

Normativity AC

The ballot functions as a punishment and reward mechanism; we reward the debater whose speech act contains the greater benefit to encourage constructive activity in future debate rounds. Any denial of this framework would make adjudicating the round nonsensical, as if we didn't reward constructive activity then there would be no reason to vote for the person who won the round over the person who lost the round, making the ballot arbitrary. Since you as a judge are obligated to use the ballot in the most constructive way, you evaluate not only text and fairness but also standards external to proving the resolution. My burden then isn't to affirm the resolution, but only to win that my positive discourse and performance is a reason to endorse my advocacy.

My thesis is that the hypothetical construct of fiat in traditional debate rounds is a destructive mode of thought. The resolution questions the justice of an action, asking us to determine what ought to be the case in a hypothetical scenario through normative discussion, without any reference to political reality. My position is not that my opponent links into the normative mindset, but that the status quo links. My advocacy then is not a critique of my opponent's discourse but a critique of how traditional debate functions; hence I'm advocating a shift from the procedure and mindset of the status quo. Traditional debate does nothing; solvency that exists on the flow fails to translate to reality.

SCHLAG, PROFESSOR OF LAW@ UNIV. COLORADO, 1990 (PIERRE, STANFORD LAW REVIEW, NOVEMBER, PAGE LEXIS)

In fact, normative legal thought is so much in a hurry that it will tell you what to do even though there is not the slightest chance that you might actually be in a position to do it.

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Normative legal thought doesn't seem overly concerned with such worldly questions about the character and the effectiveness of its own discourse. It just goes along and proposes, recommends, prescribes, solves, and resolves. Yet despite its obvious desire to have worldly effects, worldly consequences, normative legal thought remains seemingly unconcerned that for all practical purposes, its only consumers are legal academics and perhaps a few law students -- persons who are virtually never in a position to put any of its wonderful normative advice into effect.

Normative discourse reinstates the harms of the status quo by making us spectators of political life. Our traditional conceptualization of solvency doesn't solve anything, but only makes our problems worse by paralyzing resistance.

Mitchell in 1995 (Gordon, Univ. of Pittsburgh Communications prof, "REFLEXIVE FIAT: INCORPORATING THE OUTWARD ACTIVIST TURN INTO CONTEST STRATEGY", paper presented to the 1995 SCA National Convention)

One problem with approaches to fiat which feature such a structural separation between advocate and agent of change is that such approaches tend to instill political apathy by inculcating a spectator mentality. The function of fiat which gives debaters simulated political control over external actors coaxes students to gloss over consideration of their concrete roles as involved agents in the controversies they research. The construct of fiat, in this vein, serves as a political crutch by alleviating the burden of demonstrating a connection between in-round advocacy and the action by external actors defended in plan or counterplan mandates.

And, rather than providing a framework for activism, this speculative mindset only rewards oppression and suffering of others.

Mitchell in 1998 (Gordon, Pitt Communications Professor, "Pedagogical possibilities for argumentative agency in academic debate", *Argumentation and Advocacy*, fall)

The sense of detachment associated with the spectator posture is highlighted during episodes of alienation in which debaters cheer news of human suffering or misfortune. Instead of focusing on the visceral negative responses to news accounts of human death and misery, debaters overcome with the competitive zeal of contest round competition show a tendency to concentrate on the meanings that such evidence might hold for the strength of their academic debate arguments. For example, news reports of mass starvation might tidy up the "uniqueness of a disadvantage" or bolster the "inherency of an affirmative case" (in the technical parlance of debate-speak).

And, utilizing debate as a training platform for future advocacy skills disempowers public discourse, making us victims of institutional inertia.

Mitchell in 1998 (Gordon, Pitt Communications Professor, "Pedagogical possibilities for argumentative agency in academic debate", *Argumentation and Advocacy*, fall)

For students and teachers of argumentation, the heightened salience of this question should signal the danger that critical thinking and oral advocacy skills alone may not be sufficient for citizens to assert their voices in public deliberation. Institutional interests bent on shutting down dialogue and discussion may recruit new graduates skilled in argumentation and deploy them in information campaigns designed to neutralize public competence and short-circuit democratic decision-making (one variant of Habermas' "colonization of the lifeworld" thesis; see Habermas 1981, p. 376-373).

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In this distorted space for public discussion, corporations and the state forge a monopoly on argumentation and subvert critical deliberation by members of an enlightened, debating public. This colonization thesis supplements the traditional Marxist problematic of class exploitation by highlighting a new axis of domination, the way in which capitalist systems rely upon the strategic management of discourse as a mode of legitimation and exploitation. Indeed, the implicit bridge that connects argumentation skills to democratic empowerment in many argumentation textbooks crosses perilous waters, since institutions facing "legitimation crises" (see Habermas 1975) rely increasingly on recruitment and deployment of argumentative talent to manufacture public loyalty.

And, normative discourse desensitizes us to the suffering of others, perpetuates cruelty and justifies violence against the other.

Delgado, Professor of Law @ The University of Colorado, 1991 (Richard, *NORMS AND NORMAL SCIENCE: TOWARD A CRITIQUE OF NORMATIVITY IN LEGAL THOUGHT*, University of Pennsylvania Law Review, April, Lexis)

Normativity may be more than a harmless tic prevalent only in certain circles.

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We confront a starving beggar and immediately translate the concrete duty we feel into a normative (i.e., abstract) question. And once we see the beggar's demand in general, systemic terms, it is easy for us to pass him by without rendering aid. n86 Someone else, perhaps society (with my tax dollars), will take care of that problem.

Normativity thus enables us to ignore and smooth over the rough edges of our world, to tune out or redefine what would otherwise make a claim on us.

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Not only does normativity help us justify indifference to others' needs, but we sometimes use it to rationalize treatment of others that would otherwise be seen as injurious, if not downright cruel. As I pointed out earlier, those in a position to dictate norms rarely, if ever, see their own favorite forms of behavior as immoral. ... Even when we do not pronounce outgroups' behavior positively vicious, we may declare it lazy and indolent, so as to justify our own aggressive behavior. Warfaring nations, for example, often gain ascendancy over more peaceloving nations (e.g., Native Americans). The conquerors then decide it was their own spiritual, aesthetic, and ethical superiority that enabled them to prevail, not their superior weapons, numbers, or bloodthirst.

Two alternatives alleviate the implications and offer solutions preferable to the traditional paradigm. First, reconceptualizing debate as a forum for political action allows us to actively shape reality, breaking from the regression of hypothetical discourse. Giving debaters the burden of linking solvency to out-of-round actions avoids normative implications by providing a tool for interacting with the outside world. This argumentative agency paradigm empowers debaters as political agents.

Mitchell in 1998 (Gordon, Pitt Communications Professor, "Pedagogical possibilities for argumentative agency in academic debate", *Argumentation and Advocacy*, fall)

In basic terms the notion of argumentative agency involves the capacity to contextualize and employ the skills and strategies of argumentative discourse in fields of social action, especially wider spheres of public deliberation. Pursuit of argumentative agency charges academic work with democratic energy by linking teachers and students with civic organizations, social movements, citizens and other actors engaged in live public controversies beyond the schoolyard walls. As a bridging concept, argumentative agency links decontextualized argumentation skills such as research, listening, analysis, refutation and presentation, to the broader political telos of democratic empowerment. Argumentative agency fills gaps left in purely simulation-based models of argumentation by focusing pedagogical energies on strategies for utilizing argumentation as a driver of progressive social change.

And second, the criticism itself solves by raising public awareness. Since discourse is not coercive, the discourse we use shapes reality only insofar as we allow it to, as our minds are ultimately in control of our own actions. By discussing the effects of our own discourse, the kritik allows us to actively combat the implications.

Mitchell in 1998 (Gordon, Pitt Communications Professor, "Pedagogical possibilities for argumentative agency in academic debate", *Argumentation and Advocacy*, fall)

Such a preparatory pedagogy has a tendency to defer reflection and theorization on the political dynamics of academic debate itself. For example, many textbooks introduce students to the importance of argumentation as the basis for citizenship in the opening chapter, move on to discussion of specific skills in the intervening chapters, and never return to the obvious broader question of how specific skills can be utilized to support efforts of participatory citizenship and democratic empowerment. Insofar as the argumentation curriculum does not forthrightly thematize the connection between skill-based learning and democratic empowerment, the prospect that students will fully develop strong senses of transformative political agency grows increasingly remote.

BLOCKS

A2: Paradox.

(-) At best I'm only making a normative statement about the debate world, not the real world, so I'm not linking into the implications.

(-) Even if I link once I'm still combating the normative mindset on a greater scale, so the kritik functions from within the framework of normativity in order to break out of it.

A2: Normative discussion is educational.

(-) Turn: Substantive debate focuses on round-winning positions which are completely unconnected to reality.

Mitchell in 1998 (Gordon, Pitt Communications Professor, "Pedagogical possibilities for argumentative agency in academic debate", *Argumentation and Advocacy*, fall)

Within the limited horizon of zero-sum competition in the **contest round framework for academic debate, questions of purpose**, strategy, and practice **tend to collapse into formulaic axioms for competitive success under the crushing weight of tournament pressure. ... Strategies are developed to gain competitive edges that translate into contest round success.**

(-) Turn: Endorsing a substantive advocacy is uneducational, as it draws us into a stagnant mindset of accepting what the affirmative claims is correct by authority.

Delgado, Professor of Law @ The University of Colorado, 1991 (Richard, *NORMS AND NORMAL SCIENCE: TOWARD A CRITIQUE OF NORMATIVITY IN LEGAL THOUGHT*, University of Pennsylvania Law Review, April, Lexis)

The ability of normative assertion to change the way we perceive reality was demonstrated by Stanley Milgram **in an experiment** now considered a classic. n40 Milgram, a psychologist at Yale University, told volunteers that they would be participating in an experiment on learning. ... Afterward, **many subjects confessed to doubts about what they were doing, but said they went along with the experiment because, "If he (meaning the high-authority doctor in charge) said it was all right, then it must be so."** Apparently, the investigator's assurances that administering pain was permissible and part of the experiment actually changed the way they saw their behavior. n41

Ordinary life is full of similar examples in which **the mere pronouncement of something as normatively good or bad changes our perception of it.**

(-) Turn: Normative discussion is completely unconnected to reality as it operates within its own system.

SCHLAG, PROFESSOR OF LAW@ UNIV. COLORADO, 1990 (PIERRE, STANFORD LAW REVIEW, NOVEMBER, PAGE LEXIS)

The problem for us, as legal thinkers, is that **the normative appeal of normative legal thought systematically turns us away from recognizing that normative legal thought is grounded on an utterly unbelievable re-presentation of the field it claims to describe and regulate. The problem for us is that normative legal thought, rather than assisting in the understanding of present political and moral situations, stands in the way. It systematically reinscribes its own**

aesthetic -- its own fantastic understanding of the political and moral scene.

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A2: Normative discussion >> socially constructed ethics.

(-) The advantages are non-unique; individuals can construct their own ethical systems without outside help.

(-) Turn: Making individuals subject to a static conception of the good masks an oppression of the other.

NIETZSCHE (FRIEDRICH)

Thinking begins and ends with and for a long time holds to the proposition that mankind is divided into 'good' and 'bad,' and these terms are quite as much social, political, and economic as they are moral. The dichotomy is absolute and exclusive for a simple reason: it began as the aristocrats' view of society and reflects their ideas a gulf between themselves and the 'others.' In the minds of a comparatively small and close-knit group like the Greek aristocracy there are only two kinds of people, 'we' and 'they'; and of course we are the good people, the proper, decent, good-looking, right-thinking ones, while 'they' are rascals, the poltroons, the good for nothings.

(-) Turn: Ethics reify a static conception of morality which can be extended to justify atrocities.

CLIFFORD (MICHAEL)

From the processes of subjectivation, the whole question of ethics is transformed. It is through the determination of an ethical substance, a mode of subjection, a practice of self, and a telos that an individual forms its identity. More than that, the individual recognizes itself as such and is thereby determined in and through that identification. It is the constitution- the self-formation not simply of a moral or ideological stance, but of a specific mode of being. Thus, it appears that moral claims are always made from the interiority of a particular mode of subjectivation. In fact, a claim to justice and right always attends, and sanctions, the worst political atrocities.

A2: Normativity is inevitable.

(-) The crash of normative legal thought is inevitable; the only question is when academics take note.

SCHLAG, PROFESSOR OF LAW@ UNIV. COLORADO, 1990 (PIERRE, STANFORD LAW REVIEW, NOVEMBER, PAGE LEXIS)

The normative jurisprudential world, built of arguments upon arguments upon arguments -- just hanging there on the threads of normative structures marked out with concepts like fairness, consent, oppression, neutrality, and policed by aesthetic criteria like coherence, consistency, certainty, elegance -- is about to crash. More accurately, it has already crashed. n43 and it is just a matter of time before the entire legal academy takes notice. Now, of course, it may take considerable time for the academy to notice. n44 Indeed, it is one of the vexations of our condition in the legal academy, as elsewhere, that various kinds of thought remain socially and institutionally operative (in fact dominant) long after their intellectual vitality has dissipated. And so it is with normative legal thought. It

remains socially and institutionally operative within the legal academy, though it is a jurisprudential world that has already crashed. The significant question is when and how the legal academy will take notice.

A2: Wrong forum.

(-) There is no "right forum"; academic debate constantly changes so there's no static filter we can use to exclude critical advocacies.

(-) No impact; insofar as I'm able to access my advantages it doesn't matter whether my advocacy is considered to be in the correct forum.

A2: Nihilism.

(-) I'm not saying we can never act, I'm only saying we shouldn't normatively discuss actions when the actions lie outside our agency.

(-) Turn: The affirmative is the nihilistic one, as he attempts to extend our agency to a bureaucracy which is outside our reach, rendering his discourse vacuous.

(-) Turn: Nihilism is a vacant word for the fear of difference; the affirmative discourse is destructive to intellectual autonomy.

SCHLAG in 1991 (PIERRE, COLORADO LAW PROF. 139 U. PA. L. REV.801, APRIL)

Nihilism seems to be the linguistic marker for a sort of free-floating and diffuse orthodox fear of difference, a fear of otherness.

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What can be learned from the experience of both realist and cls thinkers is that attempts to question the orthodox form of legal thought are likely to prompt nihilism-fear.

We are so accustomed to demanding value judgments and normative stances in legal thought that any intellectual approach that risks displacing or disorienting the normative system that enables these value judgments and normative stances is likely to leave us with nihilism-fear. This fear, in turn, is likely to lead us to resist, distort, and reject any approach that risks destabilizing our normative commitments and the conceptual approaches that sustain them. ... This pre-reflective commitment of the legal thinker has significant anti-intellectual consequences that dramatically limit what can be thought and what can be asked.