# 1nr overview

Debate should be a site of contestation but one that involves engaging the state or the topic in some meaningful way with a topical plan – our arguments for the importance of deliberation and education are critical – if they are correct that this round is key and does not spill over you should vote for the interpretation that better prepares us educationally – the Tsianos evidence impacts this specific to debate which is something none of their arguments do – fair, equal contestation is critical

# 1nr contestation

#### Radical pessimism is self-negating—values can only be incorporated if privileged individuals who recognize the harm of society have some role in a dialogic process—this proves they have no role of the negative in their framework

**Bell and Bansal 1988 –** first tenured African-American Professor of Law at Harvard Law School, one of the originators of critical race theory, Visiting Professor at New York University School of Law, former Dean of the University of Oregon School of Law (Derrick Bell and Preeta Bansal, Yale Law Journal, 97.8, “Symposium: The Republican Civic Tradition”)

In so asking, Michelman demonstrates that he, like generations of black Americans, recognizes the defects in our democracy and yet remains motivated to sift through the ashes of our political and jurisprudential past for remnants of what might have been and, in his view, what might yet be. This is what the Michelmans and Sunsteins in our midst know, and who can say that their vision is flawed beyond all feasibility? Certainly not the old man of the story, nor those black people who recognize that their survival depends on making real the ideals that are so frequently espoused in this society and so little observed. Skepticism about the republican ideal would stem less from disbelief than from concern that too often coalitions forged in the name of improved government are wrought through compromises that sacrifice participation by blacks.40 That is the inescapable and seemingly unchangeable pattern of this country's political and judicial functioning.¶ Having Professors Michelman and Sunstein join blacks in the quest to make real the ideals and aspirations of American democracy through abiding faith in the judiciary is not a negligible contribution on their part. By gross definition, they both are members of the oppressor class. They are, however, obviously aware of the oppression their society imposes by color and class-based fiat. Indeed, the essays are their offering to the struggle, exercises in scholarship that are reflections of their concern and, perhaps, manifestations of their faith.¶ Inadequate? Probably, given the logic-defying barriers of power-based precedent lurking just behind the dense smokescreen of race. But the oppressed will not triumph over these barriers through faith alone. And those slender reeds that are accepted as "black progress" cannot emerge without the nurture of some whites who realize that the oppression of blacks does not oppress blacks alone, but, indeed, that it denies all of humanity the full emancipatory potential of critical, dialogic self-rule. Thus, while the current interest in civic republicanism may be a passing fashion for those with the luxury to revel in the life of the mind, the skepticism that is a necessary defense for the perpetually disadvantaged should not blind minorities to the possibility that faith in the intellectual solution may be as deserving of recognition as faith that our humanity will not always be subordinated because we are not white.

# 1nr at this round key

#### Competition nullifies any potential for in-round activism—using rounds themselves as the site of protest trades off with addressing inequalities

**Zompetti 2004** – assistant professor, School of Communication, Illinois State University (Joseph, Contemporary Argumentation and Debate, 25, “PERSONALIZING DEBATING: DIVERSITY AND TOLERANCE IN THE DEBATE COMMUNITY”)

The second major problem with this turn in contemporary policy debate is its deflection, if not downright rejection, of more fundamental or core problems which are the cause of marginalization. Dana Cloud (1998) poignantly argues that when focusing on the personalizing of "debating," society stifles dissent, which is probably more important and powerful at ushering-in social change than particularized attention to therapeutic, albeit victimized, perspectives. The will to engage in discourse about transgression is one of individualized therapy, as if the individual's psychological condition is at stake (e.g., arguments about "discursive violence" are often deployed to this end). Her argument is primarily one about key progressive change – should we focus on individual notions of psychological distress or the larger group's problem of resource-based scarcity and exploitation? If one is compelled by the argument that we should look self-reflexively2 and comprehensively at the nature of excluding debaters of color and other marginalized groups, then we might be tempted to agree with the outcome of piecemeal solutions and incoherent policies. On the other hand, we may want to analyze how such relationships occurred and grew when other relationships and situations were not as obvious. In fact, we may want to even broaden our interpretation of such relationships – exactly how are students of color marginalized? Why do folks believe they have nothing to contribute? Why do students of color feel excluded? It is very difficult, if not impossible, to get at these questions during a collegiate debate round. Not only is the limited time in a round an impediment at answering these complex questions, but both debaters of a single team may advance different personalized arguments, creating a moving target of advocacy that the opposing team and judges have difficulty in specifically pinning down for thorough and productive examination. Or, as Cloud suggests, such therapeutic arguments "deflect [sic] the energy and radicalism of activists," essentially creating a shell-game during private discussions of much larger societal problems (1998, p. 34). In addition, these questions are often skirted in debate rounds because there is a drive for competition. While some critical self-reflection has undoubtedly occurred as a result of personalizing debate, the overwhelming majority of debaters and coaches spend less time thinking about the core problems of marginalization (and their solutions) than they do locating debate strategies to beat personalization arguments at the next tournament. During squad meetings and coaching sessions, one does not hear an opposing team sincerely talk about their privilege or the exclusion of women or people of color in the debate community. Instead, one hears about what topicality argument, framework argument, or counter-narrative will be deployed to win the judge's ballot. The problem of therapeutic rhetoric underscores how personalized debating prevents examination of more important factors such as resource disparity.Thus, the underlying therapeutic nature of personalized debate, coupled with the competitive component of trying to win debate rounds nullifies any chance at a fruitful and productive discussion about the problems of marginalization and their potential solutions. A focus on the personal – my experience, my narrative, my feelings, how I learn, how I can engage the community – is quite seductive; we all want to know how we fit into the larger structure of the community. And, given the intense nature of our activity, it is easy to get lost in how our feelings of hard work, emotional attachment, anxiety, despair, excitement, success, and so on become interfaced with larger community trends. Ultimately, however, a focus on the personal is a dead-end. The community's composition of multiple persons, who become focused on themselves, ignores the community at large. This can be seen with the move toward personalizing debating. Instead of examining problems of resource disparity (high costs of travel, scholarships, lack of novice tournaments, disparate coaching staffs, etc.) which plague debaters and debate programs throughout the country,1 the personalization arguments focus on different styles of debating (slow vs. fast, hip-hop vs. traditional evidence), individual identity (black vs. white, privileged vs. marginalized), and praxis (I'm doing something about the problem vs. you're not). Indeed, as Cloud argues, the "privatizing, normalizing, and marginalizing discourses of the therapeutic are incompatible with a public-, policy-, and change-oriented definition of politics" (1998, p. 7).

# 1nr rez link

#### No link—our claim is not that you should assume the identity of your oppressor or cast aside subjectivity. The resolution requires a normative stance because both sides can contest and prepare multiple perspectives in advance. There's a fundamental difference between claiming something should change and roleplaying.

#### DEBATE role-play activates agency by emphasizing the mutually constitutive nature of truth and identity

**Hanghoj 2008** – PhD, assistant professor, School of Education, University of Aarhus, also affiliated with the Danish Research Centre on Education and Advanced Media Materials, located at the Institute of Literature, Media and Cultural Studies at the University of Southern Denmark (Thorkild, http://static.sdu.dk/mediafiles/Files/Information\_til/Studerende\_ved\_SDU/Din\_uddannelse/phd\_hum/afhandlinger/2009/ThorkilHanghoej.pdf)

Thus, debate games require teachers to balance the centripetal/centrifugal forces of gaming and teaching, to be able to reconfigure their discursive authority, and to orchestrate the multiple voices of a dialogical game space in relation to particular goals. These Bakhtinian perspectives provide a valuable analytical framework for describing the discursive interplay between different practices and knowledge aspects when enacting (debate) game scenarios. In addition to this, Bakhtin’s dialogical philosophy also offers an explanation of why debate games (and other game types) may be valuable within an educational context. One of the central features of multi-player games is that players are expected to experience a simultaneously real and imagined scenario both in relation to an insider’s (participant) perspective and to an outsider’s (co-participant) perspective. According to Bakhtin, the **outsider’s perspective** reflects a fundamental aspect of human understanding: In order to understand, it is immensely important for the person who understands to be located outside the object of his or her creative understanding – in time, in space, in culture. For one cannot even really see one's own exterior and comprehend it as a whole, and no mirrors or photographs can help; our real exterior can be seen and understood only by other people, because they are located outside us in space, and because they are others (Bakhtin, 1986: 7). As the quote suggests, every person is influenced by others in an inescapably intertwined way, and consequently no voice can be said to be isolated. Thus, it is in the interaction with other voices that individuals are able to reach understanding and find theirown voice**.** Bakhtin also refers to the ontological process of finding a voice as “ideological becoming”, which represents “the process of selectively assimilating the words of others” (Bakhtin, 1981: 341). Thus, by teaching and playing debate scenarios, it is possible to support students in their process of becoming not only themselves, but also in becoming articulate and responsive citizens in a democratic society.

# at: fairness rigged

#### There's a distinction between institutional and competitive fairness—neither team solves the fact that economic inequality, personal obligations, and geography influence success, but their remedy makes it worse. Unlimited topics are more exploitable by teams with large research capacities, and having a limited topic at least means there's an equal burden for both sides of the topic.

#### The argument that our framework is systemically bias is a self-serving assertion to sidestep clash—all of their reasons not to defend the topic can be appropriated by actors with opposite goals

**Talisse 2005** – philosophy professor at Vanderbilt (Robert, Philosophy & Social Criticism, 31.4, “Deliberativist responses to activist challenges”) \*note: gendered language in this article refers to arguments made by two specific individuals in an article by Iris Young

My call for a more detailed articulation of the second activist challenge may be met with the radical claim that I have begged the question. It may be said that my analysis of the activist’s challenge and my request for a more rigorous argument presume what the activist denies, namely, that arguments and reasons operate independently of ideology. Here the activist might begin to think that he made a mistake in agreeing to engage in a discussion with a deliberativist – his position throughout the debate being that one should decline to engage in argument with one’s opponents! He may say that of course activism seems lacking to a deliberativist, for the deliberativist measures the strength of a view according to her own standards. But the activist rejects those standards, claiming that they are appropriate only for seminar rooms and faculty meetings, not for real-world politics. Consequently the activist may say that by agreeing to enter into a discussion with the deliberativist, he had unwittingly abandoned a crucial element of his position. He may conclude that the consistent activist avoids arguing altogether, and communicates only with his comrades. Here the discussion ends.

However, the deliberativist has a further consideration to raise as his discursive partner departs for the next rally or street demonstration. The foregoing debate had presumed that there is but one kind of activist and but one set of policy objectives that activists may endorse. Yet Young’s activist is opposed not only by deliberative democrats, but also by persons who also call themselves ‘activists’ and who are committed to a set of policy objectives quite different from those endorsed by this one activist. Once these opponents are introduced into the mix, the stance of Young’s activist becomes more evidently problematic, even by his own standards.

To explain: although Young’s discussion associates the activist always with politically progressive causes, such as the abolition of the World Trade Organization (109), the expansion of healthcare and welfare programs (113), and certain forms of environmentalism (117), not all activists are progressive in this sense. Activists on the extreme and racist Right claim also to be fighting for justice, fairness, and liberation. They contend that existing processes and institutions are ideologically hegemonic and distorting. Accordingly, they reject the deliberative ideal on the same grounds as Young’s activist. They advocate a program of political action that operates outside of prevailing structures, disrupting their operations and challenging their legitimacy. They claim that such action aims to enlighten, inform, provoke, and excite persons they see as complacent, naïve, excluded, and ignorant. Of course, these activists vehemently oppose the policies endorsed by Young’s activist; they argue that justice requires activism that promotes objectives such as national purity, the disenfranchisement of Jews, racial segregation, and white supremacy. More importantly, they see Young’s activist’s vocabulary of ‘inclusion’, ‘structural inequality’, ‘institutionalized power’, as fully in line with what they claim is a hegemonic ideology that currently dominates and systematically distorts our political discourses.21

The point here is not to imply that Young’s activist is no better than the racist activist. The point rather is that Young’s activist’s arguments are, in fact, adopted by activists of different stripes and put in the service of a wide range of policy objectives, each claiming to be just, liberatory, and properly inclusive.22 In light of this, there is a question the activist must confront. How should he deal with those who share his views about the proper means for bringing about a more just society, but promote a set of ends that he opposes?

It seems that Young’s activist has no way to deal with opposing activist programs except to fight them or, if fighting is strategically unsound or otherwise problematic, to accept a Hobbesian truce. This might not seem an unacceptable response in the case of racists; however, the question can be raised in the case of any less extreme but nonetheless opposed activist program, including different styles of politically progressive activism. Hence the deliberativist raises her earlier suspicions that, in practice, activism entails a politics based upon interestbased power struggles amongst adversarial factions.

### at: no spillover

#### This takes out the aff too—vote neg on presumption because if isolated debate experiences don’t change the world then the only thing that matters if our fairness DA.

#### Their “no spillover” args don’t assume our framework, which calls for a model of deliberation suited to every level of society because it instills decisionmaking heuristics grounded in testing and opportunity cost assessment—if politics fails now, it has a lot to do with the lack of those features. Any “uniqueness argument” about what debate accomplishes is indeterminate and impossible to measure—there's no way to quantify how awesome debate has made various people, but if we win these dialogues can develop skills that are useful then it solves better than the aff.

#### Enemy combatant prosecutions prove—switch side inculcates skills and values that give teeth to progressive advocates

**DAWG 2007** – Schenley Park Debate Authors Working Group, including Gordon Mitchell (June, Communication & Critical/Cultural Studies, 4.2, p221-225)

It is our position, however, that rather than acting as a cultural technology expanding American exceptionalism, switch-side debating originates from a civic attitude that serves as a bulwark against fundamentalism of all stripes. Several prominent voices reshaping the national dialogue on homeland security have come from the academic debate community and draw on its animating spirit of critical inquiry. For example, Georgetown University law professor Neal Katyal served as lead plaintiff ’s counsel in Hamdan, which challenged post-9/11 enemy combat definitions. 12 The foundation for Katyal’s winning argument in Hamdan was laid some four years before, when he collaborated with former intercollegiate debate champion Laurence Tribe on an influential Yale Law Journal addressing a similar topic. Tribe won the National Debate Tournament in 1961 while competing as an undergraduate debater for Harvard University. Thirty years later, Katyal represented Dartmouth College at the same tournament and finished third. The imprint of this debate training is evident in Tribe and Katyal’s contemporary public interventions, which are characterized by meticulous research, sound argumentation, and a staunch commitment to democratic principles. Katyal’s reflection on his early days of debating at Loyola High School in Chicago’s North Shore provides a vivid illustration. ‘‘I came in as a shy freshman with dreams of going to medical school. Then Loyola’s debate team opened my eyes to a different world: one of argumentation and policy.’’ As Katyal recounts, ‘‘the most important preparation for my career came from my experiences as a member of Loyola’s debate team.’’14 The success of former debaters like Katyal, Tribe, and others in challenging the dominant dialogue on homeland security points to the efficacy of academic debate as a training ground for future advocates of progressive change. Moreover, a robust understanding of the switch-side technique and the classical liberalism which underpins it would help prevent misappropriation of the technique to bolster suspect homeland security policies. For buried within an inner-city debater’s files is a secret threat to absolutism: the refusal to be classified as ‘‘with us or against us,’’ the embracing of intellectual experimentation in an age of orthodoxy, and reflexivity in the face of fundamentalism. But by now, the irony of our story should be apparent\*the more effectively academic debating practice can be focused toward these ends, the greater the proclivity of McCarthy’s ideological heirs to brand the activity as a ‘‘weapon of mass destruction.’’

# At: predictability

### at: predictability/rules bad

#### No link to rules or predictability bad—our argument isn't rules-based in the sense they identify, it’s a set of contestable guidelines for evaluating competitions. Rejecting the topic because rules are oppressive doesn’t solve and only a standard like the resolution is limited enough to enable preparation and testing but has enough internal complexity to solve their impact

**Armstrong 2K** – Paul B. Armstrong, Professor of English and Dean of the College of Arts and Sciences at the State University of New York at Stony Brook, Winter 2000, “The Politics of Play: The Social Implications of Iser's Aesthetic Theory,” New Literary History, Vol. 31, No. 1, p. 211-223

\*aleatory = depending on luck, i.e. the throw of a die

Such a play-space also opposes the notion that the only alternative to the coerciveness of consensus must be to advocate the sublime powers of rule-breaking.8 Iser shares Lyotard’s concern that to privilege harmony and agreement in a world of heterogeneous language games is to limit their play and to inhibit semantic innovation and the creation of new games. Lyotard’s endorsement of the “sublime”—the pursuit of the “unpresentable” by rebelling against restrictions, defying norms, and smashing the limits of existing paradigms—is undermined by contradictions, however, which Iser’s explication of play recognizes and addresses. The paradox of the unpresentable, as Lyotard acknowledges, is that it can only be manifested through a game of representation. The sublime is, consequently, in Iser’s sense, an instance of doubling. If violating norms creates new games, this crossing of boundaries **depends on** and carries in its wake the conventions and structures it oversteps. The sublime may be uncompromising, asocial, and unwilling to be bound by limits, but its pursuit of what is not contained in any order or system makes it dependent on the forms it opposes. ¶ The radical presumption of the sublime is not only terroristic in refusing to recognize the claims of other games whose rules it declines to limit itself by. It is also naive and self-destructive in its impossible imagining that it can do without the others it opposes. As a structure of doubling, the sublime pursuit of the unpresentable requires a play-space that includes other, less radical games with which it can interact. Such conditions of exchange would be provided by the nonconsensual reciprocity of Iserian play. ¶ Iser’s notion of play offers a way of conceptualizing power which acknowledges the necessity and force of disciplinary constraints without seeing them as unequivocally coercive and determining. The contradictory combination of restriction and openness in how play deploys power is evident in Iser’s analysis of “regulatory” and “aleatory” rules. Even the regulatory rules, which set down the conditions participants submit to in order to play a game, “permit a certain range of combinations while also establishing a code of possible play. . . . Since these rules limit the text game without producing it, they are regulatory but not prescriptive. They do no more than set the aleatory in motion, and the aleatory rule differs from the regulatory in that it has no code of its own” (FI 273). Submitting to the discipline of regulatory restrictions is both constraining and enabling because it makes possible certain kinds of interaction that the rules cannot completely predict or prescribe in advance. Hence the existence of aleatory rules that are not codified as part of the game itself but are the variable customs, procedures, and practices for playing it. Expert facility with aleatory rules marks the difference, for example, between someone who just knows the rules of a game and another who really knows how to play it. Aleatory rules are more flexible and openended and more susceptible to variation than regulatory rules, but they too are characterized by a contradictory combination of constraint and possibility, limitation and unpredictability, discipline and spontaneity.

# 1nr undermines revolution

**Even effective efforts to advance non-white interests function as a safety valve for white elites to defuse demands**

Lee 7. Cynthia Lee, professor of law at George Washington University, “Cultural Convergence: Interest Convergence Theory Meets the Cultural Defense?” Arizona Law Review, Vol. 49, No. 4, Winter [49 Ariz. L. Rev. 911], George Washington University Legal Studies Research Paper No. 248; George Washington University Law School Public Law Research Paper No. 248, p. 922. [PDF Online @] http://ssrn.com/abstract=968754

Bell also posited that the Brown decision helped America in its efforts to persuade African Americans that they were a welcome part of the United States. Bell pointed out that Blacks who had fought for this country in World War II were returning home to widespread racial discrimination. Elite whites worried that in the event of another war, African Americans might be reluctant to fight again. The Brown decision was thus important domestically as a symbol of America’s commitment to equality.52 In later work, Bell elaborated upon his theory, explaining: [Only] when whites perceive that it will be profitable or at least cost-free to serve, hire, admit, or otherwise deal with blacks on a nondiscriminatory basis, they do so. When they fear—accurately or not—that there may be a loss, inconvenience, or upset to themselves or other whites, discriminatory conduct usually follows.53 According to Bell, “racism is a permanent feature of American society, necessary for its stability and for the well-being of the majority of its citizens.”54 Interest convergence explains how Blacks “are able to achieve political gains despite the essentially racist nature of American society.”55 Commenting on Bell’s theory, Charles Ogletree notes that interest convergence works as a safety valve, permitting “short-term gains for African Americans when doing so furthers the short- or long-term goals of the white elite. . . . This is an important check on widespread disaffection that may end in revolution.”56

**The interest convergence represented by the ballot is temporary at best. The implicit bargain that grants empowerment in exchange for minority support of elite policy demands cannot last—the 1ac results in radicals being rounded up and destroyed because they don’t conform quite enough—this turns the case.**

**Delgado ’02.** Richard Delgado, professor of Law at the University of Colorado-Boulder ““Explaining the Rise and Fall of African American Fortunes: Interest Convergence and Civil Rights Gains,” Review of Mary L. Dudziak, Cold War Civil Rights: Race and the Image of American Democracy, Harvard Civil Rights-Civil Liberties Law Review, Volume 37 [37 Harv. C.R.-C.L. L. Rev. 369], pp. 369-387 at 376-7

Dudziak impressively demonstrates that Brown v. Board of Education n62 and the landmark civil rights legislation of the 1960s n63 were a result of interest convergence and Cold War concerns. n64But these forces not only explain how the Civil Rights era came about; they also provide insight into why the Civil Rights movement came to an end ten years later.One corollary to the softening of domestic attitudes exemplified by Brown and the 1964 Civil Rights Act was an implicit bargain in which African Americans, in return for civil rights gains, were expected to demonstrate loyalty to America and hostility to communism. They were expected to support foreign wars and purge their ranks of overt communists. n65Dudziak's own data suggest this implicit bargain. She offers the early examples of singer Josephine Baker n66 and actor-singer Paul Robeson n67 [\*377] to support the implicit understanding--if not overt warning--that if blacks did not support the government, the government would take action.With this implicit bargain in mind, Dudziak's thesis can also be used to explain some of the traumatic events of the late 1960 and early 1970s. During this period Black Power (as well as its Chicano counterpart) appeared on the scene, challenging the role assigned to blacks in the implicit bargain. n68 Panthers began reading and quoting from Marx and Lenin. n69 Malcolm X called white people "satanic" and America "the devil-nation." n70With that bargain breaking down, the government and other elite groups responded in two ways. First, they cracked down on the Panthers with brutal force. n71 Second, to assure that minority leaders were indebted to the government, they instituted the War on Poverty program and enlisted many minority leaders, including former militants like Denver's Corky Gonzales, in that program, giving them federal grants, jobs, and patronage in the form of positions they could fill with their friends. n72 Additionally, at this time mainstream elite groups in the private sector poured millions of dollars into the black community. n73As a result, black economic well-being surged a second time, but the radical thrust of the Civil Rights movement was largely lost.