# 1NC

### Framework

#### 1. Interpretation: The role of the ballot is to determine if the enactment of a topical plan is better than the status quo or a competitive option. The 1ac must read and defend the implementation of such a topical plan.

#### 2. Violation:

#### A) “Resolved” implies a policy or legislative decision – means they must be resolved about a future federal government policy

Parcher 1

Jeff Parcher, former debate coach at Georgetown, Feb 2001 http://www.ndtceda.com/archives/200102/0790.html

Pardon me if I turn to a source besides Bill. American Heritage Dictionary: Resolve: 1. To make a firm decision about. 2. To decide or express by formal vote. 3. To separate something into constiutent parts See Syns at \*analyze\* (emphasis in orginal) 4. Find a solution to. See Syns at \*Solve\* (emphasis in original) 5. To dispel: resolve a doubt. - n 1. Firmness of purpose; resolution. 2. A determination or decision. (2) The very nature of the word "resolution" makes it a question. American Heritage: A course of action determined or decided on. A formal statement of a decision, as by a legislature. (3) The resolution is obviously a question. Any other conclusion is utterly inconceivable. Why? Context. The debate community empowers a topic committee to write a topic for ALTERNATE side debating. The committee is not a random group of people coming together to "reserve" themselves about some issue. There is context - they are empowered by a community to do something. In their deliberations, the topic community attempts to craft a resolution which can be ANSWERED in either direction. They focus on issues like ground and fairness because they know the resolution will serve as the basis for debate which will be resolved by determining the policy desirablility of that resolution. That's not only what they do, but it's what we REQUIRE them to do. We don't just send the topic committee somewhere to adopt their own group resolution. It's not the end point of a resolution adopted by a body - it's the preliminary wording of a resolution sent to others to be answered or decided upon. (4) Further context: the word resolved is used to emphasis the fact that it's policy debate. Resolved comes from the adoption of resolutions by legislative bodies. A resolution is either adopted or it is not. It's a question before a legislative body. Should this statement be adopted or not. (5) The very terms 'affirmative' and 'negative' support my view. One affirms a resolution.

#### B) USFG is the national government in DC

Encarta Online Encyclopedia, 2k

(http://encarta.msn.com)

“The federal government **of the U**nited **S**tates **is centered in** Washington **DC”**

#### C) Should means there is a practical reason for action

WordNet in ‘97

Princeton University, 1.6

**Should** v 1 : be expected to: “Parties should be fun” 2 : **expresses an** emotional**, practical,** or other **reason for doing something:** “You had better put on warm clothes”; “You should call your mother-in-law”; *“The State ought to repair bridges*”[syn**:** had better, ought]

#### 3. Vote Negative:

#### A) Decisionmaking - a limited topic of discussion that provides for equitable ground is key to decision-making and advocacy skills

Steinberg & Freeley 8

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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.

#### Discussion of specific policy-questions is crucial for skills development – it overcomes preconceived ideological notions and breaks out of traditional pedagogical frameworks by positing students as agents of decision-making

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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 to predict 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.14

#### Switch-side is key - effective deliberation is crucial to the activation of personal agency and is only possible in a switch-side debate format where debaters divorce themselves from ideology to engage in political contestation – the impact is mass violence

Roberts-Miller 3

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Totalitarianism and the Competitive Space of Agonism¶ 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.¶ Continued…¶ 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.

### T – Restrictions

#### A. Authority is the legal right to take action, power is the ability to do so

Forsythe and Hendrickson 96

[David P. Forsythe, Professor and Chair of Political Science University of Nebraska-Lincoln, Ryan C. Hendrickson, Ph.D. Candidate University of Nebraska-Lincoln. “U.S. Use of Force Abroad: What Law for the President?” Presidential Studies Quarterly, Vol. 26, No. 4]

The crisis is most precisely about authority, not power. Authority, in the legal sense, concerns ¶ the right to do something. Power refers to the capability to do something. Part of the problems ¶ in the U.S. constitutional crisis over use of force abroad is that the president has the power to ¶ make war, and to obtain congressional deference most of the time, whatever the proper under ¶ standing of authority.

Statutory restrictions are limits on authority by congress

Blacks Online Legal Dictionary 13

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

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

#### Judicial restrictions are court enforced interpretations of statutory restrictions

Barron ‘08

David J. Barron, Professor of Law, Harvard Law School, & Martin S. Lederman,

Visiting Professor of Law, Georgetown University Law Center, 2008, “THE

COMMANDER IN CHIEF AT THE LOWEST EBB - FRAMING THE PROBLEM, DOCTRINE, AND

ORIGINAL UNDERSTANDING,” Harvard Law Review, January, pp. LN.

4. Judicial Enforcement of Implied Statutory Restrictions. - The way the Supreme Court¶ approaches war powers generally, when combined with the increased mass of potentially¶ relevant legislative restrictions on the conduct of this military conflict, further increases the likelihood that the "lowest ebb" issue will be joined in the future. Principles of deference to executive¶ authority tend to dominate academic discussion of statutory interpretation and war powers. As we have indicated, however,¶ Hamdan, Youngstown, and other modern war powers cases demonstrate that the Court cannot be counted on to give the President¶ the benefit of the doubt. And in many war powers cases, the Court has been perfectly willing to¶ construe ambiguous statutory language against certain background rules that it presumes¶ Congress intended to honor, n84 including a presumption that the Executive must [\*719] comply with the laws of war.¶ n85 This general and longstanding judicial willingness to find implied limitations in ambiguous¶ texts concerning the use of military force and national security powers is sometimes¶ controversial. But whether justified or not, such an interpretive approach is of particular import now,¶ given the sheer mass of preexisting statutes potentially applicable to the conflict with al¶ Qaeda and the likelihood that this body of law will grow. Executive branch lawyers may be hard-pressed to advise their client¶ agencies that creative construction can overcome the apparent statutory restrictions, at least if there is a reasonable prospect of¶ judicial review (as there often will be in the war on terrorism due to its peculiar domestic connections). Instead, the prospect of¶ judicial review will impel these lawyers to advise that the courts could well construe the potentially restrictive¶ language to impose hard constraints on the Executive's preferred course of conduct - and that only¶ the assertion of a superseding constitutional power of the President could, possibly, overcome such limits. Thus, the relatively weak¶ deference the Court has long shown the President in many war powers cases, when combined with the relatively high likelihood in¶ the war on terrorism of the applicability of restrictive but ambiguous statutory language and a justiciable case to hear, make¶ constitutional assertions of preclusive executive powers a more likely occurrence than war powers scholarship typically assumes.

#### B. The aff doesn’t restrict the authority of the President statutorily or judicially.

#### C. Standards

#### Ground. Our interp allows any aff that actually restricts authority through the courts or Congress. Their interp justifies social protest, individual actions, or any act that alters the material conditions of the President’s ability or willingness to act

#### Limits and topic education. Even if their aff is predictable, it justifies a litany of unpredictable affs, unlimiting the topic, and reducing topic education as negatives run towards generic Ks, and abusive, non-topic specific CPs.

#### D. T is a voter for fairness and topic education

### Transparency PIC

#### TEXT: Blake and I advocate performative hacktivism as a method for restricting offensive cyber operations without “TRANSPARENT/TRANSPARENCY”

#### Transparency is impossible – coding it as a goal or method in statist politics creates the false expectation of total transparency which further obscures abuses of governance -turns the case

Fenster 2k10

[mark, seeing the state: transparency as metaphor, administrative law review, 62, 3, summer, american bar association, Prof of Law, UFlorida – Levin College of Law, JD Yale Law, PhD Urbana Champaign]

Employed in this way, the term transparency simultaneously describes both an aspirational goal—full openness to the public—and the core problem that must be overcome in order for that goal to be met—the separation between the state and public. Judges, policy advocates, academics, and legislatures frequently deploy the concept’s metaphorical authority when adjudicating, advocating, and legislating transparency. “Democracies die behind closed doors,” a federal appellate court declared when finding that the First Amendment prohibits the government from closing immigration hearings to the public and press without an individualized showing of justification.6 “Sunlight” or “sunshine,” when it is allowed to shine through previously darkened, secretive places, provides the best of “disinfectants,” Louis Brandeis famously contended when he decried the corrupt trusts of the early twentieth century.7 Information must be set free from its bureaucratic constraints, as Congress declared in the name of its act requiring executive branch agencies to disclose information.8 Deep secrets—those state secrets that the public does not know that it does not know because they are hidden below the public’s view—pose the greatest danger in liberal constitutional democracy, two important recent law review articles have persuasively argued.9 Transparency thus serves as more than a mere technical concept that provides the basis for constitutional, legislative, and regulatory rules. It also acts as a powerful metaphor that drives and shapes the desire for a more perfect democratic order. Ideally, of course, there would be no distance between observer and observed, between the governed and those institutions that govern. The metaphor, in other words, would accurately diagnose the problem and set an agenda for the cure. Under a strong form of transparency, government doors should never be closed; government should not operate in the darkness; all government information should be available to the public; and in the rare instance when they must be kept from the public, government secrets should not be so deep that their existence is unknown.10 How else can citizens make up their minds independently of government officials and media gatekeepers, and advise elected officials as to the wisest course of action? A weaker conception of transparency concedes the need to balance transparency’s beneficial effects and normative value against the state’s need to withhold a limited amount of information whose disclosure would cause identifiable harm.11 As a metaphor, transparency suggests two solutions: allow the public to view the state directly, or require the state to make its work available for the public to review. Open government laws rely on both of these solutions by requiring certain government entities to hold open meetings, trials, and deliberations,12 and by mandating that government records be made public routinely or in response to a public request.13 Both the strong and weak conceptions of transparency assert that the legal order imposed by such laws—and other efforts by the state, urged on by the public, to impose openness—can unveil the state, eradicating or at least mitigating its distance from its citizens through mandates and obligations placed on government institutions and officials. And yet, the regular, ritualistic outpouring of public complaints about the weakness of such laws and the power and dangers of a secretive government suggests that transparency’s metaphorical ideal in fact does not prevail.14 The state remains distant and unseen, perhaps even concealed. In an earlier article, I explored the conceptual reasons why this disappointment seems endemic to transparency.15 In this article, I explain how transparency’s metaphoric dimensions—the problem it identifies and the goal it sets—impede[s] our ability to understand and address the complexities of the modern administrative state. The public prefers a proximate, comprehensible, responsive bureaucracy, one that fulfills the “democratic wish” of a directly accountable government.16 Populist and progressive reforms and political campaigns endeavor to take the nation back from the present crisis caused by an autocratic, secretive “other” ensconced in Washington and state capitols.17 They promise that by revealing the state’s operations, transparency’s metaphoric understanding can enable the public to control the state. The transparency movement, which came of age as part of what Richard Stewart called the “reformation” of American administrative law in the 1970s and after, suggests that the state must and can be made visible.18 Administrative reform cannot, however, deliver on transparency’s metaphoric promise. The state’s large, organizationally and physically dispersed public bureaucracies perform a variety of functions and make a staggering number of decisions of varying importance, not all of which can be viewed before the fact or even easily reviewed later. The state is too big, too remote, and too enclosed to be completely visible. The very nature of the state, in other words, creates the conditions of its obscurity. It can¶ never be fully transparent, at least not in the sense that the term and its populist suspicions of the state require. Overinvestment in transparency as a metaphor leads open government advocates to lament insufficiently effective administrative laws, while the debate over how best to make the government open too often focuses on how to make the state permanently and entirely visible rather than on devising means to improve public oversight and education.19 Transparency’s fear of a secret, remote government—like its promise of a visible, accessible one—heightens the concept’s salience even as it obscures the limits of its enforceability as an administrative norm. Transparency is a means to achieve the end of a more responsive state that more effectively achieves democratically agreed-upon ends. Transparency’s symbolic pull, its ability to grab the public’s imagination, leads us to fetishize [sic][idealize] means at the cost of ends.20 My underlying assumption is that bureaucracy is necessary to carry out the tasks required in a complex society and economy. As the public administration scholar Donald Kettl has argued, “society has yet to discover anything that works better in coordinating complex action” than public bureaucracies.21The public must certainly know about the government’s operations, but obtaining that knowledge is not a costless transaction. Simplistic understandings of the state’s operations and the potential of imposing equally simplistic understandings of transparency can lead to imperfect, costly measures to disclose information and less effective governance. This Article proceeds as follows: Part I explores transparency’s metaphoric work within American law, politics, and culture, and identifies its dual role as both a powerful, populist metaphor and a set of imperfect technocratic tools. It introduces the argument that Parts II and III then develop: transparency’s obsessive concern with visibility and the effort that this concern inspires to contain the state ultimately fail and disappoint because of the state’s inevitable organizational and geographic distan ce from the public. The technocratic tools of open government cannot in fact meet the demands that transparency’s force as a political and administrative symbol animates. Part II focuses on the state’s organizational complexity, both as a matter of form and function, and describes the various constitutional and statutory mechanisms that simultaneously establish an intricate institutional network and impose a limited, variable set of transparency commands. Part III describes the physical impediments to transparency caused by the vast territory of the American state, the complexity of its jurisdictional units, and the physical structures that house government offices. Both Parts II and III explain the impediments to the state’s visibility and the imperfect means that have been developed to overcome them.

#### REFUSAL OF THEIR IDEALIZATION OF TRANSPARENCY IS KEY. INSTEAD YOU SHOULD DEMAND A MORE SELF-REFLECTIVE FORM OF INTELLIGENT ACCOUNTABILITY GROUNDED IN THE ACKNOWLEDGEMENT OF THE INEVITABLE FAILURE OF TRANSPARENCY.

Roberts 2k9

[john, “no one is perfect: the limits of transparency and an ethic for intelligent accountability”, accounting, organizations, and society, 32, 957-970, Faculty of Economics and Business, U of Sydney]

In setting out to explore the effects of transparency on the subject some clues can be taken from McCreevy’s reference to ‘pride’, ‘bare bottoms’ and ‘ugliness’. Transparency contains these dual and contrasting potentials and perhaps in binary form; it promises and threatens to reveal or discover the self as good or bad, clothed or naked, beautiful or ugly. In what follows, I explore how transparency works to advertise an ideal against which we will always fail so that it plays with my fears of being exposed and humiliated whilst at the same time encouraging me to take pride in what is disclosed. The final focus of the paper concerns the kind of accountability that McCreevy suggests should go on ‘behind closed doors’. Once doors are closed and transparency ceases to be a possibility then we are obliged to trust those on the other side, and yet the whole point of transparency is to obviate the need for such trust or to furnish distant others with good reasons for such trust. The implication of McCreevy’s comments is that only exceptional and very important matters should escape the obligations of transparency – in this case global financial stability. In contrast, here I seek to develop a more nuanced view of transparency’s capabilities and limitations, and suggest that at best it should serve as a supplement to the neglected potentials of what O’Neill (2002) calls ‘intelligent’ accountability. Whilst the metaphor of transparency suggests the capacity to see within or behind closed doors – to abolish such private and confidential space – in practical terms the effects of transparency depend upon how it changes conduct behind closed doors. In what follows I trace two contrasting potentials. The positive and arguably essential function of transparency is to counter the negative potentials of local collusion for distant others. As O’Neill (2006) argues, by giving a local presence to the interests of distant others, transparency can serve as a very effective ‘antidote’ to secrecy. But in what follows I argue that if we rely only on transparency as a form of accountability then these positive effects are often countered by serious distortions to communication which, paradoxically, serve to weaken the effectiveness of accountability. Drawing upon psychoanalytic accounts of recognition and guilt, I argue that the subjective correlate of the pursuit of an ever more complete transparency is often the embrace of an ideal of a perfect-able and fully transparent self. I argue that accountability is then typically self absorbed and driven by the narcissistic imperative to garner praise/reward to the self or absolve the self of blame, rather than by the collective need to manage organisational interdependencies. In contrast to these self-defensive or assertive potentials of accountability as transparency, I then seek to explore the potential for a more ‘intelligent’ and compassionate form of accountability grounded in the conscious acknowledgement of the impossibility of this ideal of a self that is fully transparent to itself and others.

### Anthro K

#### Their impact claims signal a valuing of the survival of the human good life above all other forms of life. That abandons bare life.

KOCHI & ORDAN 2K8 [tarik and noam, queen’s university and bar llan university, “an argument for the global suicide of humanity”, vol 7. no. 4., bourderlands e-journal]

If only some of our genes but not our species has survived, maybe the emphasis we place upon the notion of ‘survival’ is more cultural than simply genetic. Such an emphasis stems not only from our higher cognitive powers of ‘self-consciousness’ or self-awareness, but also from our conscious celebration of this fact: the image we create for ourselves of ‘humanity’, which is produced by via language, collective memory and historical narrative. The notion of the ‘human’ involves an identification of our species with particular characteristics with and upon which we ascribe certain notions of value. Amongst others such characteristics and values might be seen to include: the notion of an inherent ‘human dignity’, the virtue of ethical behaviour, the capacities of creative and aesthetic thought, and for some, the notion of an eternal soul. Humans are conscious of themselves as humans and value the characteristics that make us distinctly ‘human’. When many, like Hawing, typically think of the notion of the survival of the human race, it is perhaps this cultural-cognitive aspect of homo sapiens, made possible and produced by human self-consciousness, which they are thinking of. If one is to make the normative argument that the human race should survive, then one needs to argue it is these cultural-cognitive aspects of humanity, and not merely a portion of our genes, that is worth saving. However, it remains an open question as to what cultural-cognitive aspect of humanity would survive in the future when placed under radical environmental and evolutionary pressures. We can consider that perhaps the fish people, having the capacity for self-awareness, would consider themselves as the continuation or next step of ‘humanity’. Yet, who is to say that a leap in the process of evolution would not prompt a change in self awareness, a different form of abstract reasoning about the species, a different self-narrative, in which case the descendents of humans would look upon their biological and genetic ancestors in a similar manner to the way humans look upon the apes today. Conceivably the fish people might even forget or suppress their evolutionary human heritage. While such a future cannot be predicted, it also cannot be controlled from our graves. In something of a sense similar to the point made by Giorgio Agamben (1998), revising ideas found within the writings of Michel Foucault and Aristotle, the question of survival can be thought to involve a distinction between the ‘good life’ and ‘bare life’. In this instance, arguments in favour of human survival rest upon a certain belief in a distinctly human good life, as opposed to bare biological life, the life of the gene pool. It is thus such a good life, or at least a form of life considered to be of value, that is held up by a particular species to be worth saving. When considering the hypothetical example of the fish people, what cultural-cognitive aspect of humanity’s good life would survive? The conditions of life under water, which presumably for the first thousand years would be quite harsh, would perhaps make the task of bare survival rather than the continuation of any higher aspects of a ‘human heritage’ the priority. Learning how to hunt and gather or farm underwater, learning how to communicate, breed effectively and avoid getting eaten by predators might displace the possibilities of listening to Mozart or Bach, or adhering to the Universal Declaration of Human Rights, or playing sport, or of even using written language or complex mathematics. Within such an extreme example it becomes highly questionable to what extent a ‘human heritage’ would survive and thus to what extent we might consider our descendents to be ‘human’. In the case where what survives would not be the cultural-cognitive aspects of a human heritage considered a valuable or a good form of life, then, what really survives is just life. Such a life may well hold a worth or value altogether different to our various historical valuations and calculations. While the example of the fish people might seem extreme, it presents a similar set of acute circumstances which would be faced within any adaptation to a new habitat whether on the earth or in outer space. Unless humans are saved by radical developments in technology that allow a comfortable colonisation of other worlds, then genetic adaptation in the future retains a reasonable degree of probability. However, even if the promise of technology allows humans to carry on their cultural-cognitive heritage within another habitat, such survival is still perhaps problematic given the dark, violent, cruel and brutal aspects of human life which we would presumably carry with us into our colonisation of new worlds. Thinkers like Hawking, who place their faith in technology, also place a great deal of faith in a particular view of a human heritage which they think is worth saving. When considering the question of survival, such thinkers typically project a one-sided image of humanity into the future. Such a view presents a picture of only the good aspects of humanity climbing aboard a space-craft and spreading out over the universe. This presumes that only the ‘good aspects’ of the human heritage would survive, elements such as ‘reason’, creativity, playfulness, compassion, love, fortitude, hope. What however happens to the ‘bad’ aspects of the human heritage, the drives, motivations and thoughts that led to the Holocaust for example?

#### That legitimizes genocide against all forms of politically unqualified life.

KOCHI & ORDAN 2K8 [tarik and noam, queen’s university and bar llan university, “an argument for the global suicide of humanity”, vol 7. no. 4., bourderlands e-journal]

Within the picture many paint of humanity, events such as the Holocaust are considered as an exception, an aberration. The Holocaust is often portrayed as an example of ‘evil’, a moment of hatred, madness and cruelty (cf. the differing accounts of ‘evil’ given in Neiman, 2004). The event is also treated as one through which humanity comprehend its own weakness and draw strength, via the resolve that such actions will never happen again. However, if we take seriously the differing ways in which the Holocaust was ‘evil’, then one must surely include along side it the almost uncountable numbers of genocides that have occurred throughout human history. Hence, if we are to think of the content of the ‘human heritage’, then this must include the annihilation of indigenous peoples and their cultures across the globe and the manner in which their beliefs, behaviours and social practices have been erased from what the people of the ‘West’ generally consider to be the content of a human heritage. Again the history of colonialism is telling here. It reminds us exactly how normal, regular and mundane acts of annihilation of different forms of human life and culture have been throughout human history. Indeed the history of colonialism, in its various guises, points to the fact that so many of our legal institutions and forms of ethical life (i.e. nation-states which pride themselves on protecting human rights through the rule of law) have been founded upon colonial violence, war and the appropriation of other peoples’ land (Schmitt, 2003; Benjamin, 1986). Further, the history of colonialism highlights the central function of ‘race war’ that often underlies human social organisation and many of its legal and ethical systems of thought (Foucault, 2003). This history of modern colonialism thus presents a key to understanding that events such as the Holocaust are not an aberration and exception but are closer to the norm, and sadly, lie at the heart of any heritage of humanity. After all, all too often the European colonisation of the globe was justified by arguments that indigenous inhabitants were racially ‘inferior’ and in some instances that they were closer to ‘apes’ than to humans (Diamond, 2006). Such violence justified by an erroneous view of ‘race’ is in many ways merely an extension of an underlying attitude of speciesism involving a long history of killing and enslavement of non-human species by humans. Such a connection between the two histories of inter-human violence (via the mythical notion of differing human ‘races’) and interspecies violence, is well expressed in Isaac Bashevis Singer’s comment that whereas humans consider themselves “the crown of creation”, for animals “all people are Nazis” and animal life is “an eternal Treblinka” (Singer, 1968, p.750).

#### The alternative is to reject the 1AC’s human survival ethic in order to understand the species-being – solves their species-level racism.

HUDSON 2K4 [Laura, The Political Animal: Species-Being and Bare Life, mediations journal, <http://www.mediationsjournal.org/files/Mediations23_2_04.pdf>]

We are all equally reduced to mere specimens of human biology, mute and uncomprehending of the world in which we are thrown. Species-being, or “humanity as a species,” may require this recognition to move beyond the pseudo-essence of the religion of humanism. Recognizing that what we call “the human” is an abstraction that fails to fully describe what we are, we may come to find a new way of understanding humanity that recuperates the natural without domination. The bare life that results from expulsion from the law removes even the illusion of freedom. Regardless of one’s location in production, the threat of losing even the fiction of citizenship and freedom affects everyone. This may create new means of organizing resistance across the particular divisions of society. Furthermore, the concept of bare life allows us to gesture toward a more detailed, concrete idea of what species-being may look like. Agamben hints that in the recognition of this fact, that in our essence we are all animals, that we are all living dead, might reside the possibility of a kind of redemption. Rather than the mystical horizon of a future community, the passage to species-being may be experienced as a deprivation, a loss of identity. Species-being is not merely a positive result of the development of history; it is equally the absence of many of the features of “humanity” through which we have learned to make sense of our world. It is an absence of the kind of individuality and atomism that structure our world under capitalism and underlie liberal democracy, and which continue to inform the tenets of deep ecology. The development of species-being requires the collapse of the distinction between human and animal in order to change the shape of our relationships with the natural world. A true species-being depends on a sort of reconciliation between our “human” and “animal” selves, a breakdown of the distinction between the two both within ourselves and in nature in general. Bare life would then represent not only expulsion from the law but the possibility of its overcoming. Positioned in the zone of indistinction, no longer a subject of the law but still subjected to it through absence, what we equivocally call “the human” in general becomes virtually indistinguishable from the animal or nature. But through this expulsion and absence, we may see not only the law but the system of capitalism that shapes it from a position no longer blinded or captivated by its spell. The structure of the law is revealed as always suspect in the false division between natural and political life, which are never truly separable. Though clearly the situation is not yet as dire as Agamben’s invocation of the Holocaust suggests, we are all, as citizens, under the threat of the state of exception. With the decline of the nation as a form of social organization, the whittling away of civil liberties and, with them, the state’s promise of “the good life” (or “the good death”) even in the most developed nations, with the weakening of labor as the bearer of resistance to exploitation, how are we to envision the future of politics and society?

# 2NC

## Case

#### No solvency: Hacktivist movements are declining and disorganized in the SQ--

**The Guardian 13**

[Andrew Rose, researcher at the Forrest Group, June 27, <http://www.theguardian.com/media-network/media-network-blog/2013/jun/27/hactivism-how-worried-organisations>, mg]

**Hacktivist groups** have been in existence for many years, however the iconic imagery and chilling propaganda messages of Anonymous mean that this loosely linked group of individuals are almost synonymous with the movement. Breaking through to mainstream attention with their support of Julian Assange's WikiLeaks programme, Anonymous rapidly rose to become a high-profile combatant in the fight for freedom of information and social justice, becoming associated with the 2011 Occupy movement, and being listed in Time magazine's 100 most influential.¶ Their **stock was high,** organisations feared the scrutiny of hacktivist groups and their foot soldiers seemed to be able to steal and publish corporate or governmental data at will.¶ **In 2013, however, things look a little different. Hacktivist groups have suffered from a string of convictions as frustrated governments clamped down on their activity. Attacks seems to have lessened** as confirmed by the recent Verizon data breach report, which tracks security incidents across the globe. It stated that only a small minority of attacks have hacktivist roots, and that the vast majority of data security threats now originate from organised criminal and state sponsored groups.¶ **The distributed and individualised nature of this movement mean that the groups have no common background or goal and this can lead to a level of inconsistency and randomness** that would befuddle most CEOs. **Lacking a nominated leader, the hacktivist movement relies on clear causes to unite and focus their activities – when these causes are not so clear, the group tends to fragment and seek out other activities.**¶ **One drawback of this decentralised and leaderless structure is that it can be subverted and used by other parties for their own gain**. Criminals may leverage the hacktivist brand to obfuscate their activities and groups appear which push government propaganda under the auspices of representing the people and freedom of speech. The hacktivist's signature distributed denial of service (DDoS) attack, for example, is increasingly being seen as a smokescreen to divert an organisation's attention while a deeper infiltration attempt is made.¶

#### Computer activism fails, and counter-movements prevent their ascent

**Bell & Kennedy 2000**

[David & Barbara, The Cybercultures Reader, Google Books, <http://books.google.com/>, p.261}

It is easy to imagine how organized **computer activism** could hold such companies to ransom. As hayes points out, however, it **is more difficult to organize any kind of** labour **movement organized upon such premises. Many are prepared to** publicly oppose **the countless dark legacies of the computer age**: electronic sweatshops, military technology, employee surveillance, geotoxic water, and ozone depletion.

## Anthro K

The rest of my speech doc messed up – it didn’t save any more cards. All of them have been read by us before though.

# 1NR

## PIC

#### UNIQUELY TYING TRASNPARANCY AND DEMOCRATIC REFORM IS A METAPHORIC TROPE DRIVING TECHNOCRATIC GOVERNANCE SOLUTIONS. NEG LINK UNIQUENESS OVERWHLEM THE RISK OF CONTRIVED AFF OFFENSE.

Fenster 2k10

[mark, seeing the state: transparency as metaphor, administrative law review, 62, 3, summer, american bar association, Prof of Law, UFlorida – Levin College of Law, JD Yale Law, PhD Urbana Champaign]

Transparency thus operates simultaneously in two ways. It constitutes a technical concept that, when properly implemented in law and regulation, produces goods deemed essential for a democratic society: an effective administrative state; a knowledgeable citizenry that can hold the government accountable; and an active, deliberative polis.36 In implementing this understanding of the concept, constitutions and legislatures impose transparency through legal and administrative commands and institutional design, all of which require the intricate drafting of provisions and the delicate balancing of interests. At the same time, transparency also offers a highly charged metaphor of a corrupt, secretive state that must be made visible. The metaphoric understanding of transparency animates deeply held beliefs about the state’s legitimacy, escalating to the level of a preeminent democratic imperative the technocratic legal issue of how best to make the official administrative bureaucracy accessible.

#### Countering transparency with intelligent accountability is a comparatively better method to solve the aff by focusing on more wholistic assessments of the complex interdependent factors which underlie war powers

Roberts 2k9

[john, “no one is perfect: the limits of transparency and an ethic for intelligent accountability”, accounting, organizations, and society, 32, 957-970, Faculty of Economics and Business, U of Sydney]

In the light of her critique of the unintended consequences of transparency, O’Neill points to the potentials of what she calls ‘intelligent accountability’. ‘Well placed trust’, she argues, ‘grows out of active enquiry rather than blind acceptance. In traditional relations of trust, active enquiry was usually extended over time by talking and asking questions, by listening and seeing how well claims to know and undertakings to act held up over time’ (2002, p.76). O’Neill’s version of intelligent accountability can be seen as a counter to many of the deficiencies of ‘accountability as transparency’. Accountability, in its intelligent form, is in a particular context. It is not a mere showing or making visible of the self against a pre-determined set of categories, but rather involves active enquiry – listening, asking questions, and talking – through which the relevance or accuracy of indicators can be understood in context. Whilst transparency must rely on periodic snapshots that capture performance at a moment of time, intelligent accountability extends over time and thereby affords the opportunity to test commitments against outcomes in a way that makes the manipulation of performance less easy, and promotes understanding of the complex interdependencies that underlie discrete indicators. It is typically a face-to-face encounter, rich with information, in which communication is less easily stagemanaged and rhetoric can be constantly compared to actual practice.

#### And, the aff’s link defense and permutations’ ambivalent embrace of transparency is only a more unique link

Roberts 2k9

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Strathern describes this ambivalent embrace of transparency in the following way:- ‘To auditor and auditee alike, the language of assessment, in purporting to be a language that makes output transparent, hides many dimensions of the output process; as we have seen, this, too, is standard (self) criticism. The rhetoric of transparency appears to conceal that very process of concealment, yet in so far as ‘everyone knows’ this, it would be hard to say it ‘really’ does so. Realities are knowingly eclipsed’ (2000, p.315). Power observes a similar ambivalence in relation to ideals of auditability when he notes that:-¶ ‘Practitioner humour, irony, and stories of absurd side effects are replaced at the world–level by earnest idealism, perfectionism and design optimism – often by the very practitioners who would privately side with the critics’ (2007, p.168).¶ Like O’Neill, both Strathern and Power are describing a form of **self censorship associated with transparency that potentially** robs accountability **of much of its communicative value.** In what follows I suggest that **it is this very ambivalence itself** which allows transparency to achieve its illusory grip upon us.**¶ Ambivalence involves a strange admixture of belief and simultaneous disbelief in relation to my own and others’** beliefs. An English phrase used by colleagues to describe a person who is well perceived by superiors in an organisation is that the ‘sun shines out of his arse’. Condensed in this inelegant phrase is much of how transparency works upon us; it promises/threatens to lay bare the self. Ambivalence is created in the ways in which someone can seemingly appear so perfect to distant but less informed others. It is unrealistic in that his colleagues know better (disbelief), but are nevertheless themselves stained by comparison in the eyes of superiors (belief). At the same time it is envious (belief) of the attention and admiration attracted by their peerless peer, which seems only to confirm what is lacking in themselves (disbelief). O’Neill traces our embrace of new forms of transparency to what she calls ‘a fantasy of total control’. **The problem but power of transparency lies in its use as an instrument of hierarchy, large-scale organisation, and control at a distance. The visual metaphor of transparency immediately places us in the realm of narcissus**. It is not just that our conduct is rendered visible to others. Rather the power of transparency lies in the possibility that I and/or others will identify with the image of the self that such transparency offers; that I will recognise myself and/or be recognised in its categories. A factional example will perhaps help here. At a recent departmental meeting the annual accounts were on the agenda and the conversation quickly fell to exploring the ways in which the figures were in various ways nonsensical. Transparency in this local context offered no great difficulties for its omissions and abstractions could quickly be concretised and re-contextualised by virtue of everyone’s rich and elaborate local knowledge. But despite the pleasures of this conversation – perhaps arising from the obvious superiority of our local knowledge and the consequent foolishness of some elements of the figures – the meeting was silenced by the chair’s observation that whilst we knew that the figures were rubbish, the trouble was that our (absent) boss believed in them.¶ The problem is real. The boss does not have our local knowledge and knows the local only through the ways in which accounting figures render it transparent. Without the transparency he is blind and dependent on the local, with it he is potent for he can compare us with others, challenge past conduct and set demanding targets. We could say that transparency makes being a boss possible, and indeed as ‘coach’ and ‘mentor’ being a boss is now presented not as the control of others but rather as embodying an ideal for others to emulate (Wageman, 2001). However, there is also a sense in which the boss knows only too well that the numbers probably cannot be believed but deploys belief in the numbers as a tactic which allows him to demonstrate his capabilities as a boss. We can see in this scenario how difficult it is to introduce reality into ‘accountability as transparency’ for narcissus keeps getting in the way. Narcissus, in this instance, is indeed the fantasy of total control and personal competence, and the denial of dependence that it supports. Force is given to this fantasy by the way that the boss is him/herself subject to a similar transparency. As one moves up the hierarchy, results and the consequent ‘success’ of the self are often constituted largely within this virtual sea of representations, which are now ‘second order’ numbers thoroughly divorced from the messy context within which they were produced and to which they refer (Power, 2004). In this sense management does indeed become no more than ‘managing the league tables’. **Plans, budgets, assurance statements, and audits become the only currency of managerial exchange. Unless things go very wrong, they are taken at face value and relied upon as the basis for decision making, resource allocation and the rituals of symbolic praise and humiliation. The boss’s boss too can claim with some force that it would be ‘irresponsible’ not to take such transparency seriously, inadequate as it may be, for yet more distant others also believe in it. In this way accountability as transparency takes on** a self-fulfilling life of its own that is all too easily decoupled from the realities it is supposed to disclose.