circulate as part of a culture of commodification, entertainment, distraction, and exclusion. In opposing the emergence of the United States as both a warfare and a punishing state, I am not appealing to a form of left moralism meant simply to mobilize outrage and condemnation. These are not unimportant registers, but they do not constitute an adequate form of resistance. What is needed are modes of analysis that do the hard work of uncovering the effects of the merging of institutions of capital, wealth, and power, and how this merger has extended the reach of a military-industrial-carceral and academic complex, especially since the 1980s. This complex of ideological and institutional elements designed for the production of violence must be addressed by making visible its vast national and global interests and militarized networks, as indicated by the fact that the United States has over 1,000 military bases abroad.54 Equally important is the need to highlight how this military-industrial-carceral and academic complex uses punishment as a structuring force to shape national policy and everyday life. Challenging the warfare state also has an important educational component. C. Wright Mills was right in arguing that it is impossible to separate the violence of an authoritarian social order from the cultural apparatuses that nourish it. As Mills put it, the major cultural apparatuses not only “guide experience, they also expropriate the very chance to have an experience rightly called ‘our own.’”55 This narrowing of experience shorn of public values locks people into private interests and the hyper-individualized orbits in which they live. Experience itself is now privatized, instrumentalized, commodified, and increasingly militarized. Social responsibility gives way to organized infantilization and a flight from responsibility. Crucial here is the need to develop new cultural and political vocabularies that can foster an engaged mode of citizenship capable of naming the corporate and academic interests that support the warfare state and its apparatuses of violence, while simultaneously mobilizing social movements to challenge and dismantle its vast networks of power. One central pedagogical and political task in dismantling the warfare state is, therefore, the challenge of creating the cultural conditions and public spheres that would enable the U.S. public to move from being spectators of war and everyday violence to being informed and engaged citizens. Unfortunately, major cultural apparatuses like public and higher education, which have been historically responsible for educating the public, are becoming little more than market-driven and militarized knowledge factories. In this particularly insidious role, educational institutions deprive students of the capacities that would enable them not only to assume public responsibilities, but also to actively participate in the process of governing. Without the public spheres for creating a formative culture equipped to challenge the educational, military, market, and religious fundamentalisms that dominate U.S. society, it will be virtually impossible to resist the normalization of war as a matter of domestic and foreign policy. Any viable notion of resistance to the current authoritarian order must also address the issue of what it means pedagogically to imagine a more democratically oriented notion of knowledge, subjectivity, and agency and what it might mean to bring such notions into the public sphere. This is more than what Bernard Harcourt calls “a new grammar of political disobedience.”56 It is a reconfiguring of the nature and substance of the political so that matters of pedagogy become central to the very definition of what constitutes the political and the practices that make it meaningful. Critical understanding motivates transformative action, and the affective investments it demands can only be brought about by breaking into the hardwired forms of ¶ common sense that give war and state-supported violence their legitimacy. War does not have to be a permanent social relation, nor the primary organizing principle of everyday life, society, and foreign policy. The war of all-against-all and the social Darwinian imperative to respond positively only to one’s own self-interest represent the death of politics, civic responsibility, and ethics, and set the stage for a dysfunctional democracy, if not an emergent authoritarianism. The existing neoliberal social order produces individuals who have no commitment, except to profit, disdain social responsibility, and loosen all ties to any viable notion of the public good. This regime of punishment and privatization is organized around the structuring forces of violence and militarization, which produce a surplus of fear, insecurity, and a weakened culture of civic engagement—one in which there is little room for reasoned debate, critical dialogue, and informed intellectual exchange. Patricia Clough and Craig Willse are right in arguing that we live in a society “in which the production and circulation of death functions as political and economic recovery.”57 The United States understood as a warfare state prompts a new urgency for a collective politics and a social movement capable of negating the current regimes of political and economic power, while imagining a different and more democratic social order. Until the ideological and structural foundations of violence that are pushing U.S. society over the abyss are addressed, the current warfare state will be transformed into a full-blown authoritarian state that will shut down any vestige of democratic values, social relations, and public spheres. At the very least, the U.S. public owes it to its children and future generations, if not the future of democracy itself, to make visible and dismantle this machinery of violence while also reclaiming the spirit of a future that works for life rather than death—the future of the current authoritarianism, however dressed up they appear in the spectacles of consumerism and celebrity culture. It is time for educators, unions, young people, liberals, religious organizations, and other groups to connect the dots, educate themselves, and develop powerful social movements that can restructure the fundamental values and social relations of democracy while establishing the institutions and formative cultures that make it possible. Stanley Aronowitz is right in arguing that: the system survives on the eclipse of the radical imagination, the absence of a viable political opposition with roots in the general population, and the conformity of its intellectuals who, to a large extent, are subjugated by their secure berths in the academy [and though] we can take some solace in 2011, the year of the protester…it would be premature to predict that decades of retreat, defeat and silence can be reversed overnight without a commitment to what may be termed “a long march” through the institutions, the workplaces and the streets of the capitalist metropoles.58 The current protests among young people, workers, the unemployed, students, and others are making clear that this is not—indeed, cannot be—only a short-term project for reform, but must constitute a political and social movement of sustained growth, accompanied by the reclaiming of public spaces, the progressive use of digital technologies, the development of democratic public spheres, new modes of education, and the safeguarding of places where democratic expression, new identities, and collective hope can be nurtured and mobilized. Without broad political and social movements standing behind and uniting the call on the part of young people for democratic transformations, any attempt at radical change will more than likely be cosmetic.

# 2NC AT: Smart

#### LAW IS NOT INHERENTLY PATRIARCHIAL – YOUR ARGUMENT IS AN OVERSIMPLIFICATION

**SMART**, Pf Sociology @ Manchester, **1998**

(Carol, CRIMINOLOGY AT THE CROSSROADS, pg. 22)

This tension traditionally used to take the form of an assertion that law, being an epiphenomenal effect of patriarchy, could hardly be used to dismantle the said patriarchy. Attractive and succinct as this may sound, we now recognize that it is both **an oversimplification and a recipe for despair,** given that theorizing everything as an effect of a monolithic patriarchy rendered feminism itself little more than a false consciousness at best, or a device for sustaining patriarchy at worst. Our theories of gender and of law have moved on, but there has been another important development. The entry of feminists into law has **turned law into a site of struggle** rather than being taken only as a tool of struggle.

\_\_\_ **WE SHOULD NOT ABANDON THE LAW AS A SITE OF STRUGGLE – LAW IS PRODUCTIVE, NOT UNITARY**

**SMART**, Pf Sociology @ Manchester, **1998**

(Carol, CRIMINOLOGY AT THE CROSSROADS, pg. 31)

We must therefore remain critical of this tendency without abandoning law as a site of struggle. The second is to recognize the power of law as a technology of gender, but **not to be silenced by this realization**. Thus we should see the power of law as more than that negative sanction that holds women down. Law is also productive of gender difference and identity, yet this law is not monolithic and unitary.

\_\_\_ **YOUR K CONCEIVES OF THE LAW AS UNITARY**

**SMART**, Pf Sociology @ Manchester, **1998**

(Carol, CRIMINOLOGY AT THE CROSSROADS, pg. 23)

As with the "law is sexist" approach, the "law is male" perspective covers a range of more or less sophisticated positions. From the early work of Gilli-gan (1982) which seemed to attach male or masculine values to the biological referent and thus appeared biologically reductionist,8 to more recent work (Young, 1990; Tronto, 1989; Mossman, 1986) which details the exclusion of values of caring in preference for "uncaring" (i.e., impartiality), or the actual rules and methods for arriving at the legal (and hence impartial) decision by systematic exclusion of other perspectives.

Yet, important as these insights are, they perpetuate a number of specific problems. Firstly, this approach perpetuates the idea of law as a unity rather than problematizing law and dealing with its internal contradictions. Secondly, and without necessarily being explicit, this approach presumes that any system founded on supposedly universal values and impartial decision making (but which is now revealed to be particular and partial) serves in a systematic way the interests of men as a unitary category.9 We can see, therefore, that while great care is taken in these arguments to effect a distance from a biological determinism, there lingers an unstated presumption that men as a biological referent either benefit or are somehow celebrated in the rehearsal of values and practices which claim universality while (in reality) reflecting a partial position or world view.10 Yet we know that law does not serve the interests of men as a homogeneous category any more than it serves the interests of women as a category. It might, of course, be argued that these authors do not make this connection between male value systems and the interests of men and that I am forcing their argument to the sort of limits where any argument would start to look absurd. But there is a reason for stretching this argument, perhaps unfairly, which does not lie in the rather futile desire to show that no feminist argument transcends biological reductionism.

2NC Selfish Politics DA

Grossberg, 92 [Lawrence, “Professor of Communications Studies at the University of North Carolina, We Gotta Get Out of This Place: Popular Conservatism and Postmodern Culture, 1992 p. 388-390]

If the Left can give up its demand for purity, it may be able to make the compromises which may be necessary for effective political opposition in the contemporary world. It will act **strategically and tactically**, For example, it could use contemporary advertising to its own advantage ie.g., when Reagan came out in support of gun control, or in the "Big (keen" campaign in California, where effec¬tive advertising could have prepared people tor the corporate-spon¬sored media barage opposing the initiative). Politics is **always a strategic matter:** one must decide where and how to struggle, it has to be decided when identities, or ideologies or state politics **are appropriate and important sites of struggle**. And this will sometimes involve **the need to compare, evaluate and** perhaps **even** prioritize the demandsand claims **of** particular **struggles,** based not soley on moral commitments or theoretical reductions (as in alliance;- of solidarity) but on the exigencies and possibilities of the context. Questions need to be raised about the effective mobilization and deployment of resources, about when different fractions have to come together under a common identity, and when one group should act on behalf of another group's interest, rather than its own immediate interest. Such decisions will have to be based on political calculations of importance and possibility, but also on calculations about how best to mobilize peopleinto the particular struggle and **into a broader movement.** Sometimes that will mean having to bear defeats in one place, in order to win a victory somewhere else.

# 2NC AT: Permutation

**Debate should strive to become more worldly. And those doesn’t just mean having solidarity with victims. It means having solidarity for types of resistance. The aff’s hatred of all politics that is anywhere close to the state is a way of narrowing opportunities for solidarity and it’s dismissive and it’s a form of cruelty. They ignore that good people have been struggling for centuries to fights for rights and minimize the abuse of the state.**

ISAAC 2, New School for Social Research, (Jeffrey C., Social Research, Summer, p. EXAC)

The central section is Arendt's brief and rather awkward discussion of "the temporary alliance between the mob and the elite" (Arendt, 1973: 326-40). What concerns Arendt is the "terrifying roster of distinguished men" attracted to totalitarianism. From the discussion that follows it becomes clear that the "elite" in question is the **intellectual elite**, or at least a large subset of it, who exulted in the explosion of bourgeois society and all of its hypocrisies, and **who embraced** what they saw as the possibility of something **more authentic** (those named include Sorel, Pareto, Junger, Brecht, Celine, Gide, and Malraux). Arendt makes clear that she both understands and admires the "authenticity and passion" and indeed the sheer brilliance of these intellectuals. Anti-humanist, anti-liberal, and anti-individualist, they abhorred that "the bourgeoisie claimed to be the guardian of Western traditions and confounded all moral issues by parading publicly virtues which it not only did not possess in private and business life, but actually held in contempt" (334). It is easy to overlook, she notes, "how justified disgust can be in a society wholly permeated with the ideological outlook and moral standards of the bourgeoisie.... [W]hat a temptation to flaunt extreme attitudes in the hypocritical twilight of double moral standards" (328, 334). Nonetheless, Arendt argues, these intellectuals were making a terrible mistake. By flaunting the hypocrisies of bourgeois society they **believed** they were **heralding a more authentic mode of existence**; but in fact they merely fed the widespread cynicism of the time, and "encourage [d] everyone to discard the uncomfortable mask of hypocrisy" and embrace the values of nihilism (335). These cynical intellectuals raged against the double standards and mendacities of their society. But they "did not know they were running their heads not against walls but against open doors" (335). They did not realize that their exposures **did not promise a more satisfying form of life**, but only fueled the destruction of bourgeois order by nihilistic murderers. Arendt concludes with the damning though understated observation that they utterly lacked "a sense of reality" (335). What does Arendt mean here? She does not attribute primary responsibility, either causal or moral, for the rise of totalitarianism to these intellectuals, who were basically without power. But she does imply that they were guilty of a serious intellectual and indeed **ethical failure**, connected to the fact that while brilliant they were also cynical. Disgusted with bourgeois hypocrisy and its double standards, they abandoned standards altogether. Revolted by the impoverishment of social relationships, they abandoned all sense of genuine solidarity with fellow citizens or human beings. It was not simply that they lacked any clear sense of the actual consequences of their rage against liberalism. They also failed to offer, or to stand by, any moral values. They were enemies of hypocrisy rather than partisans of liberty. They lacked any "sense of reality"--any **sense of their responsibility** for the common world inhabited by men and women, and any sense of the role of their own ideas as potential sources of human good or evil. The theme of the conjunction of intellect and evil recurs again in the concluding sections of Origins, this time in connection not with the irresponsibility of intellectuals as such, but with the relentless logic of totalitarian ideologies. There is, she argues, not simply a dogmatism but a cruelty inherent in the totalistic explanations furnished by such ideologies. Such cruelty derives from the complete independence of totalitarian ideologies from "all experience." Totalitarian thinking reduces all that is unique, novel, or contingent to the simple terms of its own purported truth. All experience becomes reducible to the terms of that truth, and is forced, not simply politically but also intellectually, to conform to these terms. This accounts for what Arendt considers the most terrifying feature of totalitarian thought, its "stringent logicality." Ideological thinking, she argues, "orders facts into an absolutely logical procedure which starts from an axiomatically accepted premise, deducing everything else from it; that is, it proceeds with a consistency that exists nowhere in the realm of reality" (Arendt, 1973: 471). The ideologue, Arendt maintains, demands a consistency that is inconsistent with "the realm of reality." She does not deny that logic is a method of ordering concepts, or that consistency may be an intellectual virtue. But she maintains that such consistency is not and cannot be a defining quality of the world. The world is too complex, too pluralistic, to admit such consistency. It consists of the disparate experiences, beliefs, and convictions of diverse individuals and groups. And it consists of complex situations that admit of difficult and often tragic choices. The demand for consistency in such a world is too monistic. It is an intellectual conceit--and a conceit specific to intellectuals--to imagine that inconsistency or contradiction is the world's most profound problem, and that the resolution of such inconsistency by logical methods is the most important intellectual-cum-political task. For the elimination of inconsistency may well threaten the elimination of situational ambiguities and differences of opinion that are endemic to the human condition. And, more to the point, the world's most profound problem is not inconsistency or ambiguity or even hypocrisy. It is the infliction of harm and suffering on humans by other humans, and the consequent denial of elemental human dignity to the vulnerable and dispossessed. It is, in short, the denial of freedom to human beings. The "stringent logicality" of ideological thinking not only fails to make this suffering a primary concern; it **actually exacerbates this suffering**, **through its own cruel lack of political responsibility**, and through its tendency to gravitate toward cruel and unsavory causes that seem noble because of their relentless ideological consistency (see Shklar, 1984). I want to be clear about this. Arendt is talking about totalitarian ideologies, principally Nazism and Stalinism. She is not arguing that all of those who turn "logicality" into a supreme virtue are quasi totalitarians. But in criticizing totalitarian modes of thinking, she also makes a more general point: that "strict logicality," whatever its intellectual merits, can be hostile to other and more important human values. Intellectuals, she believes, are peculiarly liable to ignore this, for they often inhabit an imaginary world of pure ideality, in which ideas, especially their own ideas, predominate. This is the peculiar unworldliness of the intellectual. It is the source of much brilliance. But if intellectuals want to be social critics then they **must become worldly**, They must appreciate the irreducible complexity and plurality of the world (see Arendt, 1971: 50-54).

**The aff does not function in a vacuum – their aff will feed movements taken place in the status quo – hostility to the government feeds the neoliberal racism of the Tea Party. Their ‘demands on the state’ create an anti-racist praxis easily absorbed by neoliberalism**

Espositoi 11 Associate Professor of Sociology and Criminology at Barry University in Miami Shores, FL, Luigi, Theory in Action, White Fear and US Racism in the Era of Obama: The Relevance of Neoliberalism, Vol. 4, No.3, July

For example, much has been written and said about the increased popularity of White supremacist groups since Obama’s presidential election (e.g., Saslow, 2008), the blatant racism discernible among radical segments of the so-called Tea Party Movement (e.g., King, 2010), and the recent passing of laws in Arizona that encourages racial profiling and bans ethnic studies in public schools (Santa Cruz, 2010). Certainly, these trends deserve media attention and should concern anyone committed to racial/ethnic equity and social justice. Much less talked/written about, however, is how the current state of White fear/anxiety in the United States, and the racism promoted by this condition, is inextricably tied to recent shifts in the larger political economy—particularly the shift away from neoliberalism. As is well known, neoliberalism is a free market ideology that has dominated economic and socio-political policy for the past three decades (e.g., Harvey, 2005). Based on the idea that the free market is infallible and should thus be “the organizing principle for all social, political, and economic decisions,” neoliberalism continues to hold significant sway in the US public imagination (Giroux, 2008, p. 2). Since 2008, however, there seems to have been a shift away from neoliberalism in the US, particularly within the realm of economic policy. Thus, for example, rather than blindly relying on “free market” procedures (e.g., de-regulation) to correct the current economic crisis, the Obama administration has adopted Keynesian style policies that call for a more regulated economy (e.g., Harris and Davidson, 2009). This, in turn, has created an anti-statist and pro-capitalist backlash that, to a large extent, has become racialized (Burns, 2010). Specifically, current efforts to denounce and challenge the rise of “big government” and the presumed decline of personal liberty and free enterprise are also, to a large extent, protests against the perceived “decline of White America.” In light of these developments, I address the relevance of neoliberalism within the current movement against “big government” and proceed to make three general points with respect to the link between free market ideology, White fear/anxiety, and contemporary racism/racial inequity. First, I argue that Obama’s presidency, along with a perceived attack on revered neoliberal/free market principles associated with laissez faire and meritocracy, have reinforced assumptions about White victimhood in the United States. In effect, while not everyone who opposes the president and his policies is driven by racial bigotry, the argument can be made that Obama’s “big government” is condemned by millions of mostly White Americans not only as a threat to freedom and free enterprise, but a deviation from the “real” (i.e., White) America and a means towards ensuring preferential treatment for racial minorities. Particular attention is given to the Tea Party Movement, which many claim is at the forefront of the recent growth in anti-statist/right wing populism. Second, while much of the media has focused on the most blatant manifestations of racism among those associated with the far right, I argue that the greater racial challenge in the US today is predicated on a type of color blind ideology that favors White privilege and cuts across the conservative/liberal divide. Although this argument is not new (e.g., Bonilla-Silva, 2006; Wise, 2010), the growing belief that Whites are now a disadvantaged group, combined with an African-American president and a perceived attack on the free market during the past two years, has further solidified a post-racial discourse that draws from free market/neoliberal assumptions about self-reliance, the structural irrelevance of race, and the need to treat everyone as an individual. Barack Obama has himself emphasized this post-racial discourse throughout his political career. In doing so, current structures of racial inequality are sustained and, to a large extent, normalized. Lastly, I argue that serious efforts to challenge post-civil rights racism/racial inequity in the United States ought to critically engage neoliberalism not merely at the level of economic policy, but as a set of “public values, modes of rationality, and common sense assumptions” that legitimize color-blindness, reduce racism to a privatized discourse, and continue to support a system of White privilege in the United States (Giroux, 2004). Rather than post-racialism, what are needed are antiracist solutions that are incompatible with the neoliberal paradigm.

# 2NC AT: State Bad

#### even if things are bad, we should talk about them to convince the public is bad

Welsh 12 Scott Department of Communication Appalachian State University (“Coming to Terms with the Antagonism between Rhetorical Reflection and Political Agency”, *Philosophy and Rhetoric,* Vol. 45, No. 1, 2012, Jstor)

Our job should be to hypothetically advocate as many real policy positions proposed by actual political actors as possible, especially those arguments and advocacies that we think are flawed or wrong, so that we can make their weaknesses available to the public in the form of arguments they could use (and likewise, we should actively negate whatever ideas we personally think are the best so as to push them to their limits). Citizen activists on all sides of an issue will find things to appropriate from our discourse; regardless of how it turns out, the real-world political deliberations will be better informed, better reasoned, better debated. That is our politics.

# \*\*\*1NR

# 2NC Case

1. The ESSENTIALIZATION OF THE GOVERNMENT gets it wrong. It pre-decides what all governments can do and it becomes a way to ignore radical shifts in governing

Triantafillou in 0 Dept of Intercultural Communication & Management @ Copenhagen, (Peter, Work and subjectivity – A review of psychological, sociological and post-structuralist approaches, IKL Working Paper, no 39, Feb)

From this perspective, government may change its forms but it essentially remains the same, namely the attempt by one group to govern others. **Governmentality is thereby reduced to a transcendental and essentially undifferentiated (Same) activity**. However, as shown not only by Foucault but also by numerous political historians and philosophers, such as Quentin Skinner and James Tully, the problematizations, techniques, and knowledges informing the attempts to govern in Western Europe has **undergone several radical shifts just within the last four or five centuries**. Moreover, as noted by several authors - such as Nikolas Rose, Peter Miller, Jacques Donzelot, and Mitchell Dean - government has undergone a crucial mutation after WWII with the emergence of neo-liberal rationalities of government in the industrialized countries. In fact, du Gay’s own analysis of the emergence of the entrepreneurial self as a model for government, is an excellent demonstration of the transformation of the rationalities and practices of government in the UK during the 1980s. Thus **rather** **than travelling through history in an empty sameness** characterized by some abstract will to govern, the notion of governmentality – conceived in terms of rationalities and practices of government – may be more adequately understood as **designating a historically specific phenomenon**.

#### Over-simplification and cynicism turn the aff. Absolute negation the state produces cynicism – which doesn’t allow us to test the state, critical to generating evidence necessary to sustain anti-statist concerns.

Connolly 12 William E. Krieger-Eisenhower Professor at Johns Hopkins University where he teaches political theory. Political Philosophy > Theory & Event > Volume 15, Issue 1,

I am sure that the forgoing comments will appear to some as “optimistic” or “utopian”. But optimism and pessimism are both primarily spectatorial views. Neither seems sufficient to the contemporary condition. Indeed, pessimism, if you dwell on it long, easily slides into cynicism; and cynicism often plays into the hands of a right wing that applies it exclusively to every set of state activities not designed to coddle the corporate estate. That is one reason that “dysfunctional politics” redounds so readily to the advantage of cynics on the right who work to promote it. They want to promote cynicism with respect to the state and innocence with respect to the market. Pure critique, as already suggested, does not suffice either. Negative critique alone too often carries the critic to the edge of cynicism. Hence those sudden shifts from left to right that we have witnessed too many times. Given the urgency of the time, the need is to advance counter-interpretations as we activate the most promising political strategies to the contemporary condition out of a bad set. On top of assessing probabilities and predicting them with secret relish or despair—activities I myself pursue during the election season, we must define the urgent needs of the day in relation to a set of interim possibilities worthy of pursuit. We then test ourselves and those possibilities by trying to enact this or that aspect of them at multiple sites, turning back to reconsider their efficacy and side effects as circumstances shift and results accrue. In so doing we may appreciate how apparently closed and ossified structures are sometimes pocked with seams and fractures best pried open through a mix of public contestation of established interpretations, experimental shifts in multiple role performances, micropolitics in churches, universities, unions, the media and corporations, electoral politics, and cross-state citizen actions.

#### The contempt of the law is the same logic that justifies the demonization of all Muslims.

Kacem 11 M.B., French-Tunisian writer and philosopher. A Tunisian Renaissance. <http://www.lacan.com/thesymptom/?page\_id=1046>

As a Tunisian, I was already tired of the haughty contempt of those, always from important bourgeois universities, who have never stepped foot in a dictatorship but nonetheless think, from a distance, that Chinese concentration camps–they’re just great, the same thing as Lacan’s couch. I had had enough of the position typical of seventies’ leftism, the contempt for the Law, this way of saying that when all is said and done capitalist dictatorship is the same everywhere. At best it’s ridiculous, at worst obscene. This “hatred of democracy,” as Rancière puts it, which for the last few years has been eating away at the French intellectual extreme-left and beyond. This haughty contempt, as you put it, for formal “freedoms.” It’s always from within a democracy that one plays the trendy provocateur thumbing his nose at democracy. It’s always when one is protected by the Law that one can say, from the perspective of “the” political truth dreamed up in one’s office or some prestigious academic chair, that Law has no importance. It’s always when one already enjoys formal freedoms that one can scorn them elsewhere. There are no fewer rich on the side of “radical chic” than on the right, and in both cases, as if by chance, all those who make these kinds of remarks come from the grand bourgeoisie, and so give themselves away, even if they **brandish the little red book to shock the gallery**. Those who make these kinds of remarks are no better than those who, during the Tunisian revolution and now elsewhere, claim to see Islamism everywhere.

#### law contains seeds of own critique

EISENSTEIN 98**,** Professor and Chair of Politics at Ithaca College,

(Zillah R., Global Obscenities: Patriarchy, Capitalism, and the Lure of Cyberfantasy, http://search.barnesandnoble.com/booksearch/isbninquiry.asp?ean=9780814722053&displayonly=CHP)

The bourgeois nation-state was in part justified and authorized by the western/liberal-democratic version of publicness. This discourse, which is *also* a patriarchal and racialized discourse, has—often inadvertently—**provided the tools for its own critique**. The commonality of the public and the sharedness of citizenship allow those who are left behind to **critique exclusionary and undemocratic** notions of publicness and citizenship. The racialized and engendered aspects of nation and its notion of public are exacerbated as the economic bourgeois nation-state is undermined by global capital and its cybermedia complex. Public/private domains are renegotiated in real and virtual space. The transnational sexual division of labor is highlighted against this backdrop even while it is not represented in the discourses of virtual reality. Girls, especially, are exploited in the global factory, with little recognition of the global facets of the patriarchal power of transnational capital. As early as 1923 Walter Lippmann argued that there is really no such thing as `a' public—it is a construction of politics. Government as "the will of the people is a fiction," the public "is a mere phantom." The phantom public is neither public nor informed, but rather "a bewildered herd." As a result, Lippmann put no great stock in what can be done by "public opinion" or the "masses." When the notion of public is positioned hostilely against difference and radical pluralism, it negates the possibility of a liberatory democracy. The problem of publicness also appears when the state governs corruptly **rather than regulating and enhancing public space** democratically. A liberatory publicness must engage in open dialogue with multiple and different interests while protecting as well as empowering individuals within this domain. Postcommunist states can also be privatized in the hopes of creating "public participation." The process of privatization in this case is to create a "civic morality" where individual freedom will flourish. The goal of this participation is not merely to bring capitalist markets to eastern europe, but to use privatization to minimalize governmental authoritarianism. This process may necessitate destroying and eliminating authoritarian governments while embracing the idea of publicness in new ways. A full democratization of public life means envisioning the needs of all people—especially girls and women across the color divide—while displacing the logic of consumer capital. This demands an assault against the racialized patriarchal discourses and practices of global capital and its privatized notion of the transnational state. New ways of thinking and imagining are needed to reclaim the idea of publicness. How does one establish trust and concerns across time and space? According to Anthony Giddens, this will require a "transformation of intimacy." After all, the nuclear plant disaster at Chernobyl demonstrated just how small the globe is. Women from across the globe meeting in Beijing began to draw these new lines: of a public of women and girls across and through different cultures and values speaking against global poverty, sexual violence, and discrimination of all kinds. This new notion of citizenship does not use the borders of nation/family, public/private, or government/economy. As long as we are able to creatively imagine a community at odds with capital's use of racialized patriarchy, **the very idea of publicness can be used as a start to discipline transnational capital.** This **process of `imagining'** requires **an assault** on mediated, **antigovernment imaginaries**. The rhetoric of privatization—that **government can do no right—distorts the possibilities available for creating democratic publics by assuming that all government, not just bad government, is the problem.** Actually, government largesse has a significant history of success. Through research and development, the u.s. government has funded fossil fuels and the "renewables revolution" with positive effects in developing energy alternatives, environmental protection, and a growth economy. Present cuts in research and development have a double-edged effect, especially in areas such as biofuels, bioenergy crops, and electric cars. Many tools of government—including taxing, licensing, public works, and anti-trust laws—let individuals get what they want: parks to walk in, roads to drive on and so on. It was government investment that put a man on the moon, footed the G.I. bill, and built Boulder Dam. The internet owes its life to government funding. U.S. corporate dominance in computers and software is due in large part to the pentagon's advanced research projects. Most of the computer technology used for the internet was developed by and for the military and now is being completely taken over by private corporations, as they reap the profits of public investment. Today's continued privatization of the u.s. government means large cuts in social services and much smaller cuts in corporate welfare. The latter cuts are more indirect, but they nevertheless affect individuals by the air we breathe, the medicines that are not researched and developed, and so on. Similar cutbacks are part of most first-world politics today. Canadians took to the streets in October 1996 to demonstrate against the destruction of their governmentally subsidized safety net. Many regard this social safety net as quintessentially canadian, a defining component of their "caring society." The privatization of and cutbacks in the welfare state continue to devastate. By 1992, less than 1 percent of the u.s. GNP was spent on human welfare. By 1996, 20.8 percent of all u.s. children were defined as poor. Yet, billions of dollars continue to subsidize corporate interests. Welfare caseloads shrink, homelessness escalates, and shelters overflow. Utter destitution is the order of the day in the streets of most large cities, while Wall Street bonus babies cruise the Hamptons in their shiny new muscle cars. Ending welfare as the united states has known it also **kills the idea that we share a public responsibility for one another**. The extreme forms of this new poverty constitute the other side of the process of privatization begun a quarter century ago. A new selfishness denies welfare benefits to immigrants and public education to the children of illegal immigrants. Nations point to the "limitations of the state" and the constraints of global capital to justify the abandonment of equality as a goal. This abandonment creates new loopholes to help the very rich become even richer. It lessens capital investment in physical infrastructure, while those who have the means access services on the net. Meanwhile, former chief of staff General Colin Powell, along with several former u.s. presidents, generate a campaign "to privatize compassion" through volunteerism in the corporate sector. Good luck to us all. It feels like I have settled between a rock and a hard place. We need to imagine and then claim a public-regarding politics that stands against BOTH global capital and a simple reactivation of previous forms of the social-welfare state. AND this dialogue must move toward a notion of publicness that embraces the needs of all people and their global environments.

#### Unifying theories distract time and energy from a democratic renaissance – they divide ranks, telling people that their current forms of resistance are a waste of time.

RUDD 5 \* JEFFREY, Adjunct Professor of Law, University of Montana; University of Wisconsin-Madison, William and Mary Environmental Law and Policy Review, Spring, 29 Wm. & Mary Envtl. L. & Pol'y Rev. 551

Society should give up the unproductive pursuit of unifying theories purporting to explain the underlying structure of environmental law, policy, and regulation, and focus instead on the particular regulations and agency decision-making processes impeding the resolution of environmental conflicts. Practical solutions to regulatory problems develop in context, not through philosophical holism justified by "unifying" theories. Foundationalist n28 theories will never "screen off" n29 uncertainty or eliminate normative influences from regulatory decisions. [\*557] Democratic principles should guide efforts to improve the quality of the environmental regulatory system and its decision-making organizations. The hopeless endeavor of searching for "unifying" principles diverts valuable time and energy away from a productive, democratic renaissance in environmental law and regulation. "The answer to the defects of democracy is not denial of the democratic idea." n30

#### Totalization produces drones. Drones depend on abstraction inherent in the logic of threats. If we win a link you can’t solve our aff.

Wall 11, Tyler, Eastern Kentucky University. “Surveillance and Violence From Afar: The Politics of Drones and Liminal Security Scapes.” Theoretical Criminology.

Taken together, the techno-scientific mediation of modern-day weapons systems and the symbolic mediation of television and computer screens allow drone pilots and the general public to view war ‘from a distance’ while making way for organized state violence to be seen as virtuous (Der Derian, 2001)—that is, clean, precise, and noble. In this context of computerized ‘postmodern warfare’ (Gray, 1997), it seems reasonable to assert, as Kevin Robins and Les Levidow (1995: 120) did in the aftermath of the Gulf War of 1991: Killing is done ‘at a distance’, through technological mediation, without the shock of direct confrontation. The victims become psychologically invisible. The soldier appears to achieve a moral dissociation; the targeted ‘things’ on the screen do not seem to implicate him in a moral relationship. The technological mediation vital to what we call ‘the drone stare’ is most often framed by advocates of UAV systems as an unproblematic ability to see the truth of a particular situation (see Rattansi, 2010) or to achieve a totalizing view of the ‘object’ under cosmic control. In the words of Robins and Levidow (1995: 121): ‘Enemy threats—real or imag- inary, human or machine—became precise grid locations, abstracted from their human context.’ To the extent that this description is accurate, it would appear to hold true for the use of drones in combat as well as non-combat settings. Journalist Noah Shachtman (2005), who observed drone operators monitoring the US–Mexico border, betrays through his description the dehumanizing tendency of drone- mediated perceptions: ‘Everyone looks like germs, like ants, from the Hunter’s 15,000- foot point of view. Especially when the ant hill breaks apart, and everybody scatters in a dozen different directions.’ But this particular articulation makes no distinction between ‘illegal immigrants’, political refugees, or Mexican-American citizens. In this sense, the drone system radically homogenizes these identities into a single cluster of racialized information that is used for remote-controlled processes of control and harm. Bodies below become things to track, monitor, apprehend, and kill, while the pilot and other allies on the network remain differentiated and proximate, at least culturally if not physically.

#### Body politics is reductionist- it posits that the body is the best starting point for all politics- this trades off with other attempts at liberation.

Ebert 95, Pf Critical and Cultural Theory, University at Albany,

(Teresa, (Untimely) Critiques for a Red Feminism, Post-Ality, Marxism and Postmodernism, edited by Mas'ud Zavarzadeh)

How is making discourse **or the matter of the body** the ground of politics and social analytic **any less reductive** than the economic base? Yet, while economic reductionism is to be avoided at all costs according to ludic theories, a discursive reductionism or a theological matterism **is widely embraced as a complex, sophisticated, and open multiplicity.** The issue here is not whether "reductionism" is negative: it is not-ask any rigorous scientist (Weinberg, "Two Cheers for Reductionism"). **To articulate the relations connecting seemingly disparate events and phenomena is in fact a necessary and unavoidable part of effective knowledge of the real**. Rather the question is why are some reductions-particularly those connecting the exploitation and gender division of labour to the accumulation of capital-suppressed and rendered taboo in ludic (socialist) feminism while other reductions-such as the discursive construction of sex/gender or a matterist resistance as performance-are championed and widely circulated? The answer, of course, does not lie in the "logic" of the argument, although that is the way it is commonly represented. On a purely epistemological or logical level both moves establish a necessary relation between two phenomena. Instead, the answer is in the economic, social and political interests these two forms of "reductionism" support and the power of bourgeois ideology to discredit historical materialist knowledges. Thus what is at stake in this displacement of the economic by discourse is the **elision of issues of exploitation** and the **substitution of a discursive identity politics** for the struggle for full social and economic emancipation.

1. The government is not a unitary experience. The Obama administration is different from the Bush administration as the Texas legislature is radically different from California. The same is also about social activism

Lobel 7, Assistant Professor of Law, University of San Diego, (Orly, Harvard Law Review, 120 Harv. L. Rev. 937)

At first glance, the idea of opting out of the legal sphere and moving to an extralegal space using alternative modes of social activism may seem attractive to new social movements. We are used to thinking in binary categories, constantly carving out different aspects of life as belonging to different spatial and temporal spheres. Moreover, we are attracted to declarations about newness - new paradigms, new spheres of action, and new strategies that are seemingly untainted by prior failures. [186](http://www.lexis.com/research/retrieve?_m=b7d531dcca7209b987833602ed6fbb4e&docnum=23&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzb-zSkAt&_md5=3f8bfd4662cb01d0d1bf9f28a63e1155&focBudTerms=lobel%20and%20harvard&focBudSel=all#n186) However, the critical insights about law's reach must not be abandoned in the process of critical analysis. Just as advocates of a laissez-faire market are incorrect in imagining a purely private space free of regulation, and just as **the "state" is not a single organism but a multiplicity of legislative, administrative, and judicial organs,** "nonstate arenas" are dispersed, multiple, and constructed. The focus on action in a separate sphere broadly defined as civil society can be **self-defeating** precisely because it **conceals** the many ways in which law continues to play a crucial role in all spheres of life. Today, the lines between private and public functions are increasingly blurred, forming what Professor Gunther Teubner terms "polycorporatist regimes," a symbiosis between private and public sectors. [187](http://www.lexis.com/research/retrieve?_m=b7d531dcca7209b987833602ed6fbb4e&docnum=23&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzb-zSkAt&_md5=3f8bfd4662cb01d0d1bf9f28a63e1155&focBudTerms=lobel%20and%20harvard&focBudSel=all#n187) Similarly, new economic partnerships and structures blur the lines between for-profit and nonprofit entities. [188](http://www.lexis.com/research/retrieve?_m=b7d531dcca7209b987833602ed6fbb4e&docnum=23&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzb-zSkAt&_md5=3f8bfd4662cb01d0d1bf9f28a63e1155&focBudTerms=lobel%20and%20harvard&focBudSel=all#n188) Yet much of the current literature on the limits of legal reform and the crisis of government action is built upon a privatization/regulation binary, particularly with regard  [\*979]  to social commitments, paying little attention to how the background conditions of a privatized market can sustain or curtail new conceptions of the public good. [189](http://www.lexis.com/research/retrieve?_m=b7d531dcca7209b987833602ed6fbb4e&docnum=23&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzb-zSkAt&_md5=3f8bfd4662cb01d0d1bf9f28a63e1155&focBudTerms=lobel%20and%20harvard&focBudSel=all#n189) In the same way, legal scholars often emphasize sharp shifts between regulation and deregulation, overlooking the continuing presence of legal norms that shape and inform these shifts. [190](http://www.lexis.com/research/retrieve?_m=b7d531dcca7209b987833602ed6fbb4e&docnum=23&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzb-zSkAt&_md5=3f8bfd4662cb01d0d1bf9f28a63e1155&focBudTerms=lobel%20and%20harvard&focBudSel=all#n190) These false dichotomies should resonate well with classic cooptation analysis, which shows how social reformers **overestimate the possibilities of one channel for reform** while crowding out other paths and more complex alternatives.

The fear of state means that it will never hold itself accountable for all that it does

Lobel in 7 Assistant Professor of Law, University of San Diego, (Orly, Harvard Law Review, 120 Harv. L. Rev. 937)

In a classic example of cooptation, activists should be concerned about the infusion (or indeed confusion) of nonlegal strategies with **conservative privatization agendas**. Indeed, in significant social policy contexts, legal scholarship oriented toward **the exploration of extralegal paths reinforces the exact narrative that it originally resisted - that the state cannot and should not be accountable** for sustaining and improving the lifeworld of individuals in the twenty-first-century economy and that we must seek alternative ways to bring about social reform. Whether using the terminology of a path-dependent process, an inevitable downward spiral, a transnational prisoner's dilemma, or a global race to the bottom, current analyses often suggest a lack of control over the forces of new economic realities. Rather than countering the story of lack of control, pointing to the ongoing role of government and showing the contradictions between that which is being kept regulated and that which is privatized, alternative extralegal scholarship **accepts these developments as natural and inevitable**.

1. Your hatred of the state produces a false belief in the potential for change

Lobel 7 Assistant Professor of Law, University of San Diego, (Orly, Harvard Law Review, 120 Harv. L. Rev. 937)

Most recently, some thinkers have even suggested that there may be "something inherent in the left's **conception of social change** - focused as it is on participation and empowerment - that **produces a unique distrust of legal expertise**." [222](http://www.lexis.com/research/retrieve?_m=b7d531dcca7209b987833602ed6fbb4e&docnum=23&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzb-zSkAt&_md5=3f8bfd4662cb01d0d1bf9f28a63e1155&focBudTerms=lobel%20and%20harvard&focBudSel=all#n222) Once again, this conclusion reveals flaws parallel to the original disenchantment with legal reform. Although the new extralegal frames present themselves as apt alternatives to legal reform models and as capable of producing significant changes to the social map, in practice they generate **very limited improvement in existing social arrangements**. Most strikingly, the cooptation effect here can be explained in terms of the most profound risk of the typology - that of legitimation. The common pattern of extralegal scholarship is to describe an inherent instability in dominant structures by pointing, for example, to grassroots strategies, [223](http://www.lexis.com/research/retrieve?_m=b7d531dcca7209b987833602ed6fbb4e&docnum=23&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzb-zSkAt&_md5=3f8bfd4662cb01d0d1bf9f28a63e1155&focBudTerms=lobel%20and%20harvard&focBudSel=all#n223) and then to assume that specific instances of counterhegemonic activities translate into a more complete transformation. This **celebration of multiple micro-resistances** seems to rely on an aggregate approach - an idea that the multiplication of practices will evolve into something substantial. In fact, the myth of engagement obscures the actual lack of change being produced, while the broader pattern of **equating extralegal activism with social reform produces a false belief in the potential of change**. There are few instances of meaningful reordering of social and economic arrangements and macro-redistribution. Scholars write about decoding what is really happening, as though the scholarly narrative has the power to unpack more than the actual conventional experience will admit. [224](http://www.lexis.com/research/retrieve?_m=b7d531dcca7209b987833602ed6fbb4e&docnum=23&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzb-zSkAt&_md5=3f8bfd4662cb01d0d1bf9f28a63e1155&focBudTerms=lobel%20and%20harvard&focBudSel=all#n224) Unrelated efforts become related and part of a whole through mere reframing. At the same time, the elephant in the room - the rising level of economic inequality - is left unaddressed and comes to be understood as natural and inevitable. [225](http://www.lexis.com/research/retrieve?_m=b7d531dcca7209b987833602ed6fbb4e&docnum=23&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzb-zSkAt&_md5=3f8bfd4662cb01d0d1bf9f28a63e1155&focBudTerms=lobel%20and%20harvard&focBudSel=all#n225) This is precisely the problematic process that critical theorists decry as losers' self-mystification, through which marginalized groups come to see systemic losses as the  [\*986]  product of their own actions and thereby begin to focus on minor achievements as representing the boundaries of their willed reality.