# 1NC

#### “USFG should” means the debate is about a policy established by governmental means

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

The Proposition of Policy: Urging Future Action

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

#### Modest predictability of the resolution is worth potential substantive tradeoff. Topicality creates space for relevant debate.

Toni M. MASSARO, Professor of Law, University of Florida, 89 [August, 1989, “Empathy, Legal Storytelling, and the Rule of Law: New Words, Old Wounds?” *Michigan Law Review*, 87 Mich. L. Rev. 2099, Lexis]

Yet despite their acknowledgment that some ordering and rules are necessary, empathy proponents tend to approach the rule-of-law model as a villain. Moreover, they are hardly alone in their deep skepticism about the rule-of-law model. Most modern legal theorists question the value of procedural regularity when it denies substantive justice.52 Some even question the whole notion of justifying a legal decision by appealing to a rule of law, versus justifying the decision by reference to the facts of the case and the judges' own reason and expe-rience.53 I do not intend to enter this important jurisprudential de-bate, except to the limited extent that the "empathy" writings have suggested that the rule-of-law chills judges' empathic reactions. In this regard, I have several observations.

My first thought is that the rule-of-law model is only a model. If the term means absolute separation of legal decision and "politics," then it surely is both unrealistic and undesirable.54 But our actual statutory and decisional "rules" rarely mandate a particular (unempathetic) response. Most of our rules are fairly open-ended. "Relevance," "the best interests of the child," "undue hardship," "negligence," or "freedom of speech" - to name only a few legal concepts - hardly admit of precise definition or consistent, predictable application. Rather, they represent a weaker, but still constraining sense of the rule-of-law model. Most rules are guidelines that establish spheres of relevant conversation, not mathematical formulas.

Moreover, legal training in a common law system emphasizes the indeterminate nature of rules and the significance of even subtle variations in facts. Our legal tradition stresses an inductive method of discovering legal principles. We are taught to distinguish different "stories," to arrive at "law" through experience with many stories, and to revise that law as future experience requires. Much of the effort of most first-year law professors is, I believe, devoted to debunking popular lay myths about "law" as clean-cut answers, and to illuminate law as a dynamic body of policy determinations constrained by certain guiding principles.55

As a practical matter, therefore, our rules often are ambiguous and fluid standards that offer substantial room for varying interpretations. The interpreter, usually a judge, may consult several sources to aid in decisionmaking. One important source necessarily will be the judge's own experiences -including the experiences that seem to determine a person's empathic capacity. In fact, much ink has been spilled to illuminate that our stated "rules" often do not dictate or explain our legal results. Some writers even have argued that a rule of law may be, at times, nothing more than a post hoc rationalization or attempted legitimization of results that may be better explained by extralegal (including, but not necessarily limited to, emotional) responses to the facts, the litigants, or the litigants' lawyers,56 all of which may go un-stated. The opportunity for contextual and empathic decisionmaking therefore already is very much a part of our adjudicatory law, despite our commitment to the rule-of-law ideal.

Even when law is clear and relatively inflexible, however, it is not necessarily "unempathetic." The assumed antagonism of legality and empathy is belied by our experience in rape cases, to take one important example. In the past, judges construed the general, open-ended standard of "relevance" to include evidence about the alleged victim's prior sexual conduct, regardless of whether the conduct involved the defendant.57 The solution to this "empathy gap" was legislative action to make the law more specific - more formalized. Rape shield statutes were enacted that controlled judicial discretion and specifically defined relevance to exclude the prior sexual history of the woman, except in limited, justifiable situations.58 In this case, one can make a persuasive argument not only that the rule-of-law model does explain these later rulings, but also that obedience to that model resulted in a triumph for the human voice of the rape survivor. Without the rule, some judges likely would have continued to respond to other inclinations, and admit this testimony about rape survivors. The example thus shows that radical rule skepticism is inconsistent with at least some evidence of actual judicial behavior. It also suggests that the principle of legality is potentially most critical for people who are least understood by the decisionmakers - in this example, women - and hence most vulnerable to unempathetic ad hoc rulings.

A final observation is that the principle of legality reflects a deeply ingrained, perhaps inescapable, cultural instinct. We value some procedural regularity - "law for law's sake" - because it lends stasis and structure to our often chaotic lives. Even within our most intimate relationships, we both establish "rules," and expect the other party to follow them.59 Breach of these unspoken agreements can destroy the relationship and hurt us deeply, regardless of the wisdom or "substantive fairness" of a particular rule. Our agreements create expectations, and their consistent application fulfills the expectations. The modest predictability that this sort of "formalism" provides actually may encourage human relationships.60

#### Unbridled affirmation outside the game space makes research impossible and destroys dialogue in debate

Hanghoj 8

http://static.sdu.dk/mediafiles/Files/Information\_til/Studerende\_ved\_SDU/Din\_uddannelse/phd\_hum/afhandlinger/2009/ThorkilHanghoej.pdf

Thorkild Hanghøj, Copenhagen, 2008

Since this PhD project began in 2004, the present author has been affiliated with DREAM (Danish Research Centre on Education and Advanced Media Materials), which is located at the Institute of Literature, Media and Cultural Studies at the University of Southern Denmark. Research visits have taken place at the Centre for Learning, Knowledge, and Interactive Technologies (L-KIT), the Institute of Education at the University of Bristol and the institute formerly known as Learning Lab Denmark at the School of Education, University of Aarhus, where I currently work as an assistant professor.

Debate games are often based on pre-designed scenarios that include descriptions of issues to be debated, educational goals, game goals, roles, rules, time frames etc. In this way, debate games differ from textbooks and everyday classroom instruction as debate scenarios allow teachers and students to actively imagine, interact and communicate within a domain-specific game space. However, instead of mystifying debate games as a “magic circle” (Huizinga, 1950), I will try to overcome the epistemological dichotomy between “gaming” and “teaching” that tends to dominate discussions of educational games. In short, educational gaming is a form of teaching. As mentioned, education and games represent two different semiotic domains that both embody the three faces of knowledge: assertions, modes of representation and social forms of organisation (Gee, 2003; Barth, 2002; cf. chapter 2). In order to understand the interplay between these different domains and their interrelated knowledge forms, I will draw attention to a central assumption in Bakhtin’s dialogical philosophy. According to Bakhtin, all forms of communication and culture are subject to centripetal and centrifugal forces (Bakhtin, 1981). A centripetal force is the drive to impose one version of the truth, while a centrifugal force involves a range of possible truths and interpretations. This means that any form of expression involves a duality of centripetal and centrifugal forces: “Every concrete utterance of a speaking subject serves as a point where centrifugal as well as centripetal forces are brought to bear” (Bakhtin, 1981: 272). If we take teaching as an example, it is always affected by centripetal and centrifugal forces in the on-going negotiation of “truths” between teachers and students. In the words of Bakhtin: “Truth is not born nor is it to be found inside the head of an individual person, it is born between people collectively searching for truth, in the process of their dialogic interaction” (Bakhtin, 1984a: 110). Similarly, the dialogical space of debate games also embodies centrifugal and centripetal forces. Thus, the election scenario of The Power Game involves centripetal elements that are mainly determined by the rules and outcomes of the game, i.e. the election is based on a limited time frame and a fixed voting procedure. Similarly, the open-ended goals, roles and resources represent centrifugal elements and create virtually endless possibilities for researching, preparing, presenting, debating and evaluating a variety of key political issues. Consequently, the actual process of enacting a game scenario involves a complex negotiation between these centrifugal/centripetal forces that are inextricably linked with the teachers and students’ game activities. In this way, the enactment of The Power Game is a form of teaching that combines different pedagogical practices (i.e. group work, web quests, student presentations) and learning resources (i.e. websites, handouts, spoken language) within the interpretive frame of the election scenario. Obviously, tensions may arise if there is too much divergence between educational goals and game goals. This means that game facilitation requires a balance between focusing too narrowly on the rules or “facts” of a game (centripetal orientation) and a focusing too broadly on the contingent possibilities and interpretations of the game scenario (centrifugal orientation). For Bakhtin, the duality of centripetal/centrifugal forces often manifests itself as a dynamic between “monological” and “dialogical” forms of discourse. Bakhtin illustrates this point with the monological discourse of the Socrates/Plato dialogues in which the teacher never learns anything new from the students, despite Socrates’ ideological claims to the contrary (Bakhtin, 1984a). Thus, discourse becomes monologised when “someone who knows and possesses the truth instructs someone who is ignorant of it and in error”, where “a thought is either affirmed or repudiated” by the authority of the teacher (Bakhtin, 1984a: 81). In contrast to this, dialogical pedagogy fosters inclusive learning environments that are able to expand upon students’ existing knowledge and collaborative construction of “truths” (Dysthe, 1996). At this point, I should clarify that Bakhtin’s term “dialogic” is both a descriptive term (all utterances are per definition dialogic as they address other utterances as parts of a chain of communication) and a normative term as dialogue is an ideal to be worked for against the forces of “monologism” (Lillis, 2003: 197-8). In this project, I am mainly interested in describing the dialogical space of debate games. At the same time, I agree with Wegerif that “one of the goals of education, perhaps the most important goal, should be dialogue as an end in itself” (Wegerif, 2006: 61).

#### Dialogue is the biggest impact—the process of discussion precedes any truth claim by magnifying the benefits of any discussion

Morson 4

<http://www.flt.uae.ac.ma/elhirech/baktine/0521831059.pdf#page=331>

Northwestern Professor, Prof. Morson's work ranges over a variety of areas: literary theory (especially narrative); the history of ideas, both Russian and European; a variety of literary genres (especially satire, utopia, and the novel); and his favorite writers -- Chekhov, Gogol, and, above all, Dostoevsky and Tolstoy. He is especially interested in the relation of literature to philosophy.

A belief in truly dialogic ideological becoming would lead to schools that were quite different. In such schools, the mind would be populated with a complexity of voices and perspectives it had not known, and the student would learn to think with those voices, to test ideas and experiences against them, and to shape convictions that are innerly persuasive in response. This very process would be central. Students would sense that whatever word they believed to be innerly persuasive was only tentatively so: the process of dialogue continues.We must keep the conversation going, and formal education only initiates the process. The innerly persuasive discourse would not be final, but would be, like experience itself, ever incomplete and growing. As Bakhtin observes of the innerly persuasive word: Its creativity and productiveness consist precisely in the fact that such a word awakens new and independent words, that it organizes masses of our words from within, and does not remain in an isolated and static condition. It is not so much interpreted by us as it is further, that is, freely, developed, applied to new material, new conditions; it enters into interanimating relationships with new contexts. . . . The semantic structure of an innerly persuasive discourse is not finite, it is open; in each of the new contexts that dialogize it, this discourse is able to reveal ever newer ways to mean. (DI, 345–6) We not only learn, we also learn to learn, and we learn to learn best when we engage in a dialogue with others and ourselves. We appropriate the world of difference, and ourselves develop new potentials. Those potentials allow us to appropriate yet more voices. Becoming becomes endless becoming. We talk, we listen, and we achieve an open-ended wisdom. Difference becomes an opportunity (see Freedman and Ball, this volume). Our world manifests the spirit that Bakhtin attributed to Dostoevsky: “nothing conclusive has yet taken place in the world, the ultimate word of the world and about the world has not yet been spoken, the world is open and free, everything is in the future and will always be in the future.”3 Such a world becomes our world within, its dialogue lives within us, and we develop the potentials of our ever-learning selves. Letmedraw some inconclusive conclusions, which may provoke dialogue. Section I of this volume, “Ideologies in Dialogue: Theoretical Considerations” and Bakhtin’s thought in general suggest that we learn best when we are actually learning to learn. We engage in dialogue with ourselves and others, and the most important thing is the value of the open-ended process itself. Section II, “Voiced, Double Voiced, and Multivoiced Discourses in Our Schools” suggests that a belief in truly dialogic ideological becoming would lead to schools that were quite different. In such schools, the mind would be populated with a complexity of voices and perspectives it had not known, and the student would learn to think with those voices, to test ideas and experiences against them, and to shape convictions that are innerly persuasive in response. Teachers would not be trying to get students to hold the right opinions but to sense the world from perspectives they would not have encountered or dismissed out of hand. Students would develop the habit of getting inside the perspectives of other groups and other people. Literature in particular is especially good at fostering such dialogic habits. Section III, “Heteroglossia in a Changing World” may invite us to learn that dialogue involves really listening to others, hearing them not as our perspective would categorize what they say, but as they themselves would categorize what they say, and only then to bring our own perspective to bear. We talk, we listen, and we achieve an open-ended wisdom. The chapters in this volume seem to suggest that we view learning as a perpetual process. That was perhaps Bakhtin’s favorite idea: that to appreciate life, or dialogue, we must see value not only in achieving this or that result, but also in recognizing that honest and open striving in a world of uncertainty and difference is itself the most important thing. What we must do is keep the conversation going.

#### Dialogue is critical to affirming any value—shutting down deliberation devolves into totalitarianism and reinscribes oppression

Morson 4

http://www.flt.uae.ac.ma/elhirech/baktine/0521831059.pdf#page=331

Northwestern Professor, Prof. Morson's work ranges over a variety of areas: literary theory (especially narrative); the history of ideas, both Russian and European; a variety of literary genres (especially satire, utopia, and the novel); and his favorite writers -- Chekhov, Gogol, and, above all, Dostoevsky and Tolstoy. He is especially interested in the relation of literature to philosophy.

Bakhtin viewed the whole process of “ideological” (in the sense of ideas and values, however unsystematic) development as an endless dialogue. As teachers, we find it difficult to avoid a voice of authority, however much we may think of ours as the rebel’s voice, because our rebelliousness against society at large speaks in the authoritative voice of our subculture.We speak the language and thoughts of academic educators, even when we imagine we are speaking in no jargon at all, and that jargon, inaudible to us, sounds with all the overtones of authority to our students. We are so prone to think of ourselves as fighting oppression that it takes some work to realize that we ourselves may be felt as oppressive and overbearing, and that our own voice may provoke the same reactions that we feel when we hear an authoritative voice with which we disagree. So it is often helpful to think back on the great authoritative oppressors and reconstruct their self-image: helpful, but often painful. I remember, many years ago, when, as a recent student rebel and activist, I taught a course on “The Theme of the Rebel” and discovered, to my considerable chagrin, that many of the great rebels of history were the very same people as the great oppressors. There is a famous exchange between Erasmus and Luther, who hoped to bring the great Dutch humanist over to the Reformation, but Erasmus kept asking Luther how he could be so certain of so many doctrinal points. We must accept a few things to be Christians at all, Erasmus wrote, but surely beyond that there must be room for us highly fallible beings to disagree. Luther would have none of such tentativeness. He knew, he was sure. The Protestant rebels were, for a while, far more intolerant than their orthodox opponents. Often enough, the oppressors are the ones who present themselves and really think of themselves as liberators. Certainty that one knows the root cause of evil: isn’t that itself often the root cause? We know from Tsar Ivan the Terrible’s letters denouncing Prince Kurbsky, a general who escaped to Poland, that Ivan saw himself as someone who had been oppressed by noblemen as a child and pictured himself as the great rebel against traditional authority when he killed masses of people or destroyed whole towns. There is something in the nature of maximal rebellion against authority that produces ever greater intolerance, unless one is very careful. For the skills of fighting or refuting an oppressive power are not those of openness, self-skepticism, or real dialogue. In preparing for my course, I remember my dismay at reading Hitler’s Mein Kampf and discovering that his self-consciousness was precisely that of the rebel speaking in the name of oppressed Germans, and that much of his amazing appeal – otherwise so inexplicable – was to the German sense that they were rebelling victims. In our time, the Serbian Communist and nationalist leader Slobodan Milosevic exploited much the same appeal. Bakhtin surely knew that Communist totalitarianism, the Gulag, and the unprecedented censorship were constructed by rebels who had come to power. His favorite writer, Dostoevsky, used to emphasize that the worst oppression comes from those who, with the rebellious psychology of “the insulted and humiliated,” have seized power – unless they have somehow cultivated the value of dialogue, as Lenin surely had not, but which Eva, in the essay by Knoeller about teaching The Autobiography of Malcolm X, surely had. Rebels often make the worst tyrants because their word, the voice they hear in their consciousness, has borrowed something crucial from the authoritative word it opposed, and perhaps exaggerated it: the aura of righteous authority. If one’s ideological becoming is understood as a struggle in which one has at last achieved the truth, one is likely to want to impose that truth with maximal authority; and rebels of the next generation may proceed in much the same way, in an ongoing spiral of intolerance.

#### Independently, limits are a voting issue—we don’t need to win an external impact other than their interpretation makes debate an unending nightmare

Harris 13—Scott Harris, Ph.D Communications, Professor at Kansas, Ed Lee’s idol, better than Nick at basketball [April 5, 2013, “This Ballot,” CEDA Forums, http://www.cedadebate.org/forum/index.php?topic=4762.0]

I understand that there has been some criticism of Northwestern’s strategy in this debate round. This criticism is premised on the idea that they ran framework instead of engaging Emporia’s argument about home and the Wiz. I think this criticism is unfair. Northwestern’s framework argument did engage Emporia’s argument. Emporia said that you should vote for the team that performatively and methodologically made debate a home. Northwestern’s argument directly clashed with that contention. My problem in this debate was with aspects of the execution of the argument rather than with the strategy itself. It has always made me angry in debates when people have treated topicality as if it were a less important argument than other arguments in debate. Topicality is a real argument. It is a researched strategy. It is an argument that challenges many affirmatives. The fact that other arguments could be run in a debate or are run in a debate does not make topicality somehow a less important argument. In reality, for many of you that go on to law school you will spend much of your life running topicality arguments because you will find that words in the law matter. The rest of us will experience the ways that word choices matter in contracts, in leases, in writing laws and in many aspects of our lives. Kansas ran an affirmative a few years ago about how the location of a comma in a law led a couple of districts to misinterpret the law into allowing individuals to be incarcerated in jail for two days without having any formal charges filed against them. For those individuals the location of the comma in the law had major consequences. Debates about words are not insignificant. Debates about what kinds of arguments we should or should not be making in debates are not insignificant either. The limits debate is an argument that has real pragmatic consequences. I found myself earlier this year judging Harvard’s eco-pedagogy aff and thought to myself—I could stay up tonight and put a strategy together on eco-pedagogy, but then I thought to myself—why should I have to? Yes, I could put together a strategy against any random argument somebody makes employing an energy metaphor but the reality is there are only so many nights to stay up all night researching. I would like to actually spend time playing catch with my children occasionally or maybe even read a book or go to a movie or spend some time with my wife. A world where there are an infinite number of affirmatives is a world where the demand to have a specific strategy and not run framework is a world that says this community doesn’t care whether its participants have a life or do well in school or spend time with their families. I know there is a new call abounding for interpreting this NDT as a mandate for broader more diverse topics. The reality is that will create more work to prepare for the teams that choose to debate the topic but will have little to no effect on the teams that refuse to debate the topic. Broader topics that do not require positive government action or are bidirectional will not make teams that won’t debate the topic choose to debate the topic. I think that is a con job. I am not opposed to broader topics necessarily. I tend to like the way high school topics are written more than the way college topics are written. I just think people who take the meaning of the outcome of this NDT as proof that we need to make it so people get to talk about anything they want to talk about without having to debate against topicality or framework arguments are interested in constructing a world that might make debate an unending nightmare and not a very good home in which to live. Limits, to me, are a real impact because I feel their impact in my everyday existence.

# 2NC/1NR

#### Debate is ideal site to reimage the state as vehicle for democratic values and justice

[**Esposito**](http://www.amazon.com/s/ref=ntt_athr_dp_sr_1?_encoding=UTF8&field-author=Luigi%20Esposito&ie=UTF8&search-alias=books&sort=relevancerank) & [**Finley**](http://www.amazon.com/s/ref=ntt_athr_dp_sr_2?_encoding=UTF8&field-author=Laura%20L.%20Finley&ie=UTF8&search-alias=books&sort=relevancerank) 12—Professor of Sociology @ Barry University & Professor of Sociology @ Florida Atlantic University [Dr. [Luigi Esposito](http://www.amazon.com/s/ref=ntt_athr_dp_sr_1?_encoding=UTF8&field-author=Luigi%20Esposito&ie=UTF8&search-alias=books&sort=relevancerank) & Dr. [Laura L. Finley](http://www.amazon.com/s/ref=ntt_athr_dp_sr_2?_encoding=UTF8&field-author=Laura%20L.%20Finley&ie=UTF8&search-alias=books&sort=relevancerank), Grading the 44th President: A Report Card on Barack Obama's First Term as a Progressive Leader, 2012, pg. 248-249]

Considering what was addressed in previous sections, Obama’s message of the need to “reclaim citizenship” and restore a “common sense of purpose” is particularly significant. Stated simply, the sort of extreme individualism encouraged by our market society—currently championed by the Tea Party and other far-right forces—must be challenged.

Apart of the effort, progressives might seek to promote a new educational culture—what Henry Giroux (2008) refers to as a “public pedagogy”—that stresses the value of progressive ideals and encourages active citizenship. Clearly, schools are an ideal site to begin this type of education, and President Obama could indeed take the lead in creating just such an educational philosophy. Yet, as Russom (2010) noted, “the administration has aggressively promoted an education program with three principal elements: using test score data to evaluate teaches, shutting down and ‘reconstituting’ schools deemed to be failing, and expanding privately-run, mostly non-union charter schools.” Instead of dismantling the public schools, why not rebuild them as locations in which education is integrally tied to community betterment?

Rather than limiting this project to schools, however, efforts must be undertaken to turn as many social/institutional settings as possible into progressive pedagogical sites. In practical terms, this means that people committed to a progressive agenda must work diligently —in the media, government, churches, workplaces, trade unions, housing associations, sports teams/associations, Internet discussion groups, and so forth—to pedagogically expose beliefs and practices that undermine ideals of equity, environmental sustainability, human rights, and social/economic justice.

Another central objective in this public pedagogy must be aimed at revitalizing the notion of a “social contract” that has been largely diminished in contemporary America because of the erosion of the public sphere. Progressives, therefore, must do a better job of informing the American public that by taking a proactive stance to eliminate poverty, end racism and sexism, strengthen environmental protection measures, reduce wealth disparities, and invest in communities, everyone ultimately benefits. Even more importantly, efforts must be made to send a clear message that effective solutions to problems such as poverty, racism, gender inequality and so forth, are not simply personal problems but rather public issues deeply entrenched within our institutional life. Solutions, therefore, must involve far more than a series of recommendations pertaining to self-improvement and include active efforts to promote institutional reform (e.g., changing policies and organizational structures, as well as the identity, mission, and purpose of prevailing institutions on the basis of progressive ideals).

Of course, a progressive pedagogy and politics must also challenge neoliberal claims, long held in the United States, that state efforts to promote equity and justice are tantamount to government tyranny. As discussed by Henry Giroux (2008, 77-78), any project to pedagogically and politically challenge the current neoliberal ethos must include efforts to reimagine the state “as a vehicle for democratic values and social/economic justice.” After all, the state will need to play a role in any viable project to rid society of existing patterns of inequity and injustice. Thus, rather than adopting the sort of crippling neoliberal cynicism implicated in the idea—still very popular in the United States—that government is always “the enemy,” people must be encouraged to be civically engaged and to pressure the state to become a promoter of values related to equity, inclusiveness, sustainability and justice.

#### Stable clash key to solve exclusion—they shouldn’t win just because they talked about something important before we did

Galloway 7 — Ryan Galloway, Assistant Professor and Director of Debate at Samford University, 2007 (“Dinner and Conversation at the Argumentative Table: Re-Conceptualizing Debate As An Argumentative Dialogue,” *Contemporary Argumentation & Debate*, Volume 28, September, Available Online to Subscribing Institutions via Academic Search Premier, p. 12)

While affirmative teams often accuse the negative of using a juridical rule to exclude them, the affirmative also relies upon an unstated rule to exclude the negative response. This unstated but understood rule is that the negative speech act must serve to negate the affirmative act. Thus, affirmative teams often exclude an entire range of negative arguments, including arguments designed to challenge the hegemony, domination, and oppression inherent in topical approaches to the resolution. Becoming more than just a ritualistic tag-line of “fairness, education, time skew, voting issue,” fairness exists in the implicit right to be heard in a meaningful way. Ground is just that—a ground to stand on, a ground to speak from, a ground by which to meaningfully contribute to an ongoing conversation.

#### TOPIC EDUCATION – the source of the authority is important

GAZIANO 01 senior fellow in Legal Studies and Director of the Center for Legal Judicial Studies at the Heritage Foundation [Todd Gaziano, 5 Texas Review of Law & Politics 267, Spring, lexis]

Although President Washington's Thanksgiving Proclamation was hortatory, other proclamations or orders that communicate presidential decisions may be legally binding. n31 Ultimately the authority for all presidential orders or directives must come from either the Constitution or from statutory delegations. n32 The source of authority (constitutional versus statutory) carries important implications for the extent to which that authority may be legitimately exercised or circumscribed. Regardless of the source of substantive power, however, the authority to use written directives in the exercise of that power need not be set forth in express terms in the Constitution or federal statutes. As is explained further below, the authority to issue directives may be express, implied, or inherent in the substantive power granted to the President. n33 The Constitution expressly mentions certain functions that are to be performed by the President. Congress has augmented the President's power by delegating additional authority within these areas of responsibility. The following are among the more important grants of authority under which the President may issue at least some directives in the exercise of his constitutional and statutorily delegated powers: Commander in Chief, Head of State, Chief Law Enforcement Officer, and Head of the Executive Branch.

#### Turn—Rules are key to fun.

Prensky 1—Marc Prensky, Internationally acclaimed speaker, writer, consultant, and designer in the critical areas of education and learning, Founder, CEO and Creative Director of games2train.com, former vice president at the global financial firm Bankers Trust, BA from Oberlin College, an MBA from Harvard Business School with distinction and master's degrees from Middlebury and Yale [“Fun, Play and Games: What Makes Games Engaging,” Digital Game-Based Learning, www.marcprensky.com/writing/Prensky%20-%20Digital%20Game-Based%20Learning-Ch5.pdf]

So fun — in the sense of enjoyment and pleasure — puts us in a relaxed, receptive frame of mind for learning. Play, in addition to providing pleasure, increases our involvement, which also helps us learn. Both “fun” and “play” however, have the disadvantage of being somewhat abstract, unstructured, and hard-to-define concepts. But there exists a more formal and structured way to harness (and unleash) all the power of fun and play in the learning process — the powerful institution of games. Before we look specifically at how we can combine games with learning, let us examine games themselves in some detail. Like fun and play, game is a word of many meanings and implications. How can we define a game? Is there any useful distinction between fun, play and games? What makes games engaging? How do we design them? Games are a subset of both play and fun. In programming jargon they are a “child”, inheriting all the characteristics of the “parents.” They therefore carry both the good and the bad of both terms. Games, as we will see, also have some special qualities, which make them particularly appropriate and well suited for learning. So what is a game? Like play, game, has a wide variety of meanings, some positive, some negative. On the negative side there is mocking and jesting, illegal and shady activity such as a con game, as well as the “fun and games” that we saw earlier. As noted, these can be sources of resistance to Digital Game-Based Learning — “we are not playing games here.” But much of that is semantic. What we are interested in here are the meanings that revolve around the definition of games involving rules, contest, rivalry and struggle. What Makes a Game a Game? Six Structural Factors The Encyclopedia Britannica provides the following diagram of the relation between play and games: 35 PLAY spontaneous play organized play (GAMES) noncompetitive games competitive games (CONTESTS) intellectual contests physical contests (SPORTS) Our goal here is to understand why games engage us, drawing us in often in spite of ourselves. This powerful force stems first from the fact that they are a form of fun and play, and second from what I call the six key structural elements of games: 1. Rules 2. Goals and Objectives 3. Outcomes & Feedback 4. Conflict/Competition/Challenge/Opposition 5. Interaction, and 6. Representation or Story. There are thousands, perhaps millions of different games, but all contain most, if not all, these powerful factors. Those that don’t contain all the factors are still classified as games by many, but can also belong to other subclasses described below. In addition to these structural factors, there are also important design elements that add to engagement and distinguish a really good game from a poor or mediocre one. Let us discuss these six factors in detail and show how and why they lead to such strong engagement. Rules are what differentiate games from other kinds of play. Probably the most basic definition of a game is that it is organized play, that is to say rule-based. If you don’t have rules you have free play, not a game. Why are rules so important to games? Rules impose limits – they force us to take specific paths to reach goals and ensure that all players take the same paths. They put us inside the game world, by letting us know what is in and out of bounds. What spoils a game is not so much the cheater, who accepts the rules but doesn’t play by them (we can deal with him or her) but the nihilist, who denies them altogether. Rules make things both fair and exciting. When the Australians “bent” the rules of the America’s Cup and built a huge boat in 1988, and the Americans found a way to compete with a catamaran, it was still a race — but no longer the same game.

#### The vast majority of students thought it was unfair.

Preston 3—Thomas Preston, Professor of communications at the University of Missouri-St. Louis [Summer 2003, “No-topic debating in Parliamentary Debate: Students and Critic Reactions,” http://cas.bethel.edu/dept/comm/npda/journal/vol9no5.pdf]

The study involved forty-three students and nine critics who participated in a parliamentary debate tournament where no topic was assigned for the fourth round debates. True to the idea of openness, no rules regarding the topic were announced; no topic, or written instructions other than time limits and judging instruction, were provided. In this spirit, the participants first provided anecdotal reactions to the no-topic debate, so that the data from this study could emerge from discussion. Second, respondents provided demographic data so that patterns could be compared along three dimensions. These dimensions, the independent variables for the student portion of the study, involved three items: 1) level of debate experience; 2) whether NPDA was the only format of parliamentary debate the students had experienced; and 3) whether students had participated in NDT or CEDA policy debate. Third, the questions were to determine how students rated the debates based on criteria for good debate-educational value, clash, and a fair division of ground. Students were also asked two general questions: whether they would try the no-topic debate again, and whether they liked the no-topic round. These questions constituted the dependent variables for the student study. Because the sample was small, descriptive statistical data were gathered from critics. Taking into account the experience of the critics, additional questions concerning items such as whether no-topic debating deepened discussion. Both students and critics were asked which side they thought the no-topic approach favored, and the students with NDT/ CEDA policy debating experience were asked if a no-topic debating season would be good for policy debate.For the objective items, critics and students were asked to circle a number between 1 and 7 to indicate the strength of reaction to each item (Appendix I and Appendix II). In scoring responses, the most favorable rating received the highest score of seven and the least favorable rating a score of one. In some instances, values that were circled on the sheet were reversed such that the most favorable reaction to that category received the higher score. Frequency distributions and statistics were then tabulated for each question, and the anecdotal remarks were tabulated. For the student empirical data, t-tests were conducted to determine whether overall debate experience, NPDA experience, or policy experience affected how the students reacted to an item. As a test for significance, p was set to less than or equal to .05. Finally, of the 43 responses, 35, or 81.4 per cent, felt that the no-topic debate skewed the outcome of the debate toward one side or the other. Of those responses, 32 (91.4 per cent of those indicating a bias, or 74.4 per cent of all respondents) indicated that the no-topic debate gave an advantage to the Government. Three (8.6 per cent of those indicating a bias, or 7.0 per cent of all respondents) indicated that the no-topic debate gave an advantage to the Opposition.

#### And, the experiment empirically proves our argument—people do quit debate because of a lack of rules, causing the activity to degenerate into chaos.

Preston 3—Thomas Preston, Professor of communications at the University of Missouri-St. Louis [Summer 2003, “No-topic debating in Parliamentary Debate: Students and Critic Reactions,” http://cas.bethel.edu/dept/comm/npda/journal/vol9no5.pdf]

For the overall student data, each the mean of each item was slightly below 4.0, but mostly, the kurtosis figures were negative, and the standard deviations high, indicating a bipolar response to each question. The frequency tables bear out strong negative reactions, but a number of positive reactions which tended to be less strong. On the one hand, a substantial number of students and critics felt very strongly that the experience was negative, with the mode=l for each item on the survey; however, on others, a substantial number of respondents rated aspects of the experience at 4 and above. The educational value had the highest central tendencies (mean=3.65, median=4.0, and mode=1.0), whereas the question over whether the students liked the experience was the lowest (mean=3.19, median=3.0, mode=1.0). Although there was a weak positive pole to the responses, those who had NDT/CEDA experience strongly opposed the idea of a no-topic year of debating in those organizations (mean=2.77, median =1.00, mode=1.00). cont. Reduced to absurdity, the notion of no rules for a debate tournament would result in chaos, bringing up an infinite regress into whether or not chaos is a good thing! At least on the surface, the results of this particular study would seem to discourage repeating this experiment as conducted for the present study. A number of participants may not want to return to the tournament because of the confusion and perceived lack of educational value. However, an exact representation and t-tests between results could help not only assess the validity and reliability of the instrument, but whether attitudes and perceptions have changed toward no-topic debating. Therefore, whereas Option III may seem to be out of the questions, benefits can still be gained from it in terms of studying the evolution of parliamentary debate form.

#### And, Fun is key to education and knowledge retention.

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So what is the relationship between fun and learning? Does having fun help or hurt? Let us look at what some researchers have to say on the subject: “Enjoyment and fun as part of the learning process are important when learning new tools since the learner is relaxed and motivated and therefore more willing to learn.”6 "The role that fun plays with regard to intrinsic motivation in education is twofold. First, intrinsic motivation promotes the desire for recurrence of the experience… Secondly, fun can motivate learners to engage themselves in activities with which they have little or no previous experience." 7 "In simple terms a brain enjoying itself is functioning more efficiently." 8 "When we enjoy learning, we learn better" 9 Fun has also been shown by Datillo & Kleiber, 1993; Hastie, 1994; Middleton, Littlefield & Lehrer, 1992, to increase motivation for learners. 10 It appears then that the principal roles of fun in the learning process are to create relaxation and motivation. Relaxation enables a learner to take things in more easily, and motivation enables them to put forth effort without resentment.

#### A limited topic of discussion that provides for equitable ground is key to productive inculcation of decision-making and advocacy skills in every and all facets of life—even if their position is contestable that’s distinct from it being valuably debatable. Our interpretation provides room for flexibility, creativity, and innovation, but targets the discussion to avoid mere statements of fact

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Debate is a means of settling differences, so there must be a difference of opinion or a conflict of interest before there can be a debate. If everyone is in agreement on a fact or value or policy, there is no need for debate; the matter can be settled by unanimous consent. Thus, for example, it would be pointless to attempt to debate “Resolved: That two plus two equals four,” because there is simply no controversy about this statement. Controversy is an essential prerequisite of debate. Where there is no clash of ideas, proposals, interests, or expressed positions on issues, there is no debate. In addition, debate cannot produce effective decisions without clear identification of a question or questions to be answered. For example, general argument may occur about the broad topic of illegal immigration. How many illegal immigrants are in the United States? What is the impact of illegal immigration and immigrants on our economy? What is their impact on our communities? Do they commit crimes? Do they take jobs from American workers? Do they pay taxes? Do they require social services? Is it a problem that some do not speak English? Is it the responsibility of employers to discourage illegal immigration by not hiring undocumented workers? Should they have the opportunity to gain citizenship? Does illegal immigration pose a security threat to our country? Do illegal immigrants do work that American workers are unwilling to do? Are their rights as workers and as human beings at risk due to their status? Are they abused by employers, law enforcement, housing, and businesses? How are their families impacted by their status? What is the moral and philosophical obligation of a nation state to maintain its borders? Should we build a wall on the Mexican border, establish a national identification card, or enforce existing laws against employers? Should we invite immigrants to become U.S. citizens? Surely you can think of many more concerns to be addressed by a conversation about the topic area of illegal immigration. Participation in this “debate” is likely to be emotional and intense. However, it is not likely to be productive or useful without focus on a particular question and identification of a line demarcating sides in the controversy. To be discussed and resolved effectively, controversies must be stated clearly. Vague understanding results in unfocused deliberation and poor decisions, frustration, and emotional distress, as evidenced by the failure of the United States Congress to make progress on the immigration debate during the summer of 2007.

Someone disturbed by the problem of a growing underclass of poorly educated, socially disenfranchised youths might observe, “Public schools are doing a terrible job! They are overcrowded, and many teachers are poorly qualified in their subject areas. Even the best teachers can do little more than struggle to maintain order in their classrooms.” That same concerned citizen, facing a complex range of issues, might arrive at an unhelpful decision, such as “We ought to do something about this” or, worse, “It’s too complicated a problem to deal with.” Groups of concerned citizens worried about the state of public education could join together to express their frustrations, anger, disillusionment, and emotions regarding the schools, but without a focus for their discussions, they could easily agree about the sorry state of education without finding points of clarity or potential solutions. A gripe session would follow. But if a precise question is posed—such as “What can be done to improve public education?”—then a more profitable area of discussion is opened up simply by placing a focus on the search for a concrete solution step. One or more judgments can be phrased in the form of debate propositions, motions for parliamentary debate, or bills for legislative assemblies. The statements “Resolved: That the federal government should implement a program of charter schools in at-risk communities” and “Resolved: That the state of Florida should adopt a school voucher program” more clearly identify specific ways of dealing with educational problems in a manageable form, suitable for debate. They provide specific policies to be investigated and aid discussants in identifying points of difference.

I. DEFINING THE CONTROVERSY

To have a productive debate, which facilitates effective decision making by directing and placing limits on the decision to be made, the basis for argument should be clearly defined. If we merely talk about “homelessness” or “abortion” or “crime” or “global warming” we are likely to have an interesting discussion but not to establish profitable basis for argument. For example, the statement “Resolved: That the pen is mightier than the sword” is debatable, yet fails to provide much basis for clear argumentation. If we take this statement to mean that the written word is more effective than physical force for some purposes, we can identify a problem area: the comparative effectiveness of writing or physical force for a specific purpose.

Although we now have a general subject, we have not yet stated a problem. It is still too broad, too loosely worded to promote well-organized argument. What sort of writing are we concerned with—poems, novels, government documents, website development, advertising, or what? What does “effectiveness” mean in this context? What kind of physical force is being compared—fists, dueling swords, bazookas, nuclear weapons, or what? A more specific question might be, “Would a mutual defense treaty or a visit by our fleet be more effective in assuring Laurania of our support in a certain crisis?” The basis for argument could be phrased in a debate proposition such as “Resolved: That the United States should enter into a mutual defense treaty with Laurania.” Negative advocates might oppose this proposition by arguing that fleet maneuvers would be a better solution. This is not to say that debates should completely avoid creative interpretation of the controversy by advocates, or that good debates cannot occur over competing interpretations of the controversy; in fact, these sorts of debates may be very engaging. The point is that debate is best facilitated by the guidance provided by focus on a particular point of difference, which will be outlined in the following discussion.

#### Challenging ourselves to innovate within the confines of rules creates far more creative responses than starting with a blank slate

Mayer 6—Marissa Ann Mayer, vice-president for search products and user experience at Google [February 13, “Creativity Loves Constraints,” http://www.businessweek.com/print/magazine/content/06\_07/b3971144.htm?chan=gl]

When people think about creativity, they think about artistic work -- unbridled, unguided effort that leads to beautiful effect. But if you look deeper, you'll find that some of the most inspiring art forms, such as haikus, sonatas, and religious paintings, are fraught with constraints. They are beautiful because creativity triumphed over the “rules.” Constraints shape and focus problems and provide clear challenges to overcome. Creativity thrives best when constrained.

But constraints must be balanced with a healthy disregard for the impossible. Too many curbs can lead to pessimism and despair. Disregarding the bounds of what we know or accept gives rise to ideas that are non-obvious, unconventional, or unexplored. The creativity realized in this balance between constraint and disregard for the impossible is fueled by passion and leads to revolutionary change.

A few years ago, I met Paul Beckett, a talented designer who makes sculptural clocks. When I asked him why not do just sculptures, Paul said he liked the challenge of making something artistically beautiful that also had to perform as a clock. Framing the task in that way freed his creative force. Paul reflected that he also found it easier to paint on a canvas that had a mark on it rather than starting with one that was entirely clean and white. This resonated with me. It is often easier to direct your energy when you start with constrained challenges (a sculpture that must be a clock) or constrained possibilities (a canvas that is marked).

#### The affirmative desires to break down internal exclusion yet uses a failing solution. Establishing constraints on the topics for discussion in debate does not cause internal exclusion. Breaking down topicality norms doesn’t solve, because resultant absence of clash and the refusal of the burden of rejoinder flips external exclusion. Our topicality argument is a better path to break down internal exclusion by broadening the scope of what counts as persuasive argumentation. For example, our vision of debate would welcome the use of narrative, personal experience, rap, etc. on behalf of a topical argument. This vision of debate is best to resolve their exclusion arguments

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In one respect the “deliberative turn” (or re-turn; see Dryzek, 2000, pp. l-2) is an important step forward in democratic theory and democratic practice. On the one hand it seems to be a more full expression of the basic values of democracy, particularly the idea that democracy is about actual participation in collective decision- making. In the aggregative model there is, after all, little participation, and decision-making is mainly algorithmic. On the other hand, the deliberative approach seems to have a much stronger educational potential. In the deliberative model "political actors not only express preferences and interest, but they engage with one another about how to balance these under circumstances of inclusive equality" (Young, 2000, p.26; emphasis added). Such interaction "requires participants to be open and attentive to one another, to justify their claims and proposals in terms of [being] acceptable to all, the orientation of participants moves from self-regard to an orientation to what is publicly assertable” (ibid.). Thus "people often gain new information, learn different experiences of their collective problems, or find that their own initial opinions are founded on prejudice and ignorance, or that they have misunderstood the relation of their own interests to others" (ibid.). As Warren has put it, participation in deliberation can make individuals "more public-spirited, more tolerant, more knowledgeable, more attentive to the interests of others, and more probing of their own interests" (Warren, I992, p.8). Deliberative democracy, so its proponents argue, is therefore not only more democratic but also more educative. A third asset of deliberative democracy lies in its potential impact on the motivation of political actors in that participation in democratic decision-making is more likely to commit participants to its outcomes. This suggests that deliberative democracy is not only an intrinsically desirable way of social problem-solving but probably also an effective way of doing this (see Dryzek, 2000, p. 172).

The deliberative turn can be seen as an attempt to bring democracy closer to its core values and in this respect represents an important correction to the individualism and “disconnected pluralism” (Biesta, 2006) of the aggregative model and of liberal democracy more generally. However, by raising the stakes of democracy, deliberative democracy has also brought the difficulty of democratic inclusion into much sharper focus, and thus has generated - ironically but not surprisingly - a series of problems around the question of inclusion. The main issue here centres on the entry conditions for participation in deliberation. The authors quoted above all seem to suggest that participation in democratic deliberation should be regulated and that it should be confined to those who commit themselves to a particular set of values and behaviours. Young, for example, argues that the deliberative model “entails several nonnative ideas for the relationships and dispositions of deliberating parties, among them inclusion, equality, reasonableness, and publicity” which, so she claims, "are all logically related in the deliberative model" (Young, 2000, p.23; emphasis added). Most of the proponents of (versions of) deliberative democracy specify a set of entry conditions for participation, although what is interesting about the discussion is that most go at great pains to delineate a minimum set of conditions necessary for democratic deliberation rather than an ideal set (see, e.g. the contributions in Elster, l998). Young provides an interesting example with her distinction between reasonableness (which she sees as a necessary entry condition) and rationality (which she doesn't see as a necessary condition). For Young being reasonable doesn't entail being rational. Reasonableness refers to "a set of dispositions that discussion participants have [rather] than to the substance of people's contributions to debate" (Young, 2000, p,24; emphasis added). She concedes that reasonable people "often have crazy ideas," yet "what makes them reasonable is their willingness to listen to others who want to explain to them why their ideas are incorrect or inappropriate" (ibid.). In Young’s hands reasonableness thus emerges as a communicative virtue, and not as a criterion for the logical “quality” of people’s preferences and convictions.

This example not only shows why the issue of inclusion is so prominent in the deliberative model. It also explains why the deliberative turn has generated a whole new set of issues around inclusion. The reason for this is that deliberation is not simply a form of political decision-making but first and foremost a form of political communication. The inclusion question in deliberative democracy is therefore not so much a question about who should be included - although this question should be asked always as well. It is first and foremost a question about who is able to participate effectively in deliberation

. As Dryzek aptly summarises, the suspicion about deliberative democracy is "that its focus on a particular kind of reasonable political interaction is not in fact neutral, but systematically excludes a variety of voices from effective participation in democratic politics" (Dryzek, 2000, p.58). In this regard Young makes a helpful distinction between two forms of exclusion: external exclusion, which is about "how people are [actually] kept outside the process of discussion and decision-making", and internal exclusion where people are formally included in decision-making processes but where they may find, for example, "that their claims are not taken seriously and may believe that they are not treated with equal respect" (Young, 2000, p.55). Internal exclusion, in other words, refers to those situations in which people "lack effective opportunity to influence the thinking of others even when they have access to fora and procedures of decision-making" (ibid.) which can particularly be the outcome of the emphasis of some proponents of deliberative democracy on “dispassionate, unsituated, neutral reason” (ibid. p.63).

To counteract the internal exclusion that is the product of a too narrow focus on argument, Young has suggested several other modes of political communication which should be added to the deliberative process not only to remedy "exclusionary tendencies in deliberative practices" but also to promote "respect and trust" and to make possible "understanding across structural and cultural difference" (ibid. p.57). The first of these is greeting or public acknowledgement. This is about "communicative political gestures through which those who have conflicts…recognizes others as included in the discussion, especially those with whom they differ in opinion, interest, or social location” (ibid., p. 61; emphasis in original). Young emphasises that greeting should be thought of as a starting-point for political interaction. It "precedes the giving and evaluating of reasons" (ibid., p.79) and does so through the recognition of the other parties in the deliberation. The second mode of political communication is rhetoric and more specifically the affirmative use of rhetoric (ibid., p.63). Although one could say that rhetoric only concerns the form of political communication and not its content, the point Young makes is that inclusive political communication should pay attention to and be inclusive about the different forms of expression and should not try to purify rational argument from rhetoric. Rhetoric is not only important because it can help to get particular issues on the agenda for deliberation. Rhetoric can also help to articulate claims and arguments “in ways appropriate to a particular public in a particular situation” (ibid., p.67; emphasis in original). Rhetoric always accompanies an argument by situating it "for a particular audience and giving it embodied style and tone" (ibid., p.79). Young`s third mode of political communication is narrative or storytelling. The main function of narrative in democratic communication lies in its potential "to foster understanding among members of a polity with very different experience or assumptions about what is important" (ibid., p.7l). Young emphasises the role of narrative in the teaching and learning dimension of political communication. “Inclusive democratic communication”, so she argues, “assumes that all participants have something to teach the public about the society in which they dwell together” and also assumes “that all participants are ignorant of some aspects of the social or natural world, and that everyone comes to a political conflict with some biases, prejudices, blind spots, or stereo-types” (ibid., p.77).

It is important to emphasise that greeting, rhetoric and narrative are not meant to replace argumentation. Young stresses again and again that deliberative democracy entails "that participants require reasons of one another and critically evaluate them" (ibid., p.79). Other proponents of the deliberative model take a much more narrow approach and see deliberation exclusively as a form of rational argumentation (e.g. Benhabib, l996) where the only legitimate force should be the “forceless force of the better argument” (Habermas). Similarly, Dryzek, after a discussion of Young's ideas,' concludes that argument always has to be "central to deliberative democracy" (Dryzek, 2000, p.7l). Although he acknowledges that other modes of communication can be present and that there are good reasons to welcome them, their status is different "because they do not have to be present" (ibid., emphasis added). For Dryzek, at the end of the day, all modes of political communication must live up to the standards of rationality. This does not mean that they must be subordinated to rational argument “but their deployment only makes sense in a context where argument about what is to be done remains central” (ibid., p.168).