## 1NC

### FW

#### A – Interpretation:

#### Topical affirmatives must affirm the resolution through instrumental defense of action by the United States Federal Government.

#### B – Definitions

#### Should denotes an expectation of enacting a plan

#### American Heritage Dictionary 2000 (Dictionary.com)

should. The will to do something or have something take place: I shall go out if I feel like it.

#### Federal government is the central government in Washington DC

Encarta Online 2005,

http://encarta.msn.com/encyclopedia\_1741500781\_6/United\_States\_(Government).html#howtocite

United States (Government), the combination of federal, state, and local laws, bodies, and agencies that is responsible for carrying out the operations of the United States. The federal government of the United States is centered in [Washington, D.C.](http://encarta.msn.com/encyclopedia_761576320/Washington_D_C.html)

#### Resolved implies a policy

Louisiana House 3-8-2005, <http://house.louisiana.gov/house-glossary.htm>

Resolution A legislative instrument that generally is used for making declarations, stating policies, and making decisions where some other form is not required. A bill includes the constitutionally required enacting clause; a resolution uses the term "resolved". Not subject to a time limit for introduction nor to governor's veto. ( Const. Art. III, §17(B) and House Rules 8.11 , 13.1 , 6.8 , and 7.4)

#### C – Vote neg –

#### First is Decisionmaking

#### The primary purpose of debate should be to improve our skills as decision-makers. We are all individual policy-makers who make choices every day that affect us and those around us. We have an obligation to the people affected by our decisions to use debate as a method for honing these critical thinking and information processing abilities.

Austin J. Freeley and David L. Steinberg – John Carroll University / U Miami – 2009, Argumentation and Debate: Critical Thinking for Reasoned Decision Making, p. 1-4, googlebooks

After several days of intense debate, first the United States House of Representatives and then the U.S. Senate voted to authorize President George W. Bush to attack Iraq if Saddam Hussein refused to give up weapons of mass destruction as required by United Nations's resolutions. Debate about a possible military\* action against Iraq continued in various governmental bodies and in the public for six months, until President Bush ordered an attack on Baghdad, beginning Operation Iraqi Freedom, the military campaign against the Iraqi regime of Saddam Hussein. He did so despite the unwillingness of the U.N. Security Council to support the military action, and in the face of significant international opposition.¶ Meanwhile, and perhaps equally difficult for the parties involved, a young couple deliberated over whether they should purchase a large home to accommodate their growing family or should sacrifice living space to reside in an area with better public schools; elsewhere a college sophomore reconsidered his major and a senior her choice of law school, graduate school, or a job. Each of these\* situations called for decisions to be made. Each decision maker worked hard to make well-reasoned decisions.¶ Decision making is a thoughtful process of choosing among a variety of options for acting or thinking. It requires that the decider make a choice. Life demands decision making. We make countless individual decisions every day. To make some of those decisions, we work hard to employ care and consideration; others seem to just happen. Couples, families, groups of friends, and coworkers come together to make choices, and decision-making bodies from committees to juries to the U.S. Congress and the United Nations make decisions that impact us all. Every profession requires effective and ethical decision making, as do our school, community, and social organizations.¶ We all make many decisions every day. To refinance or sell one's home, to buy a high-performance SUV or an economical hybrid car. what major to select, what to have for dinner, what candidate to vote for, paper or plastic, all present us with choices. Should the president deal with an international crisis through military invasion or diplomacy? How should the U.S. Congress act to address illegal immigration?¶ Is the defendant guilty as accused? The Daily Show or the ball game? And upon what information should I rely to make my decision? Certainly some of these decisions are more consequential than others. Which amendment to vote for, what television program to watch, what course to take, which phone plan to purchase, and which diet to pursue all present unique challenges. At our best, we seek out research and data to inform our decisions. Yet even the choice of which information to attend to requires decision making. In 2006, TIME magazine named YOU its "Person of the Year." Congratulations! Its selection was based on the participation not of ''great men" in the creation of history, but rather on the contributions of a community of anonymous participants in the evolution of information. Through blogs. online networking. You Tube. Facebook, MySpace, Wikipedia, and many other "wikis," knowledge and "truth" are created from the bottom up, bypassing the authoritarian control of newspeople, academics, and publishers. We have access to infinite quantities of information, but how do we sort through it and select the best information for our needs?¶ The ability of every decision maker to make good, reasoned, and ethical decisions relies heavily upon their ability to think critically. Critical thinking enables one to break argumentation down to its component parts in order to evaluate its relative validity and strength. Critical thinkers are better users of information, as well as better advocates.¶ Colleges and universities expect their students to develop their critical thinking skills and may require students to take designated courses to that end. The importance and value of such study is widely recognized.¶ Much of the most significant communication of our lives is conducted in the form of debates. These may take place in intrapersonal communications, in which we weigh the pros and cons of an important decision in our own minds, or they may take place in interpersonal communications, in which we listen to arguments intended to influence our decision or participate in exchanges to influence the decisions of others.¶ Our success or failure in life is largely determined by our ability to make wise decisions for ourselves and to influence the decisions of others in ways that are beneficial to us. Much of our significant, purposeful activity is concerned with making decisions. Whether to join a campus organization, go to graduate school, accept a job oiler, buy a car or house, move to another city, invest in a certain stock, or vote for Garcia—these are just a few of the thousands of decisions we may have to make. Often, intelligent self-interest or a sense of responsibility will require us to win the support of others. We may want a scholarship or a particular job for ourselves, a customer for out product, or a vote for our favored political candidate.

#### Specifically, through discussing paths of government action, debate teaches us to be better organizational decision makers. Learning about the uniquely different considerations of organizations is necessary to affecting change in a world overwhelmingly dominated by institutions.

Algoso 2011 – Masters in Public Administration (May 31, Dave, “Why I got an MPA: Because organizations matter” <http://findwhatworks.wordpress.com/2011/05/31/why-i-got-an-mpa-because-organizations-matter/>)

Because organizations matter. Forget the stories of heroic individuals written in your middle school civics textbook. Nothing of great importance is ever accomplished by a single person. Thomas Edison had lab assistants, George Washington’s army had thousands of troops, and Mother Teresa’s Missionaries of Charity had over a million staff and volunteers when she passed away. Even Jesus had a 12-man posse. In different ways and in vastly different contexts, these were all organizations. Pick your favorite historical figure or contemporary hero, and I can almost guarantee that their greatest successes occurred as part of an organization. Even the most charismatic, visionary and inspiring leaders have to be able to manage people, or find someone who can do it for them. International development work is no different. Regardless of your issue of interest — whether private sector investment, rural development, basic health care, government capacity, girls’ education, or democracy promotion — your work will almost always involve operating within an organization. How well or poorly that organization functions will have dramatic implications for the results of your work. A well-run organization makes better decisions about staffing and operations; learns more from its mistakes; generates resources and commitment from external stakeholders; and structures itself to better promote its goals. None of this is easy or straightforward. We screw it up fairly often. Complaints about NGO management and government bureaucracy are not new. We all recognize the need for improvement. In my mind, the greatest challenges and constraints facing international development are managerial and organizational, rather than technical. Put another way: the greatest opportunities and leverage points lie in how we run our organizations. Yet our discourse about the international development industry focuses largely on how much money donors should commit to development and what technical solutions (e.g. deworming, elections, roads, whatever) deserve the funds. We give short shrift to the questions around how organizations can actually turn those funds into the technical solutions. The closest we come is to discuss the incentives facing organizations due to donor or political requirements. I think we can go deeper in addressing the management and organizational issues mentioned above. This thinking led me to an MPA degree because it straddles that space between organizations and issues. A degree in economics or international affairs could teach you all about the problems in the world, and you may even learn how to address them. But if you don’t learn how to operate in an organization, you may not be able to channel the resources needed to implement solutions. On the flip side, a typical degree in management offers relevant skills, but without the content knowledge necessary to understand the context and the issues. I think the MPA, if you choose the right program for you and use your time well, can do both.

#### Additionally, The best route to improving decision-making is through discussion about public policy

#### Mutually accessible information – There is a wide swath of literature on governmental policy topics – that ensures there will be informed, predictable, and in-depth debate over the aff’s decision. Individual policymaking is highly variable depending on the person and inaccessible to outsiders.

#### Harder decisions make better decisionmakers – The problems facing public policymakers are a magnitude greater than private decisions. We all know plans don’t actually happen, but practicing imagining the consequences of our decisions in the high-stakes games of public policymaking makes other decisionmaking easier.

#### External actors – the decisions we make should be analyzed not in a vacuum but in the complex social field that surrounds us

#### Second is Predictable Limits - The resolution proposes the question the negative is prepared to answer and creates a bounded list of potential affs for us to think about. Debate has unique potential to change attitudes and grow critical thinking skills because it forces pre-round internal deliberation on a of a focused, common ground of debate

Robert E. Goodin and Simon J. Niemeyer- Australian National University- 2003,

When Does Deliberation Begin? Internal Reflection versus Public Discussion in Deliberative Democracy, POLITICAL STUDIES: 2003 VOL 51, 627–649, http://onlinelibrary.wiley.com/doi/10.1111/j.0032-3217.2003.00450.x/pdf

What happened in this particular case, as in any particular case, was in some respects peculiar unto itself. The problem of the Bloomfield Track had been well known and much discussed in the local community for a long time. Exaggerated claims and counter-claims had become entrenched, and unreflective public opinion polarized around them. In this circumstance, the effect of the information phase of deliberative processes was to brush away those highly polarized attitudes, dispel the myths and symbolic posturing on both sides that had come to dominate the debate, and liberate people to act upon their attitudes toward the protection of rainforest itself. The key point, from the perspective of ‘democratic deliberation within’, is that that happened in the earlier stages of deliberation – before the formal discussions (‘deliberations’, in the discursive sense) of the jury process ever began. The simple process of jurors seeing the site for themselves, focusing their minds on the issues and listening to what experts had to say did virtually all the work in changing jurors’ attitudes. Talking among themselves, as a jury, did very little of it. However, the same might happen in cases very different from this one. Suppose that instead of highly polarized symbolic attitudes, what we have at the outset is mass ignorance or mass apathy or non-attitudes. There again, people’s engaging with the issue – focusing on it, acquiring information about it, thinking hard about it – would be something that is likely to occur earlier rather than later in the deliberative process. And more to our point, it is something that is most likely to occur within individuals themselves or in informal interactions, well in advance of any formal, organized group discussion. There is much in the large literature on attitudes and the mechanisms by which they change to support that speculation.31 Consider, for example, the literature on ‘central’ versus ‘peripheral’ routes to the formation of attitudes. Before deliberation, individuals may not have given the issue much thought or bothered to engage in an extensive process of reflection.32 In such cases, positions may be arrived at via peripheral routes, taking cognitive shortcuts or arriving at ‘top of the head’ conclusions or even simply following the lead of others believed to hold similar attitudes or values (Lupia, 1994). These shorthand approaches involve the use of available cues such as ‘expertness’ or ‘attractiveness’ (Petty and Cacioppo, 1986) – not deliberation in the internal-reflective sense we have described. Where peripheral shortcuts are employed, there may be inconsistencies in logic and the formation of positions, based on partial information or incomplete information processing. In contrast, ‘central’ routes to the development of attitudes involve the application of more deliberate effort to the matter at hand, in a way that is more akin to the internal-reflective deliberative ideal. Importantly for our thesis, there is nothing intrinsic to the ‘central’ route that requires group deliberation. Research in this area stresses instead the importance simply of ‘sufficient impetus’ for engaging in deliberation, such as when an individual is stimulated by personal involvement in the issue.33 The same is true of ‘on-line’ versus ‘memory-based’ processes of attitude change.34 The suggestion here is that we lead our ordinary lives largely on autopilot, doing routine things in routine ways without much thought or reflection. When we come across something ‘new’, we update our routines – our ‘running’ beliefs and pro cedures, attitudes and evaluations – accordingly. But having updated, we then drop the impetus for the update into deep-stored ‘memory’. A consequence of this procedure is that, when asked in the ordinary course of events ‘what we believe’ or ‘what attitude we take’ toward something, we easily retrieve what we think but we cannot so easily retrieve the reasons why. That more fully reasoned assessment – the sort of thing we have been calling internal-reflective deliberation – requires us to call up reasons from stored memory rather than just consulting our running on-line ‘summary judgments’. Crucially for our present discussion, once again, what prompts that shift from online to more deeply reflective deliberation is not necessarily interpersonal discussion. The impetus for fixing one’s attention on a topic, and retrieving reasons from stored memory, might come from any of a number sources: group discussion is only one. And again, even in the context of a group discussion, this shift from ‘online’ to ‘memory-based’ processing is likely to occur earlier rather than later in the process, often before the formal discussion ever begins. All this is simply to say that, on a great many models and in a great many different sorts of settings, it seems likely that elements of the pre-discursive process are likely to prove crucial to the shaping and reshaping of people’s attitudes in a citizens’ jury-style process. The initial processes of focusing attention on a topic, providing information about it and inviting people to think hard about it is likely to provide a strong impetus to internal-reflective deliberation, altering not just the information people have about the issue but also the way people process that information and hence (perhaps) what they think about the issue. What happens once people have shifted into this more internal-reflective mode is, obviously, an open question. Maybe people would then come to an easy consensus, as they did in their attitudes toward the Daintree rainforest.35 Or maybe people would come to divergent conclusions; and they then may (or may not) be open to argument and counter-argument, with talk actually changing minds. Our claim is not that group discussion will always matter as little as it did in our citizens’ jury.36 Our claim is instead merely that the earliest steps in the jury process – the sheer focusing of attention on the issue at hand and acquiring more information about it, and the internal-reflective deliberation that that prompts – will invariably matter more than deliberative democrats of a more discursive stripe would have us believe. However much or little difference formal group discussions might make, on any given occasion, the pre-discursive phases of the jury process will invariably have a considerable impact on changing the way jurors approach an issue. From Citizens’ Juries to Ordinary Mass Politics? In a citizens’ jury sort of setting, then, it seems that informal, pre-group deliberation – ‘deliberation within’ – will inevitably do much of the work that deliberative democrats ordinarily want to attribute to the more formal discursive processes. What are the preconditions for that happening? To what extent, in that sense, can findings about citizens’ juries be extended to other larger or less well-ordered deliberative settings? Even in citizens’ juries, deliberation will work only if people are attentive, open and willing to change their minds as appropriate. So, too, in mass politics. In citizens’ juries the need to participate (or **the anticipation of participating) in formally organized group discussions might be the ‘prompt’ that evokes those attributes**. But there might be many other possible ‘prompts’ that can be found in less formally structured mass-political settings. Here are a few ways citizens’ juries (and all cognate micro-deliberative processes)37 might be different from mass politics, and in which lessons drawn from that experience might not therefore carry over to ordinary politics: • A citizens’ jury concentrates people’s minds on a single issue. Ordinary politics involve many issues at once. • A citizens’ jury is often supplied a background briefing that has been agreed by all stakeholders (Smith and Wales, 2000, p. 58). In ordinary mass politics, there is rarely any equivalent common ground on which debates are conducted. • A citizens’ jury separates the process of acquiring information from that of discussing the issues. In ordinary mass politics, those processes are invariably intertwined. • A citizens’ jury is provided with a set of experts. They can be questioned, debated or discounted. But there is a strictly limited set of ‘competing experts’ on the same subject. In ordinary mass politics, claims and sources of expertise often seem virtually limitless, allowing for much greater ‘selective perception’. • Participating in something called a ‘citizens’ jury’ evokes certain very particular norms: norms concerning the ‘impartiality’ appropriate to jurors; norms concerning the ‘common good’ orientation appropriate to people in their capacity as citizens.38 There is a very different ethos at work in ordinary mass politics, which are typically driven by flagrantly partisan appeals to sectional interest (or utter disinterest and voter apathy). • In a citizens’ jury, **we think and listen in anticipation of the discussion phase, knowing that we soon will have to defend our views in a discursive setting where they will be probed intensively**.39 In ordinary mass-political settings, there is no such incentive for paying attention. It is perfectly true that citizens’ juries are ‘special’ in all those ways. But if being special in all those ways makes for a better – more ‘reflective’, more ‘deliberative’ – political process, then those are design features that we ought try to mimic as best we can in ordinary mass politics as well. There are various ways that that might be done. Briefing books might be prepared by sponsors of American presidential debates (the League of Women Voters, and such like) in consultation with the stakeholders involved. Agreed panels of experts might be questioned on prime-time television. Issues might be sequenced for debate and resolution, to avoid too much competition for people’s time and attention. Variations on the Ackerman and Fishkin (2002) proposal for a ‘deliberation day’ before every election might be generalized, with a day every few months being given over to small meetings in local schools to discuss public issues. All that is pretty visionary, perhaps. And (although it is clearly beyond the scope of the present paper to explore them in depth) there are doubtless many other more-or-less visionary ways of introducing into real-world politics analogues of the elements that induce citizens’ jurors to practice ‘democratic deliberation within’, even before the jury discussion gets underway. Here, we have to content ourselves with identifying those features that need to be replicated in real-world politics in order to achieve that goal – and with the ‘possibility theorem’ that is established by the fact that (as sketched immediately above) there is at least one possible way of doing that for each of those key features.

#### Third is Dogmatism – Most problems are not black and white but have complex, uncertain interactions. By declaring that \_\_\_\_\_ is always bad, they prevent us from understanding the nuances of an incredibly important and complex issue. This is the epitome of dogmatism

Keller, et. al,– Asst. professor School of Social Service Administration U. of Chicago - 2001

(Thomas E., James K., and Tracly K., Asst. professor School of Social Service Administration U. of Chicago, professor of Social Work, and doctoral student School of Social Work, “Student debates in policy courses: promoting policy practice skills and knowledge through active learning,” Journal of Social Work Education, Spr/Summer 2001, EBSCOhost)

John Dewey, the philosopher and educational reformer, suggested that the initial advance in the development of reflective thought occurs in the transition from holding fixed, static ideas to an attitude of doubt and questioning engendered by exposure to alternative views in social discourse (Baker, 1955, pp. 36-40). Doubt, confusion, and conflict resulting from discussion of diverse perspectives "force comparison, selection, and reformulation of ideas and meanings" (Baker, 1955, p. 45). Subsequent educational theorists have contended that learning requires openness to divergent ideas in combination with the ability to synthesize disparate views into a purposeful resolution (Kolb, 1984; Perry, 1970). On the one hand, clinging to the certainty of one's beliefs risks dogmatism, rigidity, and the inability to learn from new experiences. On the other hand, if one's opinion is altered by every new experience, the result is insecurity, paralysis, and the inability to take effective action. The educator's role is to help students develop the capacity to incorporate new and sometimes conflicting ideas and experiences into a coherent cognitive framework. Kolb suggests that, "if the education process begins by bringing out the learner's beliefs and theories, examining and testing them, and then integrating the new, more refined ideas in the person's belief systems, the learning process will be facilitated" (p. 28).

The authors believe that involving students in substantive debates challenges them to learn and grow in the fashion described by Dewey and Kolb. Participation in a debate stimulates clarification and critical evaluation of the evidence, logic, and values underlying one's own policy position. In addition, to debate effectively students must understand and accurately evaluate the opposing perspective. The ensuing tension between two distinct but legitimate views is designed to yield a reevaluation and reconstruction of knowledge and beliefs pertaining to the issue.

#### Our method solves – Even if the resolution is wrong, having a devil’s advocate in deliberation is vitally important to critical thinking skills and avoiding groupthink

Hugo Mercier and Hélène Landemore- 2011

(Philosophy, Politics and Economics prof @ U of Penn, Poli Sci prof @ Yale), Reasoning is for arguing: Understanding the successes and failures of deliberation, Political Psychology, http://sites.google.com/site/hugomercier/publications

Reasoning can function outside of its normal conditions when it is used purely internally. But it is not enough for reasoning to be done in public to achieve good results. And indeed the problems of individual reasoning highlighted above, such as polarization and overconfidence, can also be found in group reasoning (Janis, 1982; Stasser & Titus, 1985; Sunstein, 2002). Polarization and overconfidence happen because not all group discussion is deliberative. According to some definitions of deliberation, including the one used in this paper, reasoning has to be applied to the same thread of argument *from different opinions* for deliberation to occur. As a consequence, “If the participants are mostly like-minded or hold the same views before they enter into the discussion, they are not situated in the circumstances of deliberation.” (Thompson, 2008: 502). We will presently review evidence showing that the absence or the silencing of dissent is a quasi-necessary condition for polarization or overconfidence to occur in groups. Group polarization has received substantial empirical support. 11 So much support in fact that Sunstein has granted group polarization the status of law (Sunstein, 2002). There is however an important caveat: group polarization will mostly happen when people share an opinion to begin with. In defense of his claim, Sunstein reviews an impressive number of empirical studies showing that many groups tend to form more extreme opinions following discussion. The examples he uses, however, offer as convincing an illustration of group polarization than of the necessity of having group members that share similar beliefs at the outset for polarization to happen (e.g. Sunstein, 2002: 178). Likewise, in his review of the group polarization literature, Baron notes that “The crucial antecedent condition for group polarization to occur is the presence of a likeminded group; i.e. individuals who share a preference for one side of the issue.” (Baron, 2005). Accordingly, when groups do not share an opinion, they tend to depolarize. This has been shown in several experiments in the laboratory (e.g. Kogan & Wallach, 1966; Vinokur & Burnstein, 1978). Likewise, studies of deliberation about political or legal issues report that many groups do not polarize (Kaplan & Miller, 1987; Luskin, Fishkin, & Hahn, 2007; Luskin et al., 2002; Luskin, Iyengar, & Fishkin, 2004; Mendelberg & Karpowitz, 2000). On the contrary, some groups show a homogenization of their attitude (they depolarize) (Luskin et al., 2007; Luskin et al., 2002). The contrasting effect of discussions with a supportive versus dissenting audience is transparent in the results reported by Hansen ( 2003 reported by Fishkin & Luskin, 2005). Participants had been exposed to new information about a political issue. When they discussed it with their family and friends, they learned more facts supporting their initial position. On the other hand, during the deliberative weekend—and the exposition to other opinions that took place—they learned more of the facts supporting the view they disagreed with. The present theory, far from being contradicted by the observation that groups of likeminded people reasoning together tend to polarize, can in fact account straightforwardly for this observation. When people are engaged in a genuine deliberation, the confirmation bias present in each individual’s reasoning is checked, compensated by the confirmation bias of individuals who defend another opinion. When no other opinion is present (or expressed, or listened to), people will be disinclined to use reasoning to critically examine the arguments put forward by other discussants, since they share their opinion. Instead, they will use reasoning to strengthen these arguments or find other arguments supporting the same opinion. In most cases the reasons each individual has for holding the same opinion will be partially non-overlapping. Each participant will then be exposed to new reasons supporting the common opinion, reasons that she is unlikely to criticize. It is then only to be expected that group members should strengthen their support for the common opinion in light of these new arguments. In fact, groups of like-minded people should have little endogenous motivation to start reasoning together: what is the point of arguing with people we agree with? In most cases, such groups are lead to argue because of some external constraint. These constraints can be more or less artificial—a psychologist telling participants to deliberate or a judge asking a jury for a well supported verdict—but they have to be factored in the explanation of the phenomenon. 4. Conclusion: a situational approach to improving reasoning We have argued that reasoning should not be evaluated primarily, if at all, as a device that helps us generate knowledge and make better decisions through private reflection. Reasoning, in fact, does not do those things very well. Instead, we rely on the hypothesis that the function of reasoning is to find and evaluate arguments in deliberative contexts. This evolutionary hypothesis explains why, when reasoning is used in its normal conditions—in a deliberation—it can be expected to lead to better outcomes, consistently allowing deliberating groups to reach epistemically superior outcomes and improve their epistemic status. Moreover, seeing reasoning as an argumentative device also provides a straightforward account of the otherwise puzzling confirmation bias—the tendency to search for arguments that favor our opinion. The confirmation bias, in turn, generates most of the problems people face when they reason in abnormal conditions— when they are not deliberating. This will happen to people who reason alone while failing to entertain other opinions in a private deliberation and to groups in which one opinion is so dominant as to make all others opinions—if they are even present—unable to voice arguments. In both cases, the confirmation bias will go unchecked and create polarization and overconfidence. We believe that the argumentative theory offers a good explanation of the most salient facts about private and public reasoning. This explanation is meant to supplement, rather than replace, existing psychological theories by providing both an answer to the why-questions and a coherent integrative framework for many previously disparate findings. The present article was mostly aimed at comparing deliberative vs. non-deliberative situations, but the theory could also be used to make finer grained predictions within deliberative situations. It is important to stress that the theory used as the backbone for the article is a theory of reasoning. The theory can only make predictions about reasoning, and not about the various other psychological mechanisms that impact the outcome of group discussion. We did not aim at providing a general theory of group processes that could account for all the results in this domain. But it is our contention that the best way to reach this end is by investigating the relevant psychological mechanisms and their interaction. For these reasons, the present article should only be considered a first step towards more fined grained predictions of when and why deliberation is efficient. Turning now to the consequences of the present theory, we can note first that our emphasis on the efficiency of diverse groups sits well with another recent a priori account of group competence. According to Hong and Page’s Diversity Trumps Ability Theorem for example, under certain plausible conditions, a diverse sample of moderately competent individuals will outperform a group of the most competent individuals (Hong & Page, 2004). Specifically, what explains the superiority of some groups of average people over smaller groups of experts is the fact that cognitive diversity (roughly, the ability to interpret the world differently) can be more crucial to group competence than individual ability (Page, 2007). That argument has been carried over from groups of problem-solvers in business and practical matters to democratically deliberating groups in politics (e.g., Anderson, 2006; Author, 2007, In press). At the practical level, the present theory potentially has important implications. Given that individual reasoning works best when confronted to different opinions, the present theory supports the improvement of the presence or expression of dissenting opinions in deliberative settings. Evidently, many people, in the field of deliberative democracy or elsewhere, are also advocating such changes. While these common sense suggestions have been made in the past (e.g., Bohman,

 2007; Sunstein, 2003, 2006), the present theory provides additional arguments for them. It also explains why approaches focusing on individual rather than collective reasoning are not likely to be successful. Specifically tailored practical suggestions can also be made by using departures from the normal conditions of reasoning as diagnostic tools. Thus, different departures will entail different solutions. Accountability—having to defends one’s opinion in front of an audience—can be used to bring individual reasoners closer to a situation of private deliberation. The use of different aggregation mechanisms could help identify the risk of deliberation among like-minded people. For example, before a group launches a discussion, a preliminary vote or poll could establish the extent to which different opinions are represented. If this procedure shows that people agree on the issue at hand, then skipping the discussion may save the group some efforts and reduce the risk of polarization. Alternatively, a **devil’s advocate** could be introduced in the group to defend an alternative opinion (e.g. Schweiger, Sandberg, & Ragan, 1986).

### 1nc Outsourcing DA

#### Restricting U.S. detention policies causes the U.S. to get other countries to detain --- results in worse conditions

Chesney, 11 --- Professor of Law at UT (May 2011, Robert, Boston College Law Review, “ARTICLE: WHO MAY BE HELD? MILITARY DETENTION THROUGH THE HABEAS LENS,” 52 B.C. L. Rev 769)

3. Balloon Squeezing: Resort to Alternative Mechanisms for Neutralizing the Enemy

The question at hand today is whether the convergence trend will also find expression in the substantive grounds for detention. As we will see in the next Part, that is a central issue with which the judges in the habeas cases have been wrestling. n209 Before we move on to survey what they have had to say, however, a final observation is in order concerning the dynamic relationships implicated by the non-state actor scenario.

The convergence thesis describes one manner in which law might respond to the cross-cutting pressures associated with the asymmetric warfare phenomenon--i.e., the pressure to reduce false positives (targeting, capture, or detention of the wrong individual) while also ensuring an adequate capacity to neutralize the non-state actors in question. One must bear in mind, however, that detention itself is not the only system of government action that can satisfy that latter interest. Other options exist, including the use of lethal force; the use of rendition to [\*804] place individuals in detention at the hands of some other state; the use of persuasion to induce some other state to take custody of an individual through its own means; and perhaps also the use of various forms of surveillance to establish a sort of constructive, loose control over a person (though for persons located outside the United States it is unlikely that surveillance could be much more than episodic, and thus any resulting element of "control" may be quite weak). n210

From the point of view of the individual involved, all but the last of these options are likely to be far worse experiences than U.S.-administered detention. In addition, all but the last are also likely to be far less useful for purposes of intelligence-gathering from the point of view of the U.S. government. n211 Nonetheless, these alternatives may grow attractive to the government in circumstances where the detention alternative becomes unduly restricted, yet the pressure for intervention remains. The situation is rather like squeezing a balloon: the result is not to shrink the balloon, but instead to displace the pressure from one side to another, causing the balloon to distend along the unconstrained side. So too here: when one of these coercive powers becomes constrained in new, more restrictive ways, the displaced pressure to incapacitate may simply find expression through one of the alternative mechanisms. On this view it is no surprise that lethal drone strikes have increased dramatically over the past two years, that the Obama administration has refused to foreswear rendition, that in Iraq we have largely (though not entirely) outsourced our detention operations to the Iraqis, and that we now are progressing along the same path in Afghanistan. n212

Decisions regarding the calibration of a detention system--the management of the convergence process, if you will--thus take place in the shadow of this balloon-squeezing phenomenon. A thorough policy review would take this into account, as should any formal lawmaking process. For the moment, however, our formal law-making process is not directed at the detention-scope question. Instead, clarification and development with respect to the substantive grounds for detention takes place through the lens of habeas corpus litigation.

#### Where we outsource is comparatively worse than Guantanamo --- worse internal link to all of their impacts

Goldsmith 12 --- Professor of Law at Harvard (6/29/2012, Jack, “Proxy Detention in Somalia, and the Detention-Drone Tradeoff,” <http://www.lawfareblog.com/2012/06/proxy-detention-in-somalia-and-the-detention-drone-tradeoff/>)

There has been speculation about the effect of the Obama administration’s pinched detention policy – i.e. no new detainees brought to GTMO, and no new detainees to Parwan (Afghanistan) from outside Afghanistan – on its other counterterrorism policies. I have long believed there must be some tradeoff between narrowing U.S. detention capabilities and other counterterrorism options, at least implicitly, and not necessarily for the better. As I wrote three years ago, in response to news reports that the Obama administration’s cutback on USG detentions resulted in more USG drone strikes and more outsourcing of rendition, detention, and interrogation:

 There are at least two problems with this general approach to incapacitating terrorists. First, it is not ideal for security. Sometimes it would be more useful for the United States to capture and interrogate a terrorist (if possible) than to kill him with a Predator drone. Often the United States could get better information if it, rather than another country, detained and interrogated a terrorist suspect. Detentions at Guantanamo are more secure than detentions in Bagram or in third countries.

 The second problem is that terrorist suspects often end up in less favorable places. Detainees in Bagram have fewer rights than prisoners at Guantanamo, and many in Middle East and South Asian prisons have fewer yet. Likewise, most detainees would rather be in one of these detention facilities than be killed by a Predator drone. We congratulate ourselves when we raise legal standards for detainees, but in many respects all we are really doing is driving the terrorist incapacitation problem out of sight, to a place where terrorist suspects are treated worse.

The main response to this argument – especially as it applies to the detention-drone tradeoff – has been to deny any such tradeoff on the ground that there are no terrorists outside of Afghanistan (a) whom the United States is in a position to capture on the ground (as opposed to kill from the sky), and (b) whom the USG would like to detain and interrogate. Dan Klaidman’s book provides some counter-evidence, but I will save my analysis of that for a review I am writing. Here I would like to point to an important story by Eli Lake that reveals that the “United States soldiers have been hunting down al Qaeda affiliates in Somalia”; that U.S. military and CIA advisers work closely with the Puntland Security Force in Somalia, in part to redress piracy threats but mainly to redress threats from al-Shabab; that the Americans have since 2009 captured and brought to the Bosaso Central Prison sixteen people (unclear how many are pirates and how many are al-Shabab); and that American interrogators are involved in questioning al-Shabab suspects.

The thrust of Lake’s story is that the conditions of detention at the Bosaso Central Prison are atrocious. But the story is also important for showing that that the United States is involved outside of Afghanistan in capturing members of terrorists organizations that threaten the United States, and does have a national security need to incapacitate and interrogate them. It does not follow, of course, that the USG can or should be in the business of detaining every al-Shabab suspect currently detained in the Bosaso Central Prison. But the Lake story does show that the alternatives to U.S. detention are invariably worse from a human rights perspective. It portends (along with last month’s WPR Report and related DOD press release) that our creeping involvement on the ground in places like Somalia and Yemen mean that the USG will in fact be in a position to capture higher-level terrorists in al Qaeda affiliates. And that in turn suggests that the factual premise underlying the denial of a detention-drone tradeoff will become harder and harder to defend.

#### Suspects end up getting rendered

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As well as detaining terrorist suspects, it is also alleged that U.S. authorities interrogate such suspects extraterritorially. Sometimes this happens within the aforementioned army-run detention facilities such as in Guantanamo Bay and Iraq; in Diego Garcia and Bagram, it is alleged that the CIA operates "interrogation centers." n36 It is also alleged that interrogation occurs in special CIA installations elsewhere, such as in Thailand n37 and that the basis for these extraterritorial installations is a secret presidential order issued to the CIA following the attacks of 9/11. n38

[\*751] As well as extraterritorial detentions operated by the United States directly, Priest and Gellman assert that "thousands" of "suspected al Qaeda members and their supporters" have been "arrested and held with U.S. assistance" in third States. n39 According to Van Natta Jr., such States have included Jordan, Syria, Egypt, and Morocco. n40 Usually the suspects have been transferred to the States concerned by the United States, a process referred to as "rendering." n41 Sometimes interrogations are conducted by the foreign authorities; n42 in other cases, "US intelligence agents remain closely involved in the interrogation." n43 One reason cited for this process of "rendering" to third States for interrogation in those States is the perceived "cultural affinity" operating between the captives and those in the countries to which they are transferred. n44 It is suggested that the United States looks:

to foreign allies more because their intelligence services can develop a culture of intimacy [with the captives] that Americans cannot. They may use interrogators who speak the captive's Arabic dialect and often use the prospects of shame and the reputation of the captive's family to goad the captive into talking. n45

U.S. officials also express the concern that when suspects are being transferred from what are regarded as moderate Muslim States (e.g. Indonesia), there would be a risk of a "backlash from fundamentalist Islamic groups" within those States if the transfer were to be made to the United States rather than another "Muslim state" (e.g. Egypt). n46 Moreover, Professor Wedgwood's general consideration about the security risk posed by detaining terrorist suspects in the United States is also invoked to justify interrogating such suspects in third countries.

### Performances of Self 1NC

#### The affirmative’s focus on personal narratives and experiences creates a therapeutic model of debate that merely counsels the individual victims of oppression. This locates the cause of problems and solutions within the self, which invites political inaction and leaves structural causes of oppression untouched as long as we have adopted their method [found survival strategies for blackness, opened debate up for inclusion of alternative perspectives, etc.]. This effectively absolves intellectuals of responsibility for racism while allowing it to thrive.

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(Mari, “Taking Conversation, Dialogue, and Therapy Public ,” Rhetoric & Public Affairs 8.3 (2005) 405-430)

Approaching public controversies through a conversational model informed by therapy also enables political inaction in two respects. First, an open-ended process lacking mechanisms for closure thwarts progress toward resolution. As Freeman writes of consciousness raising, an unstructured, informal discussion [End Page 418] "leaves people with no place to go and the lack of structure leaves them with no way of getting there."70 Second, the therapeutic impulse to emphasize the self as both problem and solution ignores structural impediments constraining individual agency. "Therapy," Cloud argues, "offers consolation rather than compensation, individual adaptation rather than social change, and an experience of politics that is impoverished in its isolation from structural critique and collective action." Public discourse emphasizing healing and coping, she claims, "locates blame and responsibility for solutions in the private sphere."71¶ Clinton's Conversation on Race not only exemplified the frequent wedding of public dialogue and therapeutic themes but also illustrated the failure of a conversation-as-counseling model to achieve meaningful social reform. In his speech inaugurating the initiative, Clinton said, "Basing our self-esteem on the ability to look down on others is not the American way . . . Honest dialogue will not be easy at first . . . Emotions may be rubbed raw, but we must begin." Tempering his stated goal of "concrete solutions" was the caveat that "power cannot compel" racial "community," which "can come only from the human spirit."72¶ Following the president's cue to self-disclose emotions, citizens chiefly aired personal experiences and perspectives during the various community dialogues. In keeping with their talk-show formats, the forums showcased what Orlando Patterson described as "performative 'race' talk," "public speech acts" of denial, proclamation, defense, exhortation, and even apology, in short, performances of "self" that left little room for productive public argument.73 Such personal evidence overshadowed the "facts" and "realities" Clinton also had promised to explore, including, for example, statistics on discrimination patterns in employment, lending, and criminal justice or expert testimony on cycles of dependency, poverty, illegitimacy, and violence.¶ Whereas Clinton had encouraged "honest dialogue" in the name of "responsibility" and "community," Burke argues that "The Cathartic Principle" often produces the reverse. "[C]onfessional," he writes, "contains in itself a kind of 'personal irresponsibility,' as we may even relieve ourselves of private burdens by befouling the public medium." More to the point, "a thoroughly 'confessional' art may enact a kind of 'individual salvation at the expense of the group,'" performing a "sinister function, from the standpoint of overall-social necessities."74 Frustrated observers of the racial dialogue—many of them African Americans—echoed Burke's concerns. Patterson, for example, noted, "when a young Euro-American woman spent nearly five minutes of our 'conversation' in Martha's Vineyard . . . publicly confessing her racial insensitivities, she was directly unburdening herself of all sorts of racial guilt feeling. There was nothing to argue about."75 Boston Globe columnist Derrick Z. Jackson invoked the game metaphor communication theorists often link to [End Page 419] skills in conversation,76 voicing suspicion of a talking cure for racial ailments that included neither exhaustive racial data nor concrete goals. "The game," wrote Jackson, "is to get 'rid' of responsibility for racism while doing nothing to solve it."77

#### This means the affirmative actively provides fuel to the fire of hegemonic debate practices. As long as the community provides an avenue for self-expression, the issue is resolved. This actively discourages structural solutions to problems of inequality because it makes narrative as a sufficient remedy.

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(Mari, “Taking Conversation, Dialogue, and Therapy Public ,” Rhetoric & Public Affairs 8.3 (2005) 405-430)

Fourth, a communicative model that views public issues through a relational, personal, or therapeutic lens nourishes hegemony by inviting political inaction. Whereas the objective of conventional public argument is achieving an instrumental goal such as a verdict or legislation, the aim of social conversation generally stops with self-expression. As Schudson puts it, "Conversation has no end outside itself."39 Similarly, modeling therapeutic paradigms that trumpet "talking cures" can discourage a search for political solutions to public problems by casting cathartic talk as sufficient remedy. As Campbell's analysis of consciousness-raising groups in the women's liberation movement points out, "[S]olutions must be structural, not merely personal, and analysis must move beyond personal experience and feeling . . . Unless such transcendence occurs, there is no persuasive campaign . . . [but] only the very limited realm of therapeutic, small group interaction."40¶ Finally, and related, a therapeutic framing of social problems threatens to locate the source and solution to such ills solely within the individual, the "self-help" on which much therapy rests. A postmodern therapeutic framing of conflicts as relational misunderstandings occasioned by a lack of dialogue not only assumes that familiarity inevitably breeds caring (rather than, say, irritation or contempt) but, more importantly, provides cover for ignoring the structural dimensions of social problems such as disproportionate black [End Page 412] poverty. If objective reality is unavoidably a fiction, as Sheila McNamee claims, all suffering can be dismissed as psychological rather than based in real, material circumstance, enabling defenders of the status quo to admonish citizens to "heal" themselves.

#### **Their politics of resistance are politically amorphous. They refuse to be tied down to particular strategies and are more concerned with what they stand against than what they stand for. This is a focus on personal empowerment rather than wider social change, which builds up the legitimacy of liberalism by providing venues for the subject to assert him or herself. The affirmative ensures that everyone feels empowered, but nobody actually is.**

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(Wendy, States of Injury, 21-3)

For some, fueled by opprobrium toward regulatory norms or other modalities of domination, the language of "resistance" has taken up the ground vacated by a more expansive practice of freedom. For others, it is the discourse of “empowerment” that carries the ghost of freedom's valence ¶ 22¶. Yet as many have noted, insofar as resistance is an effect of the regime it opposes on the one hand, and insofar as its practitioners often seek to void it of normativity to differentiate it from the (regulatory) nature of what it opposes on the other, it is at best politically rebellious; at worst, politically amorphous. Resistance stands against, not for; it is re-action to domination, rarely willing to admit to a desire for it, and it is neutral with regard to possible political direction. Resistance is in no way constrained to a radical or emancipatory aim. a fact that emerges clearly as soon as one analogizes Foucault's notion of resistance to its companion terms in Freud or Nietzsche. Yet in some ways this point is less a critique of Foucault, who especially in his later years made clear that his political commitments were not identical with his theoretical ones (and un- apologetically revised the latter), than a sign of his misappropriation. For Foucault, resistance marks the presence of power and expands our under- standing of its mechanics, but it is in this regard an analytical strategy rather than an expressly political one. "Where there is power, there is resistance, and yet. or rather consequently, this resistance is never in a position of exteriority to power. . . . (T]he strictly relational character of power relationships . . . depends upon a multiplicity of points of resistance: these play the role of adversary, target, support, or handle in power relations.\*39 This appreciation of the extent to which resistance is by no means inherently subversive of power also reminds us that it is only by recourse to a very non-Foucaultian moral evaluation of power as bad or that which is to be overcome that it is possible to equate resistance with that which is good, progressive, or seeking an end to domination. ¶ If popular and academic notions of resistance attach, however weakly at times, to a tradition of protest, the other contemporary substitute for a discourse of freedom—“empowerment”—would seem to correspond more closely to a tradition of idealist reconciliation. The language of resistance implicitly acknowledges the extent to which protest always transpires inside the regime; “empowerment,” in contrast, registers the possibility of generating one’s capacities, one’s “self-esteem,” one’s life course, without capitulating to constraints by particular regimes of power. But in so doing, contemporary discourses of empowerment too often signal an oddly adaptive and harmonious relationship with domination insofar as they locate an individual’s sense of worth and capacity in the register of individual feelings, a register implicitly located on some- thing of an other worldly plane vis-a-vis social and political power. In this regard, despite its apparent locution of resistance to subjection, contemporary discourses of empowerment partake strongly of liberal solipsism—the radical decontextualization of the subject characteristic of¶ 23¶ liberal discourse that is key to the fictional sovereign individualism of liberalism. Moreover, in its almost exclusive focus on subjects’ emotional bearing and self-regard, empowerment is a formulation that converges with a regime’s own legitimacy needs in masking the power of the regime. This is not to suggest that talk of empowerment is always only illusion or delusion. It is to argue, rather, that while the notion of empowerment articulates that feature of freedom concerned with action, with being more than the consumer subject figured in discourses of rights and economic democracy, contemporary deployments of that notion also draw so heavily on an undeconstructed subjectivity that they risk establishing a wide chasm between the (experience of) empowerment and an actual capacity to shape the terms of political, social, or economic life. Indeed, the possibility that one can “feel empowered” without being so forms an important element of legitimacy for the antidemocratic dimensions of liberalism.

#### The affirmative methodology prioritizes discussions of who holds knowledge rather than what the content of that knowledge is. This makes us more concerned with interrogating social location than working for justice for others. This leads to authenticity challenges and endless searches for purification of identity that preclude effective political strategies. Their focus on the self leads to a shrinking of the moral imaginations that limits politics to what is immediately connected to our personal identities. This standpoint can and should be challenged.

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(John, with Johan Muller, University of Cape Town “The Discourse of Voice and the Problem of Knowledge and Identity in the Sociology of Education,” British Journal of Sociology of Education 20 (2) p. 199-200)

The pedagogic device (Bernstein, 1990) of voice discourse promotes a methodology in which the explication of a method's social location precludes the need to examine the content of its data as grounds for valid explanation. Who says it is what counts, not what is said. This approach favours an ethnography that claims to reveal the cultural specificity of the category--the 'voice' of membership. What is held to be the facts, to be the case, is only so-and can only be so-from a particular perspective. The world thus viewed is a patchwork of incommensurable and exclusive voices or standpoints. Through the process of sub-division, increasingly more particularised identity categories come into being, each claiming the unique specificity of its distinctive experience and the knowledge authorised by it. ¶ The consequence of the abolition of the knowledge boundary that follows from the epistemological theses of postmodernism is the increasing specialisation of social categories (see Maton, 1998). Maton describes this process of proliferation in terms of the way such 'knower' discourses, ¶ ... base their legitimation upon the privileged insight of a knower, and work at maintaining strong boundaries around their definition of this knower-they celebrate difference where 'truth' is defined by the 'knower' or 'voice'. As each voice is brought into the choir, the category of the privileged 'knower' becomes smaller, each strongly bounded from one another, for each 'voice' has its own privileged and specialised knowledge. The client 'knower' group thus fragments, each fragment with its own representative ... The procession of the excluded thus becomes, in terms of the privileged 'knower', an accretion of adjectives, the 'hyphenation' which knower modes often proclaim as progress. In summary, with the emergence of each new category of knower, the categories of knowers become smaller, leading to proliferation and fragmentation within the knowledge formation. (ibid., p. 17) ¶ As Maton argues, this move promotes a fundamental change in the principle of legitimation-from what is known (and how) to who knows it. ¶ The device that welds knowledge to standpoint, voice and experience, produces a result that is inherently unstable, because the anchor for the voice is an interior authenticity that can never be demonstrated, only claimed (Taylor, 1992; Siegel, 1997; Fuss, 1990, 1995). Since all such claims are power claims, the authenticity of the voice is constantly prone to a purifying challenge, 'If you do not believe it you are not one of us' (Hammersly & Gomm, 1997, para. 3.3) that gears down to ever more rarefied specialisations or iterations of the voice category; an unstoppable spiral that Bernstein (1997, p. 176) has referred to as the 'shrinking of the moral imagination [10]. ¶ As Bernstein puts it, 'The voice of a social category (academic discourse, gender subject, occupational subject) is constructed by the degree of specialisation of the discursive rules regulating and legitimising the form of communication' (1990, p.23). ¶ If categories of either agents or discourse are specialised, then each category necessarily has its own specific identity and its own specific boundaries. The speciality of each category is created, maintained and reproduced only if the relations between the categories of which a given category is a member are preserved. What is to be preserved? The insulation between the categories. It is the strength of the insulation that creates a space in which a category can become specific. If a category wishes to increase its specificity, it has to appropriate the means to produce the necessary insulation that is the prior condition to its appropriating specificity. (ibid.) ¶ Collection codes employ an organisation of knowledge to specialise categories of person, integrated codes employ an organisation of persons to specialise categories of knowledge (Bernstein, 1977, pp. 106-111). The instability of the social categories associated with voice discourse reflects the fact that there is no stable and agreed-upon way of constructing such categories. By their nature, they are always open to contestation and further fragmentation. In principle, there is no terminal point where 'identities' can finally come to rest. It is for this reason that this position can reappear so frequently across time and space within the intellectual field-the same move can be repeated endlessly under the disguise of 'difference'. In Bernstein's terms, the organisation of knowledge is, most significantly, a device for the regulation of consciousness. ¶ The pedagogic device is thus a symbolic ruler of consciousness in its selective creation, positioning and oppositioning of pedagogic subjects. It is the con- dition for the production, reproduction, and transformation of culture. The question is: whose ruler, what consciousness? (1990, p. 189) ¶ The relativistic challenge to epistemologically grounded strong classifications of knowledge removes the means whereby social categories and their relations can be strongly theorised and effectively researched in a form that is other than arbitrary and can be challenged by anyone choosing to assert an alternative perspective or standpoint.

#### The affirmative strategy is willful refusal to discuss issues that are not personally related to them. This call for us to ignore the resolution is problematic because it focuses our politics on justice at “home” and “in our communities.” This has several implications. First it reproduces the idea of our communities as a home, which actively creates exclusions of the foreign other. Second, it orients our politics around correcting the injustices that happen to be geographically close to us. Why is the indefinite detention of Blacks and Latinos in prisons more important than Guantanamo? Why is the targeted killing of youth by cops more important than the targeted killing of foreigners by drones? Because those are issues that are close to us? This argument collapses on itself and creates a deliberate excuse for ignoring international atrocities by focusing on what matters to us, right here and right now.

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Yet social justice is not to be found in the questionable safety of nostalgia for the traditional racial and ethnic patterns of the United States. Nostalgia for what could be called traditional racial and ethnic patterns leads too easily to nativism and isolationism. Although demographic changes do not erase the nation’s obligations to address long-existing claims for social justice, neither do those obligations give the nation reasons to ignore its moral and political obligations to other groups, such as immigrants and refugees. It would be odd and troubling for the nation to merrily work toward justice at “home,” all the while neglecting the demands of those whom the nation regarded as perpetual foreigners (and not really being at “home” in the nation) and the demands of global justice. Such a vision of justice is self-serving and morally hollow. Long-existing civil rights claims should not delimit the nation’s moral boundaries and its conception of civil rights, thus ipso facto severing them from internationally determined human rights. The reactions of some citizens to the browning of America, unfortunately, open up this possibility, which is yet another evasion of social justice.7 When I broach these issues, or any of the particular issues discussed in this book, the response I frequently receive is that these issues are red herrings that divert our attention away from the real enemy, that of white supremacy.8 I am dubious about this complaint; after all, focusing on “white supremacy” does not directly address the particulars of the interethnic conflicts that arise from the browning of America. Perhaps, though, these critics mean that we should focus on how “white supremacy,” in the form of institutionalized racism or white power, divides minority groups, so as to conquer them and leave them to fight over a limited set of resources. Alternatively, these critiques would have us focus on how Latinos, Asian Americans, Americans who identify as multiracial, and immigrants adopt anti-black racism and the privileges of whiteness as they assimilate into American society. I think the latter argument is bogus, and chapter 3 is devoted in part to explaining why. As for the former, I think “white supremacy” is too broad and vague a category to be helpful, and that focusing on such a flawed category of power can be positively harmful. Such moves simply sidestep the particular issues that are raised in interethnic conflicts and may even contribute to the evasions I outlined earlier. The people of the United States, as they experience and participate in the browning of America, should resist both types of evasions. The Browning of America and the Evasion of Social Justice argues, in contrast, that the people of the United States should see in its demographic change the transformation of social justice. They should welcome that transformation and view it as an opportunity to satisfy old debts and expand in a cosmopolitan direction the very idea of social justice.

#### Autonomous subjectivity bad – turns case

Zhao, professor of education, 12 – Associate Professor in the College of Education at Oklahoma State University (Guoping, Ph.D. from the University of Virginia, 3/30-4/1/12, “Freedom Reconsidered: Heteronomy, Infinity, and Open Subjectivity,” Annual Conference of the Philosophy of Education Society of Great Britain, http://www.philosophy-of-education.org/uploads/papers2012/Zhao.pdf)

Since the time of Heidegger, the problems of the humanist construction of the sovereign subject have been exposed and analyzed. Even though it is a point of debate whether the subject has been, especially in Foucault and Derrida‘s works, ―eliminated‖ or ―liquidated,‖ there is no question that several attempts have been made to reassemble and reconstitute it, even after its deconstruction (Peters, 2009). What is remarkable in these critiques and reconstructions of the subject is that the modern notion of freedom, freedom as autonomy, which is born out of and closely associated with the humanist subject, has remained essentially intact. In fact, it seems to be a common sentiment among modern and postmodern thinkers that great care has to be taken so that the pursuit of human freedom is ensured at all times. Thus postmodern thinkers often ask, in the process of deconstructing the subject, to what extent is freedom still possible? Or, how can we ensure human freedom without the human subject? In this context, Luc Ferry and Alain Renaut suggest that the search for a ―nonmetaphysical humanism‖ has to involve ―conferring a coherent philosophical status on the promise of freedom contained in the requirements of humanism‖ (1990, p. xxviii, emphasis in the original). Freedom is universally assumed and never put into question. Such an ―incontestable right‖ to pursue freedom, as Levinas notes, is the ―dominant tradition of Western philosophy‖ (PII, p. 57). If there is any concern about such a pursuit, the concern is always about the scope, the extent of freedom, but not about the legitimacy, the very idea of freedom.¶ But Levinas maintains that the notion of freedom as autonomy is tied to an ego-centered, self-enclosing subject and is very part and parcel of the humanist subject. A new approach to subjectivity has to involve a reconsideration of the notion of freedom. In critiquing the Western tendency to build the human subject centrally on ego and consciousness and in working out a radically different approach to human subjectivity, Levinas proposes freedom as heteronomy. Drawing on Levinas, I will analyze how an insistence on and passion for the modern notion of freedom has limited and undermined the reconstruction of human subjectivity in Heidegger and Foucault and how a new understanding of human freedom allows us to envision an open, transcendental subjectivity.1 Since the notions of human subject and freedom are so central to modern education, I will discuss the profound implications such reworking has for educational theories and practices.¶ Freedom as Autonomy and the Humanist Subject¶ Within the Western philosophical tradition, freedom has almost always been posited as something good in and of itself. All philosophy, Schelling once said, is a search for freedom: ―the begining and end of all philosophy is—Freedom‖ (cited in Perpich, 2001, p. 307). Freedom is not to be questioned, and ―its limitation alone is held to be tragic and to constitute a scandal‖ (Levinas, TI, p. 83). However, when freedom is understood as autonomy, it implies an agent, or a subject, and autonomy means the agent‘s freedom to take control of his life and realize his foundational purposes—the noble idea of self-mastery and self-realization. Thus autonomy is closely associated with an ontological assertion of being. In modern times, since Descartes, the trajectory of Western philosophy has made the ―‘I‘ of the person‖ (Levinas) the first principle, and in German philosophy through Kant and Hegel in particular, autonomy has been elevated to such a level that the transcendental, godlike being‘s free will reigns over the world. Levinas describes such a situation: ―[it was] as though I had witnessed the creation of the world, and as though I could only have been in charge of a world that would have issued out of my free will‖ (OB, p. 122).¶ But Levinas argues that in this understanding of freedom, self becomes ―an egotism of the I and exhibits a solipsistic attitude where ―every power begins‖ (PII, p. 50). When the “I think” is allowed to be the first principle, “the soul conversing with itself” (PII, p. 49) dominates and stops the process of the soul‘s going beyond what is already in its nature. Since ego is that which totalizes the diverse events of the subject to make continuity and identity possible, it is a movement of essence where the self is lost in an ideal principle. ―Freedom will triumph when the soul‘s monologue will have reached universality, will have encompassed the totality of being, encompassing even the animal individual which lodged this thought‖ (Levinas, PII, p. 49). The modern subject is deadened in this freedom and its particularity negated. In addition, ―in the philosophical life that realizes this freedom, there arises a term foreign to the philosophical life, ‘other‘ …. It becomes an obstacle; it has to be surmounted and integrated into this life‖ (Ibid.). In front of this all-encompassing subject, the Other has to be comprehended, absorbed, and possessed. Thus freedom is ―the reduction of the other to the same‖ (PII, p. 48). In this situation, everyone‘s freedom excludes every other‘s freedom and everyone‘s freedom limits every other‘s freedom. This is the situation of a ―war of each against all‖ (OTO, p. 190).¶ The arbitrariness and the egoistic feature of individual autonomy are not unknown in Western philosophy, and in fact, autonomy is typically conceived as necessarily complemented by a higher constraint, either as general will (Rousseau) or universal reason (Kant). In political and social philosophy, positive freedom (freedom as autonomy) is thought of as achieved essentially through a collectivity, and thus carries with it the shadow of authoritarianism. John Wild remarks that in Western philosophy, it has been widely held that escaping from egoism ―can be achieved only by a jointed sacrifice of self to a neutral, englobing system‖ in which only the neutral and impersonal is important (1969, p. 14). In this system, to be free means ―to be rational, and to be rational is to give oneself over to the total system that is developing in world history‖ (Ibid., p. 15). The ego is suppressed by neutral rationality and a large domain of human experiences is dismissed.¶ The problem with the notion of autonomy is that the optimistic idea comes with a solemn understanding that the violent and egoistic self cannot be left free but has to be tamed. To uphold the noble idea of self-mastery and self-realization, then, the self has to be idealized and partially admitted, or to be divided into two selves: the ideal, higher, rational and the lower, irrational, and empirical (Berlin, 1969). Autonomy is reserved only for the rational, the higher, self but never meant for the lower self. It is expected that when endowed with autonomy, the higher self will act in accordance with the ideal, the good, and the predicated. The lower self, however, is meant to be restrained. Thus as human beings, we are facing the paradox of freedom and domination at the same time in the name of autonomy. Further, within humanity, it could also be conceived that some groups are more rational and therefore deserve more freedom and some are less rational and should submit themselves to the other groups. This slippery slope can lead to all kinds of oppression and domination. Kant‘s kingdom of ends, for example, even though meant for the whole of humanity, can only serve those rational ones who submit to impersonal universal reason. All the sensible, the particular, the emotional and empirical human experiences are negated in the universal and rational. This is the irony of autonomy and this is why Levinas comments that ―Humanism has to be denounced only because it is not sufficiently human‖ (OB, p. 128).

#### -our alt is heteronomous subjectivity

-we don’t link to your “self good” args

Zhao, professor of education, 12 – Associate Professor in the College of Education at Oklahoma State University (Guoping, Ph.D. from the University of Virginia, 3/30-4/1/12, “Freedom Reconsidered: Heteronomy, Infinity, and Open Subjectivity,” Annual Conference of the Philosophy of Education Society of Great Britain, http://www.philosophy-of-education.org/uploads/papers2012/Zhao.pdf)

Freedom Reconsidered: Heteronomy and Open, Infinite Subjectivity Levinas does not think we are trapped in such a deadlock. He believes that breaking free from the confines of our nature and presence, rather than allowing our own monologue to dominate the world, is the true freedom of the human subjectivity—thus the paradox of freedom as heteronomy. When the Other‘s call pierces our fixed identity and opens us, when we are led toward the beyond, the infinite, when we have to take on responsibility for the Other, for the Good, we are in heteronomy and we are truly free.¶ In Western philosophy, heteronomy has always been held as incompatible with freedom, or as the opposite of freedom. It has the connotation of submission to “tyranny, totalitarianism, conquest, oppression” (Child, et al. 1995, p. 175). It is one‘s subjugation or enslavement to an other‘s will, so it is always a form of slavery and alienation. All of the modern Western philosophy, to a certain degree, is a continuous effort to liberate people from such unfreedom by appeals to universal laws or human nature, so they can be autonomous.¶ But Levinas‘s heteronomy does not connote a submission to the other‘s will or force. The face of the other, or the call from the face, as Gates notes, “is not reducible to the other‘s intentions or will; often, it comes despite their intentions” (2002, p. 495). Our will and power to totalize the Other is disarmed not when the Other uses his power and will, but when he “oppose[s] himself to me beyond all measure, with the total uncoveredness and nakedness of his defenseless eyes” (PII, p. 55). In this defenselessness, in this total destitution, we are drawn out of our fixed presence and become free.¶ As Levinas sees it, the primordial and universal experience of humans is when we are immediately and concretely connected to the world, before comprehension, reflection, or analyzing. Our sensible connection with the world is what leads the “I” beyond egoistic interiority. We live in a world among others and our experience with the world “transports us beyond what constitutes our nature” (PII 1987, p. 47), leading us in “a movement that leaves a world … intimate and familiar … and goes towards the stranger, toward a beyond” (Ibid., emphasis in the original). The self is led by what it encounters far beyond what it can contain, and that is the foundation of transcendence and spirituality.¶ Thus prior to the thematizing and synthesizing work of ego and consciousness, the self has already encountered the Other. The absolute alterity of the Other cannot be known, and cannot be integrated and absorbed into the knowledge of the consciousness; consequently, it interrupts all notion of totality. Further, the call from the Other, the order “Thou shall not kill,” immediately “blocks” the formation of the self. Before I “show myself, before I set myself up” (OB, p. 103), the call from the Other called me out of myself, “in exile,” fissioned and traumatized (Ibid.). It is a self that cannot-be.¶ In this state of “not being,” the self has no escape but to respond to the other‘s call, and responsibility becomes the only meaning of subjectivity. “I am subjection to the Other; and I am ‘subject’ essentially in that sense” (EI, p. 98). The intersubjective relation between the self and the Other is non-symmetrical; my responsibility to him is unconditional and is before “I can be in a position to choose” (OB, p. 122). Between the absolute Other and the self, there is heteronomy. Levinas maintains that human subjectivity does not “begin in the auto-affection of a sovereign ego” (OB, p. 123), but begins in substitution, responsibility, and heteronomy.¶ Yet, in this heteronomy lies the very possibility of infinity and the transcendence of human beings. While the Other‘s exteriority cannot be integrated into the same, the I, it is part of the constitution of the subjectivity. In Levinas‘s words, the idea of infinity is “put into us.” “The thinker who has the idea of infinity is more than himself, and this inflating, this surplus, does not come from within” (Levinas PII, p. 54, emphasis in the original), but from without. Levinas argues that for the individual to be “produced as infinite,” he is “necessary for Infinity” (TI, p. 218, emphasis in the original). In my subjection to the Other, “The self-accusation of remorse gnaws away at the closed and firm core of consciousness, opening it, fissioning it” (OB, p. 125), and frees it—free, not in the ontological sense, but in the sense that it is free “from ennui, that is, from the enchainment to itself, where the ego suffocates in itself due to the tautological way of identity” (OB, p. 124). The very “breaking up [of] identity” (OB, p. 14), the “piercing [of] the ironclad self-presence” (Cohen, 1998, p. xv), leads to an open and transcendental subjectivity.¶ Drawing on Descartes‘s idea of infinity and Plato‘s idea of the Good, Levinas sees the absolute Other as that which disrupts and opens our being and leads us to infinity. In Western philosophy, even though man has often been conceived as all-encompassing being, the subject is never infinite; it never embodies transcendence—in the sense that the subjectivity is “[passing] over to the other of being, otherwise than being” (OB, p. 3).2 Transcendence has to come by overcoming humanity (Zhao, 2009). But Levinas sees us as infinite subjects and heteronomy is the very condition that makes such transcendence possible. For Levinas, real tyranny is the tyranny that prevents us from encountering infinity and the Good, the tyranny that traps us in the deadly enclosure of essence and presence. True freedom is not the freedom of our interior ego, not freedom as power over and violence against the Other and the world, but the freedom that is realized in heteronomy. “Freedom is born by the responsibility it could not shoulder, an elevation and inspiration without complacency” (OB, p. 124).¶ Thus there is also no heteronomy in the traditional sense—heteronomy as subjugation of one‘s will to another‘s will. For Levinas, the other may use his will or power against me just as I can against him, but that would be the very thing Levinas is trying to stop—the egoistic power of the will, the “war of each against all,” the politics, the calculation.¶ Such infinite and transcendental subjectivity is realized in social relations, but remains unique and irreplaceable; it will not be reducible “to a simple objectification of one individual among others”(OTO, p. 194). In this understanding of social relations, the Other is considered as “closer to God than I” (PII, p. 56) and I come with an inherent deficit that cannot be filled. “It is a matter of an exigency coming from the other, beyond what is available in my powers, to open an unlimited ‘deficit,’ in which the self spends itself without counting, freely” (OB, p. 125).¶ In this understanding of freedom, the subject is not without autonomy either. With the approach of the third party, subjectivity as consciousness will be formed on the basis of justice; therefore there will be autonomy of the will and consciousness. Levinas’s concern is to show that heteronomy of the self to the Other “has a certain priority over autonomy” (Gates, 2002, p. 495). This priority means that our passivity, our “susceptiveness” to the Other is “pre-originary” (OB, p. 122); it is antecedent. “Being‘s essence is surpassed in inspiration” (OB, p. 115). “The Good is before being” (OB, p. 122). Our responsibility is absolute and unconditional, prior to choices and calculations. Thus we are free to assume this responsibility in whatever way we like, but we are “not free to refuse this responsibility itself; [we are] not free to ignore the meaningful world into which the face of the Other has introduced [us]” (TI, p. 219). As Maloney notes, in this understanding, “the self liberates itself ethically from every other and from itself. … the self is unconditioned, absolute” (Maloney, 1997, p. 61). “This is the highest aim of freedom” (Chalier, 2001, p. 262).

#### Permutations are incoherent

Hendley, professor of philosophy, 5 – Associate Professor of Philosophy at Birmingham-Southern College (Steven, 2005, “Autonomy and alterity: moral obligation in Sartre and Levinas,” from *Emmanuel Levinas Critical Assessments V2: Critical Assessments of Leading Philosophers* (ed. Claire Elise Katz and Lara Trout), pp. 137-138, p. Google Books)

This last point bears on the conditions of the realization and maintenance of a just community. Levinas is correct, I believe, to emphasize an unconditional sense of obligation to the Other as an essential presupposition of a justice that would not be limited to those with whom I find converging or common areas of interest. But, though essential, it seems unreasonable to claim that it is any more than a necessary but not sufficient condition. A just community demands mutual respect for the alterity of all its members. But it also demands a sense of solidarity in which to anchor that respect, to transform it from a fundamentally passive moment in which I find my free projects interrupted, called into question by the other, into an active pursuit of common goals constructed by all of us in the light of our obligations to one another.¶ But as we have already noted, a concern for the common good is not in and of itself sufficient to insure justice in a community. Indifference to the concerns of those who call the common good into question by challenging the goals or limitations of our common endeavors can only be overcome through an unconditional form of obligation to take the concerns of every Other into account whether or not our aims converge. Though there are always some aims and projects we ought not to support – after all, some objectives are unjustly premised on not taking the concerns of others into account – the justice of a common praxis always turns on our willingness to place its organization and aims into question in the light of anyone whose concerns may be unjustly marginalized or oppressed. This entails, then, the permanent deferral of the realization of the community in a common praxis that would be settled, closed to further debate, the permanent disruption of the common good those shared endeavors make possible. A properly just project of autonomy, in other words, demands its own "incompletion,"70 its own detotalization in the alterity of those whose concerns have always yet to be adequately taken into account.

## 2NC

#### Most problems are not black and white but have complex, uncertain interactions. By declaring that \_\_\_\_\_ is always bad, they prevent us from understanding the nuances of an incredibly important and complex issue. This is the epitome of dogmatism

Keller, et. al,– Asst. professor School of Social Service Administration U. of Chicago - 2001

(Thomas E., James K., and Tracly K., Asst. professor School of Social Service Administration U. of Chicago, professor of Social Work, and doctoral student School of Social Work, “Student debates in policy courses: promoting policy practice skills and knowledge through active learning,” Journal of Social Work Education, Spr/Summer 2001, EBSCOhost)

John Dewey, the philosopher and educational reformer, suggested that the initial advance in the development of reflective thought occurs in the transition from holding fixed, static ideas to an attitude of doubt and questioning engendered by exposure to alternative views in social discourse (Baker, 1955, pp. 36-40). Doubt, confusion, and conflict resulting from discussion of diverse perspectives "force comparison, selection, and reformulation of ideas and meanings" (Baker, 1955, p. 45). Subsequent educational theorists have contended that learning requires openness to divergent ideas in combination with the ability to synthesize disparate views into a purposeful resolution (Kolb, 1984; Perry, 1970). On the one hand, clinging to the certainty of one's beliefs risks dogmatism, rigidity, and the inability to learn from new experiences. On the other hand, if one's opinion is altered by every new experience, the result is insecurity, paralysis, and the inability to take effective action. The educator's role is to help students develop the capacity to incorporate new and sometimes conflicting ideas and experiences into a coherent cognitive framework. Kolb suggests that, "if the education process begins by bringing out the learner's beliefs and theories, examining and testing them, and then integrating the new, more refined ideas in the person's belief systems, the learning process will be facilitated" (p. 28).

The authors believe that involving students in substantive debates challenges them to learn and grow in the fashion described by Dewey and Kolb. Participation in a debate stimulates clarification and critical evaluation of the evidence, logic, and values underlying one's own policy position. In addition, to debate effectively students must understand and accurately evaluate the opposing perspective. The ensuing tension between two distinct but legitimate views is designed to yield a reevaluation and reconstruction of knowledge and beliefs pertaining to the issue.

#### Our method solves – Even if the resolution is wrong, having a devil’s advocate in deliberation is vitally important to critical thinking skills and avoiding groupthink

Hugo Mercier and Hélène Landemore- 2011

(Philosophy, Politics and Economics prof @ U of Penn, Poli Sci prof @ Yale), Reasoning is for arguing: Understanding the successes and failures of deliberation, Political Psychology, http://sites.google.com/site/hugomercier/publications

Reasoning can function outside of its normal conditions when it is used purely internally. But it is not enough for reasoning to be done in public to achieve good results. And indeed the problems of individual reasoning highlighted above, such as polarization and overconfidence, can also be found in group reasoning (Janis, 1982; Stasser & Titus, 1985; Sunstein, 2002). Polarization and overconfidence happen because not all group discussion is deliberative. According to some definitions of deliberation, including the one used in this paper, reasoning has to be applied to the same thread of argument *from different opinions* for deliberation to occur. As a consequence, “If the participants are mostly like-minded or hold the same views before they enter into the discussion, they are not situated in the circumstances of deliberation.” (Thompson, 2008: 502). We will presently review evidence showing that the absence or the silencing of dissent is a quasi-necessary condition for polarization or overconfidence to occur in groups. Group polarization has received substantial empirical support. 11 So much support in fact that Sunstein has granted group polarization the status of law (Sunstein, 2002). There is however an important caveat: group polarization will mostly happen when people share an opinion to begin with. In defense of his claim, Sunstein reviews an impressive number of empirical studies showing that many groups tend to form more extreme opinions following discussion. The examples he uses, however, offer as convincing an illustration of group polarization than of the necessity of having group members that share similar beliefs at the outset for polarization to happen (e.g. Sunstein, 2002: 178). Likewise, in his review of the group polarization literature, Baron notes that “The crucial antecedent condition for group polarization to occur is the presence of a likeminded group; i.e. individuals who share a preference for one side of the issue.” (Baron, 2005). Accordingly, when groups do not share an opinion, they tend to depolarize. This has been shown in several experiments in the laboratory (e.g. Kogan & Wallach, 1966; Vinokur & Burnstein, 1978). Likewise, studies of deliberation about political or legal issues report that many groups do not polarize (Kaplan & Miller, 1987; Luskin, Fishkin, & Hahn, 2007; Luskin et al., 2002; Luskin, Iyengar, & Fishkin, 2004; Mendelberg & Karpowitz, 2000). On the contrary, some groups show a homogenization of their attitude (they depolarize) (Luskin et al., 2007; Luskin et al., 2002). The contrasting effect of discussions with a supportive versus dissenting audience is transparent in the results reported by Hansen ( 2003 reported by Fishkin & Luskin, 2005). Participants had been exposed to new information about a political issue. When they discussed it with their family and friends, they learned more facts supporting their initial position. On the other hand, during the deliberative weekend—and the exposition to other opinions that took place—they learned more of the facts supporting the view they disagreed with. The present theory, far from being contradicted by the observation that groups of likeminded people reasoning together tend to polarize, can in fact account straightforwardly for this observation. When people are engaged in a genuine deliberation, the confirmation bias present in each individual’s reasoning is checked, compensated by the confirmation bias of individuals who defend another opinion. When no other opinion is present (or expressed, or listened to), people will be disinclined to use reasoning to critically examine the arguments put forward by other discussants, since they share their opinion. Instead, they will use reasoning to strengthen these arguments or find other arguments supporting the same opinion. In most cases the reasons each individual has for holding the same opinion will be partially non-overlapping. Each participant will then be exposed to new reasons supporting the common opinion, reasons that she is unlikely to criticize. It is then only to be expected that group members should strengthen their support for the common opinion in light of these new arguments. In fact, groups of like-minded people should have little endogenous motivation to start reasoning together: what is the point of arguing with people we agree with? In most cases, such groups are lead to argue because of some external constraint. These constraints can be more or less artificial—a psychologist telling participants to deliberate or a judge asking a jury for a well supported verdict—but they have to be factored in the explanation of the phenomenon. 4. Conclusion: a situational approach to improving reasoning We have argued that reasoning should not be evaluated primarily, if at all, as a device that helps us generate knowledge and make better decisions through private reflection. Reasoning, in fact, does not do those things very well. Instead, we rely on the hypothesis that the function of reasoning is to find and evaluate arguments in deliberative contexts. This evolutionary hypothesis explains why, when reasoning is used in its normal conditions—in a deliberation—it can be expected to lead to better outcomes, consistently allowing deliberating groups to reach epistemically superior outcomes and improve their epistemic status. Moreover, seeing reasoning as an argumentative device also provides a straightforward account of the otherwise puzzling confirmation bias—the tendency to search for arguments that favor our opinion. The confirmation bias, in turn, generates most of the problems people face when they reason in abnormal conditions— when they are not deliberating. This will happen to people who reason alone while failing to entertain other opinions in a private deliberation and to groups in which one opinion is so dominant as to make all others opinions—if they are even present—unable to voice arguments. In both cases, the confirmation bias will go unchecked and create polarization and overconfidence. We believe that the argumentative theory offers a good explanation of the most salient facts about private and public reasoning. This explanation is meant to supplement, rather than replace, existing psychological theories by providing both an answer to the why-questions and a coherent integrative framework for many previously disparate findings. The present article was mostly aimed at comparing deliberative vs. non-deliberative situations, but the theory could also be used to make finer grained predictions within deliberative situations. It is important to stress that the theory used as the backbone for the article is a theory of reasoning. The theory can only make predictions about reasoning, and not about the various other psychological mechanisms that impact the outcome of group discussion. We did not aim at providing a general theory of group processes that could account for all the results in this domain. But it is our contention that the best way to reach this end is by investigating the relevant psychological mechanisms and their interaction. For these reasons, the present article should only be considered a first step towards more fined grained predictions of when and why deliberation is efficient. Turning now to the consequences of the present theory, we can note first that our emphasis on the efficiency of diverse groups sits well with another recent a priori account of group competence. According to Hong and Page’s Diversity Trumps Ability Theorem for example, under certain plausible conditions, a diverse sample of moderately competent individuals will outperform a group of the most competent individuals (Hong & Page, 2004). Specifically, what explains the superiority of some groups of average people over smaller groups of experts is the fact that cognitive diversity (roughly, the ability to interpret the world differently) can be more crucial to group competence than individual ability (Page, 2007). That argument has been carried over from groups of problem-solvers in business and practical matters to democratically deliberating groups in politics (e.g., Anderson, 2006; Author, 2007, In press). At the practical level, the present theory potentially has important implications. Given that individual reasoning works best when confronted to different opinions, the present theory supports the improvement of the presence or expression of dissenting opinions in deliberative settings. Evidently, many people, in the field of deliberative democracy or elsewhere, are also advocating such changes. While these common sense suggestions have been made in the past (e.g., Bohman,

 2007; Sunstein, 2003, 2006), the present theory provides additional arguments for them. It also explains why approaches focusing on individual rather than collective reasoning are not likely to be successful. Specifically tailored practical suggestions can also be made by using departures from the normal conditions of reasoning as diagnostic tools. Thus, different departures will entail different solutions. Accountability—having to defends one’s opinion in front of an audience—can be used to bring individual reasoners closer to a situation of private deliberation. The use of different aggregation mechanisms could help identify the risk of deliberation among like-minded people. For example, before a group launches a discussion, a preliminary vote or poll could establish the extent to which different opinions are represented. If this procedure shows that people agree on the issue at hand, then skipping the discussion may save the group some efforts and reduce the risk of polarization. Alternatively, a **devil’s advocate** could be introduced in the group to defend an alternative opinion (e.g. Schweiger, Sandberg, & Ragan, 1986).

#### Working through organizations allows affecting the government without majority backing

Cole 2011 - Professor, Georgetown University Law Center (Winter, David, “WHERE LIBERTY LIES: CIVIL SOCIETY AND INDIVIDUAL RIGHTS AFTER 9/11,” 57 Wayne L. Rev. 1203, Lexis)

The separation of powers and human rights are designed to discipline and constrain politics, out of a concern that majoritarian politics, focused on the short term, is likely to discount these long-term values. Yet without a critical mass of active support for constitutional principles, they are unlikely to be effective. The critical mass, however, need not be a majority. In the wake of 9/11, civil society organizations helped achieve results that almost certainly would have been impossible through a strictly majoritarian political process. The answer, then, is not to abandon legal for political constraints, as Posner and Vermeule would, but to promote a culture that values constitutional and human rights as legal constraints. Civil society organizations devoted to such values, such as Human Rights Watch, the Center for Constitutional Rights, and the American Civil Liberties Union, play a central role in facilitating, informing, and generating a culture of respect for liberty and legality. n306 Unlike governmental institutions, civil society groups have no formal authority to impose the limits of law themselves. Their recourse to the law is necessarily indirect: they can file lawsuits seeking judicial enforcement, lobby Congress for statutory reform or other legislative responses, or seek to influence the executive branch. But while they advance legal claims, they simultaneously pursue these goals through discursive means peculiar to civil society--by appealing to the public and elite opinion, through public advocacy, education, demonstrations, email and petition campaigns, and the like. As distinct from ordinary politics, which tend to focus on the preferences of the moment, these civil society organizations are [\*1261] dedicated to a set of long-term commitments. Much like a constitution itself, civil society groups organized to promote constitutional and human rights are institutionally designed to emphasize and reinforce our long-term commitments to rights. When the ordinary political process is consumed by the heat of a crisis, organizations like the ACLU, Human Rights First, and the Center for Constitutional Rights, dedicated to preserving constitutional and human rights, can generally be counted on to stand up for these rights and to resist political pressures. At their best, civil society organizations help forge a culture of resilience about rights.

#### Participating in organizations checks impulses to care about short-term personal issues

Cole 2011 - Professor, Georgetown University Law Center (Winter, David, “WHERE LIBERTY LIES: CIVIL SOCIETY AND INDIVIDUAL RIGHTS AFTER 9/11,” 57 Wayne L. Rev. 1203, Lexis)

But the engagement that "civil society constitutionalism" identifies as essential has a more particular focus, on constitutionalism itself. Groups like the ACLU, the Center for Constitutional Rights, and the Bill of Rights Defense Committee are defined by their commitment to such rights. But they are only the most obvious opportunities for engagement. Civil society offers a broad range of ways in which individuals may become involved in constitutional discourse--by attending lectures or demonstrations; participating in ad hoc groups focused on issues of rights; writing letters to the editor, blogs, or op-eds; teaching one's children; or debating with one's neighbors. There are an almost infinite variety of ways to engage with constitutionalism. But organized collective endeavors, with existing rights groups or through the creation of new ones, are probably the most effective. Joining a group defined by its commitment to constitutional and human rights is itself a check on one's own temptations to short-circuit rights, or to waver in one's attention or commitment to rights. The collective not only magnifies the impact that an individual might have, but also helps to hold individuals to their commitments. Thus, "civil society constitutionalism" is not just a direction for scholarship, or a justification for constitutional doctrine, but a pragmatic directive to citizens: get involved in the defense of your Constitution, or you may find it wanting when it is needed most.

#### Absent questions of engagement with existing institutions their aff is useless – individual change is overshadowed by dominant structures

Wight – Professor of IR @ University of Sydney – 6

(Colin, Agents, Structures and International Relations: Politics as Ontology, pgs. 48-50

One important aspect of this relational ontology is that these relations constitute our identity as social actors. According to this relational model of societies, one is what one is, by virtue of the relations within which one is embedded. A worker is only a worker by virtue of his/her relationship to his/her employer and vice versa. ‘Our social being is constituted by relations and our social acts presuppose them.’ At any particular moment in time an individual may be implicated in all manner of relations, each exerting its own peculiar causal effects. This ‘lattice-work’ of relations constitutes the structure of particular societies and endures despite changes in the individuals occupying them. Thus, the relations, the structures, are ontologically distinct from the individuals who enter into them. At a minimum, the social sciences are concerned with two distinct, although mutually interdependent, strata. There is an ontological difference between people and structures: ‘people are not relations, societies are not conscious agents’. Any attempt to explain one in terms of the other should be rejected. If there is an ontological difference between society and people, however, we need to elaborate on the relationship between them. Bhaskar argues that we need a system of mediating concepts, encompassing both aspects of the duality of praxis into which active subjects must fit in order to reproduce it: that is, a system of concepts designating the ‘point of contact’ between human agency and social structures. This is known as a ‘positioned practice’ system. In many respects, the idea of ‘positioned practice’ is very similar to Pierre Bourdieu’s notion of *habitus*. Bourdieu is primarily concerned with what individuals do in their daily lives. He is keen to refute the idea that social activity can be understood solely in terms of individual decision-making, or as determined by surpa-individual objective structures. Bourdieu’s notion of the *habitus* can be viewed as a bridge-building exercise across the explanatory gap between two extremes. Importantly, the notion of a habitus can only be understood in relation to the concept of a ‘social field’. According to Bourdieu, a social field is ‘a network, or a configuration, of objective relations between positions objectively defined’. A social field, then, refers to a structured system of social positions occupied by individuals and/or institutions – the nature of which defines the situation for their occupants. This is a social field whose form is constituted in terms of the relations which define it as a field of a certain type. A *habitus* (positioned practices) is a mediating link between individuals’ subjective worlds and the socio-cultural world into which they are born and which they share with others. The power of the habitus derives from the thoughtlessness of habit and habituation, rather than consciously learned rules. The habitus is imprinted and encoded in a socializing process that commences during early childhood. It is inculcated more by experience than by explicit teaching. Socially competent performances are produced as a matter of routine, without explicit reference to a body of codified knowledge, and without the actors necessarily knowing what they are doing (in the sense of being able adequately to explain what they are doing). As such, the *habitus* can be seen as the site of ‘internalization of reality and the externalization of internality.’ Thus social practices are produced in, and by, the encounter between: (1) the *habitus* and its dispositions; (2) the constraints and demands of the socio-cultural field to which the habitus is appropriate or within; and (3) the dispositions of the individual agents located within both the socio-cultural field and the *habitus*. When placed within Bhaskar’s stratified complex social ontology the model we have is as depicted in Figure 1. The explanation of practices will require all three levels. Society, as field of relations, exists prior to, and is independent of, individual and collective understandings at any particular moment in time; that is, social action requires the conditions for action. Likewise, given that behavior is seemingly recurrent, patterned, ordered, institutionalised, and displays a degree of stability over time, there must be sets of relations and rules that govern it. Contrary to individualist theory, these relations, rules and roles are not dependent upon either knowledge of them by particular individuals, or the existence of actions by particular individuals; that is, their explanation cannot be reduced to consciousness or to the attributes of individuals. These emergent social forms must possess emergent powers. This leads on to arguments for the reality of society based on a causal criterion. Society, as opposed to the individuals that constitute it, is, as Foucault has put it, ‘a complex and independent reality that has its own laws and mechanisms of reaction, its regulations as well as its possibility of disturbance. This new reality is society…It becomes necessary to reflect upon it, upon its specific characteristics, its constants and its variables’.

## 1NR

### DA

#### Prisoners will be killed or extradited if detention is foreclosed --- the affirmative can’t solve this because the U.S. is no longer detaining them and it is not under the President’s executive war power authority.

Goldsmith, 9 --- Professor of Law at Harvard (5/31/2009, Jack, “The Shell Game on Detainees and Interrogation,” <http://www.washingtonpost.com/wp-dyn/content/article/2009/05/29/AR2009052902989.html>)

The revelation last weekend that the United States is increasingly using foreign intelligence services to capture, interrogate and detain terrorist suspects points up an uncomfortable truth about the war against Islamist terrorists. Demands to raise legal standards for terrorist suspects in one arena often lead to compensating tactics in another arena that leave suspects (and, sometimes, innocent civilians) worse off.

The U.S. rendition program -- which involves capturing suspected terrorists and whisking them to another country, outside judicial process -- began in the 1990s. The government was under pressure to take terrorists off the streets and learn what they knew. But it could not bring them to the United States because U.S. law made it too hard to effectively interrogate and incapacitate them here. So instead it shipped them to Egypt and other places to achieve the same end.

A similar phenomenon has occurred with the U.S. detention of terrorist suspects at Guantanamo Bay. The Gitmo facility was established after the Sept. 11, 2001, attacks because the Bush administration believed it needed to apply a different detention and interrogation regime than would be allowed at home. Over the past eight years, courts have exported U.S. legal standards to the island, and now President Obama has promised to close the detention facility.

But closing Guantanamo or bringing American justice there does not end the problem of terrorist detention. It simply causes the government to address the problem in different ways. A little-noticed consequence of elevating standards at Guantanamo is that the government has sent very few terrorist suspects there in recent years. Instead, it holds more terrorists -- without charge or trial, without habeas rights, and with less public scrutiny -- at Bagram Air Base in Afghanistan. Or it renders them to countries where interrogation and incarceration standards are often even lower.

The cat-and-mouse game does not end there. As detentions at Bagram and traditional renditions have come under increasing legal and political scrutiny, the Bush and Obama administrations have relied more on other tactics. They have secured foreign intelligence services to do all the work -- capture, incarceration and interrogation -- for all but the highest-level detainees. And they have increasingly employed targeted killings, a tactic that eliminates the need to interrogate or incarcerate terrorists but at the cost of killing or maiming suspected terrorists and innocent civilians alike without notice or due process.

There are at least two problems with this general approach to incapacitating terrorists. First, it is not ideal for security. Sometimes it would be more useful for the United States to capture and interrogate a terrorist (if possible) than to kill him with a Predator drone. Often the United States could get better information if it, rather than another country, detained and interrogated a terrorist suspect. Detentions at Guantanamo are more secure than detentions in Bagram or in third countries.

The second problem is that terrorist suspects often end up in less favorable places. Detainees in Bagram have fewer rights than prisoners at Guantanamo, and many in Middle East and South Asian prisons have fewer yet. Likewise, most detainees would rather be in one of these detention facilities than be killed by a Predator drone. We congratulate ourselves when we raise legal standards for detainees, but in many respects all we are really doing is driving the terrorist incapacitation problem out of sight, to a place where terrorist suspects are treated worse.

It is tempting to say that we should end this pattern and raise standards everywhere. Perhaps we should extend habeas corpus globally, eliminate targeted killing and cease cooperating with intelligence services from countries that have poor human rights records. This sentiment, however, is unrealistic. The imperative to stop the terrorists is not going away. The government will find and exploit legal loopholes to ensure it can keep up our defenses.

This approach to detention policy reflects a sharp disjunction between the public's view of the terrorist threat and the government's. After nearly eight years without a follow-up attack, the public (or at least an influential sliver) is growing doubtful about the threat of terrorism and skeptical about using the lower-than-normal standards of wartime justice.

The government, however, sees the terrorist threat every day and is under enormous pressure to keep the country safe. When one of its approaches to terrorist incapacitation becomes too costly legally or politically, it shifts to others that raise fewer legal and political problems. This doesn't increase our safety or help the terrorists. But it does make us feel better about ourselves.

### 2nc Turns Executive Authority

#### Affirmative results in increases in executive authority on detention

Vladeck & Jacob, 12 --- \*Professor of Law at American University, AND \*\* partner at O’Melveny & Myers in Washington, D.C. (October 2012, Stephen I. Vladeck and Greg Jacob, “Detention Policies: What Role for Judicial Review?” <http://www.abajournal.com/magazine/article/detention_policies_what_role_for_judicial_review/>)

The short chapter that follows aims to take Judge Brown’s suggestion seriously. As I explain, although Judge Brown is clearly correct that judicial review has affected the size of the detainee populations within the territorial United States and at Guantanamo, it does not even remotely follow that the jurisprudence of the past decade has precipitated a shift away from detention and toward targeted killings. To the contrary, the jurisprudence of Judge Brown’s own court has simultaneously (1) left the government with far greater detention authority than might otherwise be apparent where noncitizens outside the United States are concerned; and (2) for better or worse, added a semblance of legitimacy to a regime that had previously and repeatedly been decried as lawless. And in cases where judicial review prompted the government to release those against whom it had insufficient evidence, the effects of such review can only be seen as salutary. Thus, at the end of a decade where not a single U.S. military detainee was freed by order of a federal judge, it is more than a little ironic for Judge Brown to identify “take no prisoners” as Boumediene’s true legacy.

#### **Restrictions cause net-more violence – laws of war legitimize longer-term actions and fragment dissent**

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(Thomas, *International Studies Quarterly* 46, The New Law of War: Legitimizing Hi-Tech and Infrastructural Violence)

The argument advanced here is that the law of war has flourished at the cost of increased artificiality and elasticity. Law has successfully shaped norms and practices in the areas of warfare furthest from hi-tech tactics. Strides have been made, for example, in the 1980 United Nations Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons, and the 1997 Convention on the Prohibition of Anti-Personnel Mines. For hi-tech states, these are relatively low-cost laws. But when modern military necessity calls, the law of war has legitimized violence, not restrained it. New military technology invariably has been matched by technical virtuosity in the law. New legal interpretations, diminished ad bellum restraints, and an expansive view of military necessity are coalescing in a regime of legal warfare that licenses hi-tech states to launch wars as long as their conduct is deemed just. The new law of war burnishes hi-tech campaigns and boosts public relations, even as it undercuts customary limits on the use of force and erodes distinctions between soldiers and civilians. Modern warfare has dramatically reduced the number of direct civilian deaths, yet the law sanctions infrastructural campaigns that harm long-term public health and human rights

### **AT: Narratives Key**

#### This vagueness independently means their movement does nothing and you should vote neg on presumption

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(11/5/2013, Jonathan, “Outrage Fatigue: The Danger of Getting Used to Gitmo,” http://www.worldpoliticsreview.com/articles/13311/outrage-fatigue-the-danger-of-getting-used-to-gitmo))

The Obama administration has shown no shortage of creative lawyering in justifying U.S. military involvement in Libya and Syria as well as in expanding America’s use of targeted drone strikes. In those instances, the administration has interpreted presidential authority robustly, while narrowly construing congressional attempts to cabin that authority, as in the War Powers Resolution. Yet, when it comes to releasing Guantanamo detainees, the administration remains sheepish. It has failed to apply the same interpretive approach to congressional transfer restrictions despite what the president has described as the clear national security interests in closing the prison. Only external events, such as the hunger strike, now seem to prompt any action. And even there, the urgency tends to dissipate once the public pressure and media attention fades.

**Majoritarian politics fail**

Cole 11 - Professor, Georgetown University Law Center (Winter, David, “WHERE LIBERTY LIES: CIVIL SOCIETY AND INDIVIDUAL RIGHTS AFTER 9/11,” 57 Wayne L. Rev. 1203, Lexis)

D. The Role of Politics The force of ordinary electoral politics also cannot account for the shift in U.S. counterterrorism policy. None of the Bush administration's initial initiatives sparked majoritarian opposition. To the contrary, [\*1244] President Bush, who had very low approval ratings shortly before 9/11, shot up in popularity when he declared the "war on terror," and was reelected in 2004, in large measure on his promise to deliver security. n235 Apart from opposition to the war in Iraq, there was little widespread popular pressure on President Bush to rein in his security initiatives. Despite this evidence, Eric Posner and Adrian Vermeule have argued that in the modern era, political checks are all there are when it comes to restraining executive power. n236 They maintain that Congress, the courts, and the law itself cannot effectively constrain the executive, especially in emergencies, but that this need not concern us because the executive is adequately limited by political forces. At first blush, the past decade might appear to vindicate Posner and Vermeule's views, as political forces, broadly speaking, seem to have been at least as effective at checking the President as were Congress or the judiciary. n237 But there is in fact little evidence that electoral politics or majoritarian sentiment played much, if any, role in persuading President Bush to ratchet back his security initiatives. While formal judicial and legislative checks cannot tell the whole story, the alternative account is not "politics" as Posner and Vermeule define and describe it, but a much more complex interplay of civil society, law, politics, and culture: what I have called "civil society constitutionalism." [\*1245] In my view, Posner and Vermeule simultaneously underestimate the constraining force of law and overestimate the influence of political limits on executive overreaching. Sounding like Critical Legal Studies adherents, they sweepingly claim that law is so indeterminate and manipulable as to constitute only a "façade of lawfulness." n242 But in assessing law's effect, they look almost exclusively to formal indicia--statutes and court decisions. n243 That approach disregards the role that law plays without coming to a head in a judicial decision or legislative act. As the post-9/11 period illustrates, when law is reinforced and defended by civil society institutions, it can have a disciplining function long before cases reach final judgment, and even when no case is ever filed, a reality to which anyone who has worked in the executive branch will attest. n244 Executive officials generally cannot know in advance whether their actions will attract the attention of civil society watchdogs, or lead to court review. They often cannot know whether such oversight--whether by a court, a legislative committee, or a nongovernmental organization--will be strict or deferential. As long as there is some risk of such oversight, the resultant uncertainty itself is likely to have a disciplining effect on the choices they make. There are, in short, plenty of reasons why executive lawyers generally take legal limits seriously. They take an oath and are acculturated to do so. They know that claims of illegality can undermine their objectives. And they cannot predict when a legal claim will be advanced against them. Similarly, in focusing exclusively on statutes and their enforcement by courts, Posner and Vermeule disregard the considerable checking function that Congress's legal oversight role plays through means short of formal statutes, such as by holding hearings, launching investigations, requesting information about doubtful executive practices, or restricting federal expenditures. The effectiveness of these checks, moreover, will often turn on the strength of civil society. If there are significant watchdogs in the nongovernmental sector and/or the media focused on executive actions, ready to bring allegedly illegal conduct to public attention, the law will have substantial deterrent effect, with or without actual court decisions. While they are overly skeptical about law, Posner and Vermeule are unrealistically romantic about the constraining force of majoritarian politics. The political checks they identify consist solely of the fact that Presidents must worry about election returns, and must cultivate [\*1246] credibility and trust among the electorate. n245 There are several reasons to doubt that these political realities are sufficient to guard against executive overreaching. First, and most fundamentally, while the democratic process is well designed to protect the majority's rights and interests, it is poorly designed to protect the rights of minorities, and not designed at all to protect the rights of foreign nationals, who have no say in the political process. n246 In times of crisis, the executive nearly always selectively sacrifices the rights of foreign nationals, often defending its actions by claiming that "they" do not deserve the same rights that "we" do. n247 To say the law is superfluous because we have elections is to relegate foreign nationals, and minorities generally, to largely unchecked abuse. Second, the ability of the political process to police the executive is hampered by secrecy. Much of what the executive does, especially in times of crisis, is secret, and even when some aspects of executive action are public, its justifications often rest on grounds that are assertedly secret. n248 Courts and Congress have at least some ability to pierce that veil and to insist on accountability. Absent legal rights, such as those created by the Freedom of Information Act, the general public has virtually no ability to do so. n249 Third, the electoral process is a blunt-edged sword. Presidential elections occur only once every four years, and congressional elections every two years. Congressional elections will often involve an unpredictable mix of local and national matters, and there is little reason to believe they will concentrate on executive overreaching. Presidential elections also inevitably encompass a broad range of issues, most of which will have nothing to do with security and liberty. Elections are therefore unlikely to be effective at addressing specific abuses of power. Voters' concerns about abstract institutional issues such as executive power may clash with their interests on the substantive merits of particular issues, such as whether to use military force in support of Libyan rebels. There is no guarantee that citizens will separate these issues in their minds, and no reason to believe that if they do so, they will favor abstract institutional concerns over specific policy preferences at the ballot box. [\*1247] Fourth, the political process is notoriously focused on the short term, while constitutional rights and separation of powers generally serve long-term values. n250 It was precisely because ordinary politics tend to be shortsighted that the framers adopted a constitutional democracy. The Constitution identifies those values that society understands as important to preserve for the long term, but knows it will be tempted to sacrifice in the short term. n251 If ordinary politics were sufficient to protect such values, we would not need a constitution in the first place. Thus, there is little evidence in fact that majoritarian politics played a significant checking role in the aftermath of 9/11, or that such politics would generally be a sufficient checking force in times of crisis. And more generally, there is little reason to believe that political checks will be sufficient to restrain presidential abuse. The story is infinitely more complicated. As I have sought to illustrate here, in the aftermath of 9/11, the interplay of law, politics, and culture, framed and prompted by civil society organizations, was critical to rendering effective constitutional and international legal checks.