## 1nc cp

We affirm that detainees participating in hunger strikes should not die unless they demonstrate verbal or written desire to commit revolutionary suicide.

The affirmative is a knee-jerk reaction to the hunger strike movement in Guantanamo – the strikers do not want to die, but rather allow force feeding to happen upon them to make an ethical statement

Joh, 13

(MD-Baylor College of Medicine, 5/4, “Is it Ethical to Force Feed Guantanamo Detainees,” http://www.quora.com/Guantanamo-Bay-Military-Detention-Camp/Is-it-ethical-to-force-feed-Guantanamo-detainees)

This is definitely in a grey area, but yes, "force-feeding" can potentially be ethically justified. Fair warning: long answer ahead. If we're going to have any rational discussion of what is occurring, we need to understand some important pieces of the puzzle, so bear with me as we go step by step, as each of these relates to an ethically justifiable argument. Before continuing, I ask that you take a moment to recognize that **the knee-jerk visceral reaction to force-feeding comes primarily from usage of the word "force", which stirs our general sense that it's usually wrong to force anyone to do anything. However, this reductionist approach is not adequate here**, so we must delve deeper. Brief foreword on ethics We need to clarify: it's generally pointless to ask whether or not an action in and of itself is ethical. It's far more meaningful to ask whether an action can be ethically justified **in a given set of circumstances**. For example, you can claim that violence is unethical, but I suspect that if you were given a baseball bat and locked in a room with a mentally deranged assailant, you would suddenly find it quite ethically justifiable to defend yourself using violent means. See the difference? Blanket statements suck, because circumstances matter. The Hunger Striker's MO A hunger striker uses starvation as a form of protest against the custodial authority that sheds light on grievances by creating an (em)urgent situation that forces the authority to receive unwanted attention, granting the hunger striker moral leverage. In essence, this is a hostage situation in which the hostage taker and the hostage are one and the same. If at all possible, the hunger striker does not want to die by starvation; the starvation is his/her means of commanding action; if it ends, so does his/her leverage, particularly if death occurs before the message spreads. Therefore, hunger strikers generally do not go to the extreme of "dry hunger" (no food or water), because this would kill them in a few days. The majority undergo various degrees of fasting, with intakes ranging from water, vitamins/minerals, liquid nutrients, small quantities of food, etc. You see then, the problem with using the term "hunger strike"--it's not strictly defined, and it encompasses a large range of (non-ideal) diets. The main thing to note, however, is that the non-total fasting strategy used by most hunger strikers grants more time for negotiation with the custodial authority, and is therefore a calculated move by a rational human being who wants to live, not someone suffering from suicidal ideation. We can see this in play in Guantanamo. The hunger strike has gone on for 87 days, or almost 3 months. Drinking water alone generally induces death after ~1.5 months even if the person was in perfect health prior to starting the fast, for reasons discussed in another answer. Survival beyond a max of ~10 weeks of fasting on just water is essentially impossible, as proved in the case of Bobby Sands. Interviews with the press indicate that the most of the prisoners are indeed consuming some nutrition such as cans of Ensure, further supporting the basic assumption that they in fact want to live--outside of Guantanamo. As you read on, keep in mind this desire to live. For more, I recommend reading: http://www.globallawyersandphysi... A Closer Look at "Force-Feeding" We need to understand what exactly force-feeding entails. Step 1: Insertion of a nasogastric tube, as seen in this video: As you can see, the patient is fully conscious and does not require any sedation or medication for pain control. As procedures go, the difficulty level is trivial, and a small amount of lubricant and some water are the only tools needed for successful painless insertion. If done correctly, the procedure is, at most, a bit uncomfortable, particularly when the tube first makes its way through the nostril. To reiterate: insertion of a nasogastric tube is not "barbaric", and requires minimal effort to be painless. Anyone who claims otherwise has likely never had one placed or is exaggerating heavily. Step 2: A feeding bag filled with liquid nutrient is connected to the external end of the tube and suspended in the air, and gravity causes flow of the fluid directly into the stomach. This process is painless, and also does not require any sedation or medication for pain control. To give you some idea: walk through any Level II or Level III neonatal intensive care unit, and you will find numerous pre-term infants being fed this way without any of the typical physiologic markers for pain such as screaming or elevated heart rate. The Position of the AMA Now, let's look at the letter from Dr. Jeremy Lazarus, president of the American Medical Association: Hunger Strikers Letter 04 25 13. There are some (likely intentionally inflammatory) blanket statements made, and they sorely deserve debunking. Claim #1: "Forced feeding of detainees violates core ethical values of the medical profession." False, not necessarily. Patients with severe anorexia can be held in hospital custody and given undesired nutrition. They are, in essence, force-fed detainees, and yet this practice is widely known and accepted as an ethically justified act demonstrating beneficence, fiduciary duty, and compassion. Again: circumstances matter. Claim #2: "Every competent patient has the right to refuse medical intervention, including life-sustaining interventions". False, not necessarily. In the US legal system, the right of a prisoner (or otherwise State-detained person) to refuse medical care can be outweighed by the State’s interest in preserving life and in protecting institutional security as well as the morals of its staff. This has had precedent in prior legal hearings not including Guantanamo. My understanding is that upon becoming a prisoner, a person shoulders the additional dependent status of being a ward of the state, and therefore there are justifiable limits on their autonomy in addition to restriction of movement by placement in prison. Another example would be the state ordering the treatment of a competent woman who is the sole caretaker of her children and would otherwise die without intervention--the dependent status generated by the children outweighs the mother's independent status. Claim #3: The World Medical Association WMA Declaration of Tokyo must be followed. Somewhat questionable. The Declaration of Tokyo is an excellent set of guidelines that everyone in the press loves quoting, but on the whole it is actually geared more toward torture, and the more appropriate set of guidelines in this situation is actually the WMA Declaration of Malta on Hunger Strikers. Surely, Dr. Lazarus is aware of this, and yet he chose not to cite it. Why? Might this letter have an underlying meaning? So when is "force-feeding" by a physician ethically justifiable? Remember what I said earlier about hunger strikers almost always wanting to live? Yeah. That's the key. The physician also wants to help the striker stay alive, so once the hunger striker states that they want to live, then physician and patient are in agreement and the ethical dilemma disappears. If the prisoner does not wish to consume food during their protest, but desires to live, then the physician is obviously ethically justified in doing what is necessary to keep the patient alive such that the patient's protest can continue, and these measures can include nasogastric feeding. Nota bene: admission of the desire to live does not necessarily have to be made in a public manner; patient confidentiality still applies to prisoners and they can say different things to the press and to their physician, as their physician is obligated to keep the patient's wishes private. **This encompasses the overwhelming majority of hunger strikers.** More extreme hunger strikers that fall under the do-not-intervene guidelines in the Declaration of Malta are quite rare, and from publicly available Guantanamo prisoner statements, it seems reasonably clear that they are not in this category, as their wish is to protest their conditions without quite going to the point of dying (despite public allegations on their willingness to do otherwise; see prior paragraph on length of the protest in "The Hunger Striker's MO").

Detention DA---allowing force-feedng spotlights inhumane conditions and builds pressure to end detention—the plan just legitimizes the broader practice of imprisonment

Joh, 13

(MD-Baylor College of Medicine, 5/4, “Is it Ethical to Force Feed Guantanamo Detainees,” http://www.quora.com/Guantanamo-Bay-Military-Detention-Camp/Is-it-ethical-to-force-feed-Guantanamo-detainees)

Who says being "force fed" can't be a rational strategy? Think about it: you have the option of consuming things like Ensure, but you could instead undergo a procedure that is, in reality, painless, but in the media, easily illustrated as a horrific form of torture, **shedding even more light on Guantanamo and the need to shut it down**. You can give choice quotes describing the feeding as "razor blades passing through you", **giving more urgency to your cause.** Put another way: when you know you are not allowed to die...**why not game the system for all it's worth**, and **gain more attention for your cause, giving you an even greater voice in the media**...maybe even a letter to the Secretary of Defense from the president of the largest medical organization in America? Let's look at the publicly known rules of being on the hunger strike list: Skip at least nine consecutive meals to be added to the hunger strike list. A detainee who has never been force-fed may be removed from the list if he eats an average of 1,500 calories per day for three days or consumes three consecutive meals. A detainee who has been force-fed may be removed if he voluntarily eats an average of 1,500 calories for seven days or if he eats nine consecutive meals. In other words, being force-fed significantly raises the bar for removing you from the hunger strike list, meaning once that experience is over, you are able to take greater nourishment for a longer period of time, further prolonging your hunger strike while still being counted in the embarrassingly high number of prisoners protesting to dismal conditions. Does that answer the question? Can you see how **force-feeding may not only be ethically justifiable, but even helpful to the prisoners' cause**, which is why the physicians go along with it? Trust me, we don't go into medicine because we're dumb. And military doc or not, pretty much everyone who goes into medicine has a strong streak of Type A personality that does not do well with orders they perceive to be stupid, wrong, or unethical.

## 2nc cp

The act of force-feeding in unintuitively an act of agency among inmates – while there may be some inmates who may want to die and should be allowed to take an act of revolutionary suicide - the counter advocacy endores the agency within inmates decision to be force fed and stay alive – that’s founded in medical ethics

World Medical Association Malta Declaration, 91

(WMA Declaration of Malta on Hunger Strikers http://www.wma.net/en/30publications/10policies/h31/index.html)

 Hunger strikes occur in various contexts but they mainly give rise to dilemmas in settings where people are detained (prisons, jails and immigration detention centres). They are often a form of protest by people who lack other ways of making their demands known. In refusing nutrition for a significant period, they usually hope to obtain certain goals by inflicting negative publicity on the authorities. Short-term or feigned food refusals rarely raise ethical problems. Genuine and prolonged fasting risks death or permanent damage for hunger strikers and can create a conflict of values for physicians. Hunger strikers usually do not wish to die but some may be prepared to do so to achieve their aims. Physicians need to ascertain the individual's true intention, especially in collective strikes or situations where peer pressure may be a factor. An ethical dilemma arises when hunger strikers who have apparently issued clear instructions not to be resuscitated reach a stage of cognitive impairment. The principle of beneficence urges physicians to resuscitate them but respect for individual autonomy restrains physicians from intervening when a valid and informed refusal has been made. An added difficulty arises in custodial settings because it is not always clear whether the hunger striker's advance instructions were made voluntarily and with appropriate information about the consequences. These guidelines and the background paper address such difficult situations.

PRINCIPLES

 Duty to act ethically. All physicians are bound by medical ethics in their professional contact with vulnerable people, even when not providing therapy. Whatever their role, physicians must try to prevent coercion or maltreatment of detainees and must protest if it occurs.

Treatment during indefinite detention makes the prisoner physically and ontologically powerless, an object among other objects, a carcass of captive flesh, even as liberal Western society demands that this carcass exhibit signs of vitality, forcing upon it a redemptive story that belies the fact that no justice will be served.

Joseph Pugliese 2013 *State Violence and the Execution of Law: Biopolitical caesurae of torture, black sites, drones*¶ Associate Professor of Cultural Studies at Macquarie University, Sydney. Pages 167-8

As I discussed in Chapter 1, in an essay written over two decades ago, an essay that compels repeated returns because of its power and undiminished saliency, Hortense Spillers maps the contours of the violent colonial space within which Native Americans and African Americans were confined during the construc- tion of the white nation. She names this space ‘the vestibule (or “pre-view”) of a colonized North America.’ The vestibule of colonial white America is that other space in which those deemed as not embodying the subject position of human- personhood were quarantined, enslaved, tortured and executed: ‘That order, with its human sequence written in blood, represents for its African and indigenous peoples a scene of actual mutilation, dismemberment, and exile.’21 As Spillers argues, this order of violence cannot be relegated to the past. Her essay, indeed, documents its reproduction and maintenance in the present. The Salt Pit must be seen as another instantiation of the colonial ‘vestibularity’ that is absolutely disjunctive from ‘the culture’ of the white order of the human-rights-bearing subject. This vestibularity is divided from the order of the hegemonic culture by that biopolitical caesura that determines in fundamental ways who may live and who will be let to die or killed. Whether operative within the body of the nation or in that secret, transnational elsewhere of CIA black sites, the carceral vestibule produces one constant: ‘the captive body reduces to a thing, becoming being for the captor.’22 In the Salt Pit, Rahman becomes, through a series of violent instrumentalizations of his body, ‘a thing’ for his captors. I want to delineate the ensemble of dimensions – physical, ontological and legal – that enable the transmutation of Gul Rahman’s embodied being into ‘thing.’ ‘[T]he captive body,’ writes Spillers, ‘. . . embodies sheer physical powerlessness.’23 Shackled with his hands above his head and hung from a ceiling hook, Rahman is made to embody sheer powerlessness. Suspended in this manner, his agency is incapacitated at both physical and onto- logical levels. Physically, there is a suspension of basic motor control over his body. Ontologically, in the context of his blackened cell, Rahman’s being is suspended over an abyss, as he loses touch with the ground, the base from which the subject phenomenologically makes sense of the world. What effectively transpires is ‘the elimination of world ground.’24 The incapacitating of Rahman’s sensorium is further exacerbated by the disorientation of darkness, by the blasting of loudspeakers and by numbness ensuing from the draining of his blood to his feet. The ensemble of torture techniques that are inflicted upon his body collectively work to transmute Rahman into a carcass of captive flesh, raised up and suspended like a slain beast from the metal hook attached to the cell’s ceiling.¶ The CIA black site in which Rahman is held captive is not the prison-house of the human. Rather, it is the death chamber of the object-thing whose ‘being for the captor’ is a being toward death. As a being toward death, the object-thing becomes carcass. The moment of capture enunciates the crossing of the threshold into the horror of Spillers’ vestibule, a crossing that will strip the subject of every ontological, metaphysical and legal claim to the category of the ‘human.’ Entry into the vestibule of black site prisons marks the death of the subject and the birth of the object-thing. The crossing of the threshold instantiates the biopolitical cut that will divide subject from object, human from animal. Once incarcerated and suspended in the vestibule of the Salt Pit, Rahman becomes a mere carcass, ‘a kind of absolute biopolitical substance.’25 The flesh held captive within these prisons becomes, in Fanon’s haunting words, an ‘object in the midst of other objects – the cell, the shackles, the instruments of torture. A type of violent paradox configures the captive flesh of the victims: within the political economy of torture, everything pivots on the body: what can be done to it, how it can be violently rendered, and what can be extracted from it. Yet, at the same time, the somatechnologies 27 of torture work to nullify the body as ‘human body’; they trans- mute it into a corpus nullius; a non-body that is merely animal carcass. The term ‘carcass’ graphically embodies what Spillers describes as ‘the theft of the dynamic principle of the living that distinguishes the subject from his/her objectification.’28 The conversion of a subject into a captive object evacuates agency, ‘the dynamic principle of the living,’ by liquidating relations of power. ‘There cannot be relations of power unless subjects are free,’ notes Foucault. ‘If one were completely at the disposition of the other and became his thing, an object on which he can exercise an infinite and unlimited violence, there would not be relations of power. In order to exercise a relation of power, there must be on both sides at least a certain form of liberty.’29 In Rahman’s case, the ‘theft of the dynamic principle of the living,’ the exercise of unlimited violence on his person as a captive object, and the absence of any relations of power all ensure his transmutation into carcass. I deploy the uncompromising term ‘carcass’ in order to disrupt the hold of residual humanisms that would demand of the victim, who has been stripped of every possible vestige of personhood, the exercise of some redemptive agency in the face of the most horrific of situations. This demand works to reassure the privileged Western subject confronted by a site of utter subjection that something ‘human’ remains in the face of the horror that lies entirely on the hither side of their own ontological ground, even as they are structurally complicit in the production of the violence that they abhor; even as their status as human-rights- bearing subjects is predicated on the human-animal other than can be killed without punishment – as was the case in the killing of Gul Rahman. To demand and extract agency from the victims of fatal torture regimes would be tantamount to inflicting upon them yet another level of (symbolic) violence, by imposing upon them a redemptive narrative that is undone at every turn by their torture, death and unceremonious dispatch to unmarked graves. Situated in this context, carcass signifies the transmutation of the human subject into torture’s object-thing. Carcass is that object-thing that will not be liberated or redeemed and for whom, as in Gul Rahman’s case, no justice will be served. Carcass is the term for captive flesh that experiences useless suffering unto death. The useless suffering of the captive body tortured unto death is ‘intrinsically meaningless and condemned to itself without exit.’30 The dead tortured body is worthless to the captors as they can no longer hope to extract even a modicum of intelligence from their captive flesh. Without exit, immured within the totality of a black site, useless suffering implodes the subject, destroying all the sentient categories constitutive of the unitary and affective human subject through unassumable, unbearable levels of pain destined to produce that fatal animal remnant: the carcass.

## 1nc t

Your decision should answer the resolutional question: Is the enactment of topical action better than the status quo or a competitive option?

1. “Resolved” before a colon reflects a legislative forum

Army Officer School ‘04

 (5-12, “# 12, Punctuation – The Colon and Semicolon”, http://usawocc.army.mil/IMI/wg12.htm)

The colon introduces the following: a.  A list, but only after "as follows," "the following," or a noun for which the list is an appositive: Each scout will carry the following: (colon) meals for three days, a survival knife, and his sleeping bag. The company had four new officers: (colon) Bill Smith, Frank Tucker, Peter Fillmore, and Oliver Lewis. b.  A long quotation (one or more paragraphs): In The Killer Angels Michael Shaara wrote: (colon) You may find it a different story from the one you learned in school. There have been many versions of that battle [Gettysburg] and that war [the Civil War]. (The quote continues for two more paragraphs.) c.  A formal quotation or question: The President declared: (colon) "The only thing we have to fear is fear itself." The question is: (colon) what can we do about it? d.  A second independent clause which explains the first: Potter's motive is clear: (colon) he wants the assignment. e.  After the introduction of a business letter: Dear Sirs: (colon) Dear Madam: (colon) f.  The details following an announcement For sale: (colon) large lakeside cabin with dock g.  A *formal* resolution, after the word "resolved:"

Resolved: (colon) That this council petition the mayor.

2. “USFG should” means the debate is solely about a policy established by governmental means

Ericson ‘03

(Jon M., Dean Emeritus of the College of Liberal Arts – California Polytechnic U., et al., 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.

They claim to win the debate for reasons other than the desirability of topical action. That undermines preparation and clash. Changing the question now leaves one side unprepared, resulting in shallow, uneducational debate. Requiring debate on a communal topic forces argument development and develops persuasive skills critical to any political outcome.

Simualted national security law debates inculcate agency and decision-making skills—that enables activism and avoids cooption

Laura K. Donohue, Associate Professor of Law, Georgetown Law, 4/11/13, National Security Law Pedagogy and the Role of Simulations, http://jnslp.com/wp-content/uploads/2013/04/National-Security-Law-Pedagogy-and-the-Role-of-Simulations.pdf

The concept of simulations as an aspect of higher education, or in the law school environment, is not new.164 Moot court, after all, is a form of simulation and one of the oldest teaching devices in the law. What is new, however, is the idea of designing a civilian national security course that takes advantage of the doctrinal and experiential components of law school education and integrates the experience through a multi-day simulation. In 2009, I taught the first module based on this design at Stanford Law, which I developed the following year into a full course at Georgetown Law. It has since gone through multiple iterations. The initial concept followed on the federal full-scale Top Official (“TopOff”) exercises, used to train government officials to respond to domestic crises.165 It adapted a Tabletop Exercise, designed with the help of exercise officials at DHS and FEMA, to the law school environment. The Tabletop used one storyline to push on specific legal questions, as students, assigned roles in the discussion, sat around a table and for six hours engaged with the material. The problem with the Tabletop Exercise was that it was too static, and the rigidity of the format left little room, or time, for student agency. Unlike the government’s TopOff exercises, which gave officials the opportunity to fully engage with the many different concerns that arise in the course of a national security crisis as well as the chance to deal with externalities, the Tabletop focused on specific legal issues, even as it controlled for external chaos. The opportunity to provide a more full experience for the students came with the creation of first a one-day, and then a multi-day simulation. The course design and simulation continues to evolve. It offers a model for achieving the pedagogical goals outlined above, in the process developing a rigorous training ground for the next generation of national security lawyers.166 A. Course Design The central idea in structuring the NSL Sim 2.0 course was to bridge the gap between theory and practice by conveying doctrinal material and creating an alternative reality in which students would be forced to act upon legal concerns.167 The exercise itself is a form of problem-based learning, wherein students are given both agency and responsibility for the results. Towards this end, the structure must be at once bounded (directed and focused on certain areas of the law and legal education) and flexible (responsive to student input and decisionmaking). Perhaps the most significant weakness in the use of any constructed universe is the problem of authenticity. Efforts to replicate reality will inevitably fall short. There is simply too much uncertainty, randomness, and complexity in the real world. One way to address this shortcoming, however, is through design and agency. The scenarios with which students grapple and the structural design of the simulation must reflect the national security realm, even as students themselves must make choices that carry consequences. Indeed, to some extent, student decisions themselves must drive the evolution of events within the simulation.168 Additionally, while authenticity matters, it is worth noting that at some level the fact that the incident does not take place in a real-world setting can be a great advantage. That is, the simulation creates an environment where students can make mistakes and learn from these mistakes – without what might otherwise be devastating consequences. It also allows instructors to develop multiple points of feedback to enrich student learning in a way that would be much more difficult to do in a regular practice setting. NSL Sim 2.0 takes as its starting point the national security pedagogical goals discussed above. It works backwards to then engineer a classroom, cyber, and physical/simulation experience to delve into each of these areas. As a substantive matter, the course focuses on the constitutional, statutory, and regulatory authorities in national security law, placing particular focus on the interstices between black letter law and areas where the field is either unsettled or in flux. A key aspect of the course design is that it retains both the doctrinal and experiential components of legal education. Divorcing simulations from the doctrinal environment risks falling short on the first and third national security pedagogical goals: (1) analytical skills and substantive knowledge, and (3) critical thought. A certain amount of both can be learned in the course of a simulation; however, the national security crisis environment is not well-suited to the more thoughtful and careful analytical discussion. What I am thus proposing is a course design in which doctrine is paired with the type of experiential learning more common in a clinical realm. The former precedes the latter, giving students the opportunity to develop depth and breadth prior to the exercise. In order to capture problems related to adaptation and evolution, addressing goal [1(d)], the simulation itself takes place over a multi-day period. Because of the intensity involved in national security matters (and conflicting demands on student time), the model makes use of a multi-user virtual environment. The use of such technology is critical to creating more powerful, immersive simulations.169 It also allows for continual interaction between the players. Multi-user virtual environments have the further advantage of helping to transform the traditional teaching culture, predominantly concerned with manipulating textual and symbolic knowledge, into a culture where students learn and can then be assessed on the basis of their participation in changing practices.170 I thus worked with the Information Technology group at Georgetown Law to build the cyber portal used for NSL Sim 2.0. The twin goals of adaptation and evolution require that students be given a significant amount of agency and responsibility for decisions taken in the course of the simulation. To further this aim, I constituted a Control Team, with six professors, four attorneys from practice, a media expert, six to eight former simulation students, and a number of technology experts. Four of the professors specialize in different areas of national security law and assume roles in the course of the exercise, with the aim of pushing students towards a deeper doctrinal understanding of shifting national security law authorities. One professor plays the role of President of the United States. The sixth professor focuses on questions of professional responsibility. The attorneys from practice help to build the simulation and then, along with all the professors, assume active roles during the simulation itself. Returning students assist in the execution of the play, further developing their understanding of national security law. Throughout the simulation, the Control Team is constantly reacting to student choices. When unexpected decisions are made, professors may choose to pursue the evolution of the story to accomplish the pedagogical aims, or they may choose to cut off play in that area (there are various devices for doing so, such as denying requests, sending materials to labs to be analyzed, drawing the players back into the main storylines, and leaking information to the media). A total immersion simulation involves a number of scenarios, as well as systemic noise, to give students experience in dealing with the second pedagogical goal: factual chaos and information overload. The driving aim here is to teach students how to manage information more effectively. Five to six storylines are thus developed, each with its own arc and evolution. To this are added multiple alterations of the situation, relating to background noise. Thus, unlike hypotheticals, doctrinal problems, single-experience exercises, or even Tabletop exercises, the goal is not to eliminate external conditions, but to embrace them as part of the challenge facing national security lawyers. The simulation itself is problem-based, giving players agency in driving the evolution of the experience – thus addressing goal [2(c)]. This requires a realtime response from the professor(s) overseeing the simulation, pairing bounded storylines with flexibility to emphasize different areas of the law and the students’ practical skills. Indeed, each storyline is based on a problem facing the government, to which players must then respond, generating in turn a set of new issues that must be addressed. The written and oral components of the simulation conform to the fourth pedagogical goal – the types of situations in which national security lawyers will find themselves. Particular emphasis is placed on nontraditional modes of communication, such as legal documents in advance of the crisis itself, meetings in the midst of breaking national security concerns, multiple informal interactions, media exchanges, telephone calls, Congressional testimony, and formal briefings to senior level officials in the course of the simulation as well as during the last class session. These oral components are paired with the preparation of formal legal instruments, such as applications to the Foreign Intelligence Surveillance Court, legal memos, applications for search warrants under Title III, and administrative subpoenas for NSLs. In addition, students are required to prepare a paper outlining their legal authorities prior to the simulation – and to deliver a 90 second oral briefing after the session. To replicate the high-stakes political environment at issue in goals (1) and (5), students are divided into political and legal roles and assigned to different (and competing) institutions: the White House, DoD, DHS, HHS, DOJ, DOS, Congress, state offices, nongovernmental organizations, and the media. This requires students to acknowledge and work within the broader Washington context, even as they are cognizant of the policy implications of their decisions. They must get used to working with policymakers and to representing one of many different considerations that decisionmakers take into account in the national security domain. Scenarios are selected with high consequence events in mind, to ensure that students recognize both the domestic and international dimensions of national security law. Further alterations to the simulation provide for the broader political context – for instance, whether it is an election year, which parties control different branches, and state and local issues in related but distinct areas. The media is given a particularly prominent role. One member of the Control Team runs an AP wire service, while two student players represent print and broadcast media, respectively. The Virtual News Network (“VNN”), which performs in the second capacity, runs continuously during the exercise, in the course of which players may at times be required to appear before the camera. This media component helps to emphasize the broader political context within which national security law is practiced. Both anticipated and unanticipated decisions give rise to ethical questions and matters related to the fifth goal: professional responsibility. The way in which such issues arise stems from simulation design as well as spontaneous interjections from both the Control Team and the participants in the simulation itself. As aforementioned, professors on the Control Team, and practicing attorneys who have previously gone through a simulation, focus on raising decision points that encourage students to consider ethical and professional considerations. Throughout the simulation good judgment and leadership play a key role, determining the players’ effectiveness, with the exercise itself hitting the aim of the integration of the various pedagogical goals. Finally, there are multiple layers of feedback that players receive prior to, during, and following the simulation to help them to gauge their effectiveness. The Socratic method in the course of doctrinal studies provides immediate assessment of the students’ grasp of the law. Written assignments focused on the contours of individual players’ authorities give professors an opportunity to assess students’ level of understanding prior to the simulation. And the simulation itself provides real-time feedback from both peers and professors. The Control Team provides data points for player reflection – for instance, the Control Team member playing President may make decisions based on player input, giving students an immediate impression of their level of persuasiveness, while another Control Team member may reject a FISC application as insufficient. The simulation goes beyond this, however, focusing on teaching students how to develop (6) opportunities for learning in the future. Student meetings with mentors in the field, which take place before the simulation, allow students to work out the institutional and political relationships and the manner in which law operates in practice, even as they learn how to develop mentoring relationships. (Prior to these meetings we have a class discussion about mentoring, professionalism, and feedback). Students, assigned to simulation teams about one quarter of the way through the course, receive peer feedback in the lead-up to the simulation and during the exercise itself. Following the simulation the Control Team and observers provide comments. Judges, who are senior members of the bar in the field of national security law, observe player interactions and provide additional debriefing. The simulation, moreover, is recorded through both the cyber portal and through VNN, allowing students to go back to assess their performance. Individual meetings with the professors teaching the course similarly follow the event. Finally, students end the course with a paper reflecting on their performance and the issues that arose in the course of the simulation, develop frameworks for analyzing uncertainty, tension with colleagues, mistakes, and successes in the future. B. Substantive Areas: Interstices and Threats As a substantive matter, NSL Sim 2.0 is designed to take account of areas of the law central to national security. It focuses on specific authorities that may be brought to bear in the course of a crisis. The decision of which areas to explore is made well in advance of the course. It is particularly helpful here to think about national security authorities on a continuum, as a way to impress upon students that there are shifting standards depending upon the type of threat faced. One course, for instance, might center on the interstices between crime, drugs, terrorism and war. Another might address the intersection of pandemic disease and biological weapons. A third could examine cybercrime and cyberterrorism. This is the most important determination, because the substance of the doctrinal portion of the course and the simulation follows from this decision. For a course focused on the interstices between pandemic disease and biological weapons, for instance, preliminary inquiry would lay out which authorities apply, where the courts have weighed in on the question, and what matters are unsettled. Relevant areas might include public health law, biological weapons provisions, federal quarantine and isolation authorities, habeas corpus and due process, military enforcement and posse comitatus, eminent domain and appropriation of land/property, takings, contact tracing, thermal imaging and surveillance, electronic tagging, vaccination, and intelligence-gathering. The critical areas can then be divided according to the dominant constitutional authority, statutory authorities, regulations, key cases, general rules, and constitutional questions. This, then, becomes a guide for the doctrinal part of the course, as well as the grounds on which the specific scenarios developed for the simulation are based. The authorities, simultaneously, are included in an electronic resource library and embedded in the cyber portal (the Digital Archives) to act as a closed universe of the legal authorities needed by the students in the course of the simulation. Professional responsibility in the national security realm and the institutional relationships of those tasked with responding to biological weapons and pandemic disease also come within the doctrinal part of the course. The simulation itself is based on five to six storylines reflecting the interstices between different areas of the law. The storylines are used to present a coherent, non-linear scenario that can adapt to student responses. Each scenario is mapped out in a three to seven page document, which is then checked with scientists, government officials, and area experts for consistency with how the scenario would likely unfold in real life. For the biological weapons and pandemic disease emphasis, for example, one narrative might relate to the presentation of a patient suspected of carrying yersinia pestis at a hospital in the United States. The document would map out a daily progression of the disease consistent with epidemiological patterns and the central actors in the story: perhaps a U.S. citizen, potential connections to an international terrorist organization, intelligence on the individual’s actions overseas, etc. The scenario would be designed specifically to stress the intersection of public health and counterterrorism/biological weapons threats, and the associated (shifting) authorities, thus requiring the disease initially to look like an innocent presentation (for example, by someone who has traveled from overseas), but then for the storyline to move into the second realm (awareness that this was in fact a concerted attack). A second storyline might relate to a different disease outbreak in another part of the country, with the aim of introducing the Stafford Act/Insurrection Act line and raising federalism concerns. The role of the military here and Title 10/Title 32 questions would similarly arise – with the storyline designed to raise these questions. A third storyline might simply be well developed noise in the system: reports of suspicious activity potentially linked to radioactive material, with the actors linked to nuclear material. A fourth storyline would focus perhaps on container security concerns overseas, progressing through newspaper reports, about containers showing up in local police precincts. State politics would constitute the fifth storyline, raising question of the political pressures on the state officials in the exercise. Here, ethnic concerns, student issues, economic conditions, and community policing concerns might become the focus. The sixth storyline could be further noise in the system – loosely based on current events at the time. In addition to the storylines, a certain amount of noise is injected into the system through press releases, weather updates, private communications, and the like. The five to six storylines, prepared by the Control Team in consultation with experts, become the basis for the preparation of scenario “injects:” i.e., newspaper articles, VNN broadcasts, reports from NGOs, private communications between officials, classified information, government leaks, etc., which, when put together, constitute a linear progression. These are all written and/or filmed prior to the exercise. The progression is then mapped in an hourly chart for the unfolding events over a multi-day period. All six scenarios are placed on the same chart, in six columns, giving the Control Team a birds-eye view of the progression. C. How It Works As for the nuts and bolts of the simulation itself, it traditionally begins outside of class, in the evening, on the grounds that national security crises often occur at inconvenient times and may well involve limited sleep and competing demands.171 Typically, a phone call from a Control Team member posing in a role integral to one of the main storylines, initiates play. Students at this point have been assigned dedicated simulation email addresses and provided access to the cyber portal. The portal itself gives each team the opportunity to converse in a “classified” domain with other team members, as well as access to a public AP wire and broadcast channel, carrying the latest news and on which press releases or (for the media roles) news stories can be posted. The complete universe of legal authorities required for the simulation is located on the cyber portal in the Digital Archives, as are forms required for some of the legal instruments (saving students the time of developing these from scratch in the course of play). Additional “classified” material – both general and SCI – has been provided to the relevant student teams. The Control Team has access to the complete site. For the next two (or three) days, outside of student initiatives (which, at their prompting, may include face-to-face meetings between the players), the entire simulation takes place through the cyber portal. The Control Team, immediately active, begins responding to player decisions as they become public (and occasionally, through monitoring the “classified” communications, before they are released). This time period provides a ramp-up to the third (or fourth) day of play, allowing for the adjustment of any substantive, student, or technology concerns, while setting the stage for the breaking crisis. The third (or fourth) day of play takes place entirely at Georgetown Law. A special room is constructed for meetings between the President and principals, in the form of either the National Security Council or the Homeland Security Council, with breakout rooms assigned to each of the agencies involved in the NSC process. Congress is provided with its own physical space, in which meetings, committee hearings and legislative drafting can take place. State government officials are allotted their own area, separate from the federal domain, with the Media placed between the three major interests. The Control Team is sequestered in a different area, to which students are not admitted. At each of the major areas, the cyber portal is publicly displayed on large flat panel screens, allowing for the streaming of video updates from the media, AP wire injects, articles from the students assigned to represent leading newspapers, and press releases. Students use their own laptop computers for team decisions and communication. As the storylines unfold, the Control Team takes on a variety of roles, such as that of the President, Vice President, President’s chief of staff, governor of a state, public health officials, and foreign dignitaries. Some of the roles are adopted on the fly, depending upon player responses and queries as the storylines progress. Judges, given full access to each player domain, determine how effectively the students accomplish the national security goals. The judges are themselves well-experienced in the practice of national security law, as well as in legal education. They thus can offer a unique perspective on the scenarios confronted by the students, the manner in which the simulation unfolded, and how the students performed in their various capacities. At the end of the day, the exercise terminates and an immediate hotwash is held, in which players are first debriefed on what occurred during the simulation. Because of the players’ divergent experiences and the different roles assigned to them, the students at this point are often unaware of the complete picture. The judges and formal observers then offer reflections on the simulation and determine which teams performed most effectively. Over the next few classes, more details about the simulation emerge, as students discuss it in more depth and consider limitations created by their knowledge or institutional position, questions that arose in regard to their grasp of the law, the types of decision-making processes that occurred, and the effectiveness of their – and other students’ – performances. Reflection papers, paired with oral briefings, focus on the substantive issues raised by the simulation and introduce the opportunity for students to reflect on how to create opportunities for learning in the future. The course then formally ends.172 Learning, however, continues beyond the temporal confines of the semester. Students who perform well and who would like to continue to participate in the simulations are invited back as members of the control team, giving them a chance to deepen their understanding of national security law. Following graduation, a few students who go in to the field are then invited to continue their affiliation as National Security Law fellows, becoming increasingly involved in the evolution of the exercise itself. This system of vertical integration helps to build a mentoring environment for the students while they are enrolled in law school and to create opportunities for learning and mentorship post-graduation. It helps to keep the exercise current and reflective of emerging national security concerns. And it builds a strong community of individuals with common interests. CONCLUSION The legal academy has, of late, been swept up in concern about the economic conditions that affect the placement of law school graduates. The image being conveyed, however, does not resonate in every legal field. It is particularly inapposite to the burgeoning opportunities presented to students in national security. That the conversation about legal education is taking place now should come as little surprise. Quite apart from economic concern is the traditional introspection that follows American military engagement. It makes sense: law overlaps substantially with political power, being at once both the expression of government authority and the effort to limit the same. The one-size fits all approach currently dominating the conversation in legal education, however, appears ill-suited to address the concerns raised in the current conversation. Instead of looking at law across the board, greater insight can be gleaned by looking at the specific demands of the different fields themselves. This does not mean that the goals identified will be exclusive to, for instance, national security law, but it does suggest there will be greater nuance in the discussion of the adequacy of the current pedagogical approach. With this approach in mind, I have here suggested six pedagogical goals for national security. For following graduation, students must be able to perform in each of the areas identified – (1) understanding the law as applied, (2) dealing with factual chaos and uncertainty, (3) obtaining critical distance, (4) developing nontraditional written and oral communication skills, (5) exhibiting leadership, integrity, and good judgment in a high-stakes, highly-charged environment, and (6) creating continued opportunities for self-learning. They also must learn how to integrate these different skills into one experience, to ensure that they will be most effective when they enter the field. The problem with the current structures in legal education is that they fall short, in important ways, from helping students to meet these goals. Doctrinal courses may incorporate a range of experiential learning components, such as hypotheticals, doctrinal problems, single exercises, extended or continuing exercises, and tabletop exercises. These are important classroom devices. The amount of time required for each varies, as does the object of the exercise itself. But where they fall short is in providing a more holistic approach to national security law which will allow for the maximum conveyance of required skills. Total immersion simulations, which have not yet been addressed in the secondary literature for civilian education in national security law, may provide an important way forward. Such simulations also cure shortcomings in other areas of experiential education, such as clinics and moot court. It is in an effort to address these concerns that I developed the simulation model above. NSL Sim 2.0 certainly is not the only solution, but it does provide a starting point for moving forward. The approach draws on the strengths of doctrinal courses and embeds a total immersion simulation within a course. It makes use of technology and physical space to engage students in a multi-day exercise, in which they are given agency and responsibility for their decision making, resulting in a steep learning curve. While further adaptation of this model is undoubtedly necessary, it suggests one potential direction for the years to come.

Debate over a controversial point of action creates argumentative stasis—that’s key to avoid a devolution of debate into competing truth claims, which destroys the decision-making benefits of the activity

Steinberg and Freeley ‘13

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*Critical Thinking for Reasoned Decision Making*, Thirteen Edition

Debate is a means of settling differences, so there must be a controversy, a difference of opinion or a conflict of interest before there can be a debate. If everyone is in agreement on a feet or value or policy, there is no need or opportunity 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 of issues, there is no debate. Controversy invites decisive choice between competing positions. 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 live 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 are best understood when seated clearly such that all parties to the debate share an understanding about the objec­tive of the debate. This enables focus on substantive and objectively identifiable issues facilitating comparison of competing argumentation leading to effective decisions. Vague understanding results in unfocused deliberation and poor deci­sions, general feelings of tension without opportunity for resolution, frustration, and emotional distress, as evidenced by the failure of the U.S. Congress to make substantial progress on the immigration debate. Of course, arguments may be presented without disagreement. For exam­ple, claims are presented and supported within speeches, editorials, and advertise­ments even without opposing or refutational response. Argumentation occurs in a range of settings from informal to formal, and may not call upon an audi­ence or judge to make a forced choice among competing claims. Informal dis­course occurs as conversation or panel discussion without demanding a decision about a dichotomous or yes/no question. However, by definition, debate requires "reasoned judgment on a proposition. The proposition is a statement about which competing advocates will offer alternative (pro or con) argumenta­tion calling upon their audience or adjudicator to decide. The proposition pro­vides focus for the discourse and guides the decision process. Even when a decision will be made through a process of compromise, it is important to iden­tify the beginning positions of competing advocates to begin negotiation and movement toward a center, or consensus position. It is frustrating and usually unproductive to attempt to make a decision when deciders are unclear as to what the decision is about. The proposition may be implicit in some applied debates (“Vote for me!”); however, when a vote or consequential decision is called for (as in the courtroom or in applied parliamentary debate) it is essential that the proposition be explicitly expressed (“the defendant is guilty!”). In aca­demic debate, the proposition provides essential guidance for the preparation of the debaters prior to the debate, the case building and discourse presented during the debate, and the decision to be made by the debate judge after the debate. 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. This focus contributes to better and more informed decision making with the potential for better results. In aca­demic debate, it provides better depth of argumentation and enhanced opportu­nity for reaping the educational benefits of participation. In the next section, we will consider the challenge of framing the proposition for debate, and its role in the debate. 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 a topic, such as ‘"homeless­ness,” or “abortion,” Or “crime,” or “global warming,” we are likely to have an interesting discussion but not to establish a profitable basis for argument. For example, the statement “Resolved: That the pen is mightier than the sword” is debatable, yet by itself fails to provide much basis for dear argumen­tation. If we take this statement to mean *Iliad* 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, perhaps promoting positive social change. (Note that “loose” propositions, such as the example above, may be defined by their advocates in such a way as to facilitate a clear contrast of competing sides; through definitions and debate they “become” clearly understood statements even though they may not begin as such. There are formats for debate that often begin with this sort of proposition. However, in any debate, at some point, effective and meaningful discussion relies on identification of a clearly stated or understood proposition.) Back to the example of the written word versus physical force. Although we now have a general subject, we have not yet stated a problem. It is still too broad, too loosely worded to promote weII-organized argument. What sort of writing are we concerned with—poems, novels, government documents, web­site development, advertising, cyber-warfare, disinformation, or what? What does it mean to be “mightier" 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.

Decisionmaking is the most portable and flexible skill—key to all facets of life and advocacy

Steinberg and Freeley ‘13

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*Critical Thinking for Reasoned Decision Making*, Thirteen Edition

In the spring of 2011, facing a legacy of problematic U.S, military involvement in Bosnia, Iraq, and Afghanistan, and criticism for what some saw as slow sup­port of the United States for the people of Egypt and Tunisia as citizens of those nations ousted their formerly American-backed dictators, the administration of President Barack Obama considered its options in providing support for rebels seeking to overthrow the government of Muammar el-Qaddafi in Libya. Public debate was robust as the administration sought to determine its most appropriate action. The president ultimately decided to engage in an international coalition, enforcing United Nations Security Council Resolution 1973 through a number of measures including establishment of a no-fly zone through air and missile strikes to support rebels in Libya, but stopping short of direct U.S. intervention with ground forces or any occupation of Libya. While the action seemed to achieve its immediate objectives, most notably the defeat of Qaddafi and his regime, the American president received both criticism and praise for his mea­sured yet assertive decision. In fact, the past decade has challenged American leaders to make many difficult decisions in response to potentially catastrophic problems. Public debate has raged in chaotic environment of political division and apparent animosity, The process of public decision making may have never been so consequential or difficult. Beginning in the fall of 2008, Presidents Bush and Obama faced a growing eco­nomic crisis and responded in part with '’bailouts'' of certain Wall Street financial entities, additional bailouts of Detroit automakers, and a major economic stimu­lus package. All these actions generated substantial public discourse regarding the necessity, wisdom, and consequences of acting (or not acting). In the summer of 2011, the president and the Congress participated in heated debates (and attempted negotiations) to raise the nation's debt ceiling such that the U.S. Federal Govern­ment could pay its debts and continue government operations. This discussion was linked to a debate about the size of the exponentially growing national debt, gov­ernment spending, and taxation. Further, in the spring of 2012, U.S. leaders sought to prevent Iran from developing nuclear weapon capability while gas prices in the United States rose, The United States considered its ongoing military involvement in Afghanistan in the face of nationwide protests and violence in that country1 sparked by the alleged burning of Korans by American soldiers, and Americans observed the actions of President Bashir Al-Assad and Syrian forces as they killed Syrian citizens in response to a rebel uprising in that nation and considered the role of the United States in that action. Meanwhile, public discourse, in part generated and intensified by the cam­paigns of the GOP candidates for president and consequent media coverage, addressed issues dividing Americans, including health care, women's rights to reproductive health services, the freedom of churches and church-run organiza­tions to remain true to their beliefs in providing (or electing not to provide) health care services which they oppose, the growing gap between the wealthiest 1 percent of Americans and the rest of the American population, and continued high levels of unemployment. More division among the American public would be hard to imagine. Yet through all the tension, conflict was almost entirely ver­bal in nature, aimed at discovering or advocating solutions to growing problems. Individuals also faced daunting decisions. A young couple, underwater with their mortgage and struggling to make their monthly payments, considered walking away from their loan; elsewhere a college sophomore reconsidered his major and a senior her choice of law school, graduate school, or a job and a teenager decided between an iPhone and an iPad. 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 scorn 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 engage in discourse surrounding our necessary 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? Should we watch 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, YouTube, Facebook, Twitter, Wikipedia, and many other “wikis," and social networking sites, knowledge and truth are created from the bottom up, bypassing the authoritarian control of newspeople, academics, and publishers. Through a quick keyword search, we have access to infinite quantities of information, but how do we sort through it and select the best information for our needs? Much of what suffices as information is not reliable, or even ethically motivated. 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, And, critical thinking offers tools enabling the user to better understand the' nature and relative quality of the message under consider­ation. 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. The executive order establishing California's requirement states; Instruction in critical thinking is designed to achieve an understanding of the relationship of language to logic, which would lead to the ability to analyze, criticize and advocate ideas, to reason inductively and deductively, and to reach factual or judgmental conclusions based on sound inferences drawn from unambigu­ous statements of knowledge or belief. The minimal competence to be expected at the successful conclusion of instruction in critical thinking should be the ability to distinguish fact from judgment, belief from knowledge, and skills in elementary inductive arid deductive processes, including an under­standing of die formal and informal fallacies of language and thought. Competency in critical thinking is a prerequisite to participating effectively in human affairs, pursuing higher education, and succeeding in the highly com­petitive world of business and the professions. Michael Scriven and Richard Paul for the National Council for Excellence in Critical Thinking Instruction argued that the effective critical thinker: raises vital questions and problems, formulating them clearly and precisely; gathers and assesses relevant information, using abstract ideas to interpret it effectively; comes to well-reasoned conclusions and solutions, testing them against relevant criteria and standards; thinks open-mindedly within alternative systems of thought, recognizing, and assessing, as need be, their assumptions, implications, and practical con­sequences; and communicates effectively with others in figuring our solutions to complex problems. They also observed that critical thinking entails effective communication and problem solving abilities and a commitment to overcome our native egocentrism and sociocentrism,"1 Debate as a classroom exercise and as a mode of thinking and behaving uniquely promotes development of each of these skill sets. Since classical times, debate has been one of the best methods of learning and applying the principles of critical thinking. Contemporary research confirms the value of debate. One study concluded: The impact of public communication training on the critical thinking ability of the participants is demonstrably positive. This summary of existing research reaffirms what many ex-debaters and others in forensics, public speaking, mock trial, or argumentation would support: participation improves die thinking of those involved,2 In particular, debate education improves the ability to think critically. In a com­prehensive review of the relevant research, Kent Colbert concluded, "'The debate-critical thinking literature provides presumptive proof ■favoring a positive debate-critical thinking relationship.11'1 Much of the most significant communication of our lives is conducted in the form of debates, formal or informal, These take place in intrapersonal commu­nications, with which we weigh the pros and cons of an important decision in our own minds, and 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 offer, 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 our product, or a vote for our favored political candidate. Some people make decision by flipping a coin. Others act on a whim or respond unconsciously to “hidden persuaders.” If the problem is trivial—such as whether to go to a concert or a film—the particular method used is unimportant. For more crucial matters, however, mature adults require a reasoned methods of decision making. Decisions should be justified by good reasons based on accurate evidence and valid reasoning.

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

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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 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.

Debating within the parameters determined by the topic creates radical agonistic democratic politics. The disregard of rules turns adversaries into enemies and games into conflicts. Vote negative because they’re not playing.

Tally, English – Texas State University, ‘7

(Robert T, “The Agony of the Political,” Post Modern Culture 17.2)

Mouffe's image of a we/they politics in which collective identities vie with one another for hegemony looks a bit like organized sports. Consider the football game: rival sides squared off in a unambiguously agonistic struggle for dominance, with a clear winner and loser, yet agreeing to play by certain shared rules, and above all unwilling to destroy the sport itself (i.e., the political association) in order to achieve the side's particular goals. Football teams have no interest in dialogue, and the goal is not consensus, but victory. The winner is triumphant, and the loser must regroup, practice, and try again later. A clearly defined "we" will fight against the "they," but the aim is to win, not to destroy "them" or the sport itself. But, noteworthy in the extended metaphor, some organizing body (rarely democratic) has established the rules and standards by which the sport is played. The players have no say in how the game is structured.

If the sports analogy seems too facile, consider Mouffe's own characterization. Responding to the "fundamental question for democratic theory" (i.e., how to maintain antagonism in politics without destroying political association), Mouffe answers that it requires distinguishing between the categories of "antagonism" (relations between enemies) and "agonism" (relations between adversaries) and envisaging a sort of "conflictual consensus" providing a common symbolic space among opponents who are considered "legitimate enemies." Contrary to the dialogic approach, the democratic debate is conceived as a real confrontation. Adversaries do fight--even fiercely--but according to a shared set of rules, and their positions, despite being ultimately irreconcilable, and accepted as legitimate perspectives. (52)

Play ball! Of course this means that, if the opposition party--oh, let's go ahead and call them the Reds--wishes to change the relations of power, it must do so within the political framework (e.g., legislative body or rules of the game). To be outside of the framework is to not be playing the game at all.

A better model might be that of games on the playground. On the playground, children both organize and play games, often coming up with and changing the rules as they go along. Their power relations are constantly adjusted, modified so as to make the game more fair ("you get a head start"), more safe ("no hitting"), more interesting ("three points if you can make it from behind that line"), and so on. The overall structure of the game does not necessarily change, but the specifics of how the game is played can vary. This is not a utopian vision, obviously. The power relations on display at most playgrounds are not the most salutary. But this model at least provides an image of what a radical version of Mouffe's agonistic, democratic politics might look like. How this would work outside the playground, in a global political context, is a different question. Can we get the world's diverse "teams" together on the same playground? Would a multipolar world system enable multiple grounds for playing? Who would or would not be allowed to play? Who would decide?

These practical questions are exceedingly tough to answer. The agonistic model of politics requires an arena where contestants can hold competitions. It requires rules that may be altered but that also must be in place in order to know what game is being played. And it requires a system that allows the sport to continue when particular games end. (That is, the winner cannot cancel further contests, a problem that has plagued nascent democracies.) A radical democracy founded on adversarial politics cannot simply replicate existing structures of liberal, parliamentary democracy. It must change the game.

## 2nc t

Analysis of policy is particularly empowering, even if we’re not the USFG

**Shulock 99**

Nancy, PROFESSOR OF PUBLIC POLICY --- professor of Public Policy and Administration and director of the Institute for Higher Education Leadership & Policy (IHELP) at Sacramento State University, The Paradox of Policy Analysis: If It Is Not Used, Why Do We Produce So Much of It?, Journal of Policy Analysis and Management, Vol. 18, No. 2, 226–244 (1999)

In my view, none of these radical changes is necessary. **As interesting as our politics might be with the kinds of changes outlined by proponents of** participatory and **critical policy analysis,** **we do not need these changes to justify our investment in policy analysis.** **Policy analysis already involves discourse, introduces ideas** into politics, **and affects policy outcomes**. The problem is not that policymakers refuse to understand the value of traditional policy analysis or that policy analysts have not learned to be properly interactive with stakeholders and reflective of multiple and nontechnocratic perspectives. The problem, in my view, is only that policy analysts, policymakers, and observers alike do not recognize policy analysis for what it is. **Policy analysis has changed**, right along with the policy process, to become the provider of ideas and frames, to help sustain the discourse that shapes citizen preferences, and to provide the appearance of rationality in an increasingly complex political environment. Regardless of what the textbooks say, there does not need to be a client in order for ideas from policy analysis to resonate through the policy environment.10¶ Certainly there is room to make our politics more inclusive. But **those critics who see policy analysis as a tool of the power elite might be less concerned if they understood that analysts are only adding to the debate**—they are unlikely to be handing ready-made policy solutions to elite decisionmakers for implementation. Analysts themselves might be more contented if they started appreciating the appropriation of their ideas by the whole gamut of policy participants and stopped counting the number of times their clients acted upon their proposed solutions. And **the cynics disdainful of the purported objectivism of analysis might relax if analysts themselves would acknowledge that they are seeking not truth**, **but to elevate the level of debate with a compelling, evidence-based presentation of their perspectives. Whereas critics call**, **unrealistically** in my view, **for analysts to** present competing perspectives on an issue or to “**design a discourse among multiple perspectives,” I see no reason why an individual analyst must do this** when multiple perspectives are already in abundance, brought by multiple analysts. If we would acknowledge that policy analysis does not occur under a private, contractual process whereby hired hands advise only their clients, we would not worry that clients get only one perspective.¶ **Policy analysis is used, far more extensively than is commonly believed**. Its **use could be appreciated and expanded if policymakers, citizens, and analysts themselves began to present it more accuratel**y, not as a comprehensive, problem-solving, scientific enterprise, but **as a contributor to informed discourse**. For years Lindblom [1965, 1968, 1979, 1986, 1990] has argued that we should understand policy analysis for the limited tool that it is—just one of several routes to social problem solving, and an inferior route at that. Although I have learned much from Lindblom on this odyssey from traditional to interpretive policy analysis, my point is different. Lindblom sees analysis as having a very limited impact on policy change due to its ill-conceived reliance on science and its deluded attempts to impose comprehensive rationality on an incremental policy process. I, with the benefit of recent insights of Baumgartner, Jones, and others into the dynamics of policy change, see that **even with** these **limitations, policy analysis can have a major impact on policy. Ideas, aided by institutions and embraced by citizens, can reshape the policy landscape. Policy analysis can supply the ideas.**

## at: exclusion

Tying their movement to the competitive aspect of winning both flips the case by engraining an act of failure upon certain identities and proves why you should still vote negative if the aff does not defend a topical plan

Scott Harris, Director of Debate, Kansas University, 2013, This Ballot, http://www.cedadebate.org/forum/index.php?topic=4762.0

This ballot has concerns about the messages this debate sends about what it means to be welcomed into the home of debate. Northwestern made an argument that spoke to this concern that could have been more developed in the debate itself. This debate seemed to suggest that the sign that debate can be your home is entirely wrapped up in winning debates. The message seems to be that the winner is accepted and the loser is rejected. I believe that the arguments Northwestern advanced in the debate that being voted against is not a sign of personal rejection and that voting against an argument should not be perceived as an act of psychic violence are important arguments to reflect on. **To me one of the most important lessons that debate teaches is that there is a difference between our arguments and our personhood**. One of the problems in out contemporary society is that people have trouble differentiating between arguments and the identity of the person making the argument. If you hate the argument you must hate the person making the argument because we have trouble differentiating people from their arguments. The reason many arguments end up in violent fights in society is the inability to separate people from their arguments. People outside of debate (or the law) are often confused by how debaters (or lawyers) can argue passionately with one another and then be friends after the argument. It is because we generally separate our disagreements over arguments from our opinions about each other as people. There are two concerns this ballot has about the implications of where this debate has positioned us as a community. First, the explosion of arguments centered in identity makes it difficult to separate arguments from people. If I argue that a vote for me is a vote for my ability to express my Quare identity it by definition constructs a reality that a vote against me is a rejection of my identity. The nature of arguments centered in identity puts the other team in a fairly precarious position in debates and places the judges in uncomfortable positions as well. While discomfort may not necessarily be a bad thing it has significant implications for what debating and deciding debates means or is perceived to mean in socially constructed realities. I hope we can get beyond a point where the only perceived route to victory for some minority debaters is to rail against exclusion in debate.

The second concern is the emphasis on winning as the sign evidence of debate being a home. The reality is that many debaters do not win the majority of their debates. The majority of debaters will never win the NDT. The majority of debaters will never attend the NDT. Every debate has a loser. Losing should not be a sign of expulsion from the home. Years ago on van trips we used to play a game which we called the green weenie award. We would take the results packet and have everyone in the van guess who was the team that was the bottom seed of the tournament. The game may have had a certain amount of arrogant cruelty in it. I would sometimes wonder what it was that made the teams who didn’t win debates, who didn’t ever clear, come back the next week. As a community we get so caught up sometimes in defining our wins as successes and our losses as failures that we have lost sight of what it is that makes debate a special home in the first place. Debate cannot only be a home for the winner or it would by definition have become not a home for the majority of its participants. This ballot hopes that we can learn to recognize that the experience of losing debates is part of being welcomed in debate as well. Getting the opportunity to debate itself has tremendous value. The value is not contained in the win but is contained in the experience itself. As a coach I have to remember sometimes that my failures are only failures if I view them as failures. I need to make sure that I value all of my debaters equally whether they win their debates or lose them. When my teams lose I need to not view them as losers or the judges who voted against them as villains. Debate is an educational process. We often learn more when we lose than when we win. Debate tends to attract hyper-competitive people who hate to lose. I hate to lose. I do not want to lose at anything. Losing is an inevitable part of life. Debate needs to feel like a home for both the winners and the losers because all of us experience losing in debate. Learning how to win with class and lose with dignity is an important life lesson that I need to constantly work on myself. Learning to value the losses as much as the wins is the hardest part for me but I believe it is vital if debate is really going to be a home for all of its participants.

Giroux’s account of oppression is totalizing and the alternative fails

Benjamin **Franks 7**, Lecturer in Social and Political Philosophy at the University of Glasgow, “Who Are You to tell me to Question Authority?”, Variant issue 29, <http://www.variant.org.uk/29texts/Franks29.html>

Potentially stronger criticisms of Giroux’s text lie precisely in his underlying hypothesis concerning the totalising power of neo-conservatism. Giroux shares with the members of the Frankfurt School, who he approvingly cites, a pessimistic and almost wholly determined account of future social developments, in which the prognosis for alternatives to dominant powers looks bleak. Giroux, like Adorno and Marcuse, fears that we are approaching a one-dimensional future composed of intellectually stunted individuals, who are manipulated by the cultural industries, endorse militarised social hierarchies and engage in relationships conceived of only in terms of market-values. This grim dystopia is subject to continual monitoring by an evermore technologically-equipped police and legitimised by an increasingly subservient, partisan and trivial media. However, whilst Giroux’s account of growing authoritarianism is convincingly expressed, it is potentially disempowering, as it would suggest little space for opposition. It is not simply wishful thinking to suggest that the existing power structures are neither as complete nor as impervious as Giroux’s account would suggest. Whilst the old media of radio, film and television are increasingly dominated by a few giant corporations (p.46), new technologies have opened access to dissident voices and created new forms of communication and organisation. Whilst the military are extending their reach into greater areas of social and political life, and intervening in greater force throughout the globe, resistance to military discipline is also arising, with fewer willing to join the army in both the US and UK.7 Bush’s long term military objectives look increasingly unfeasible as Peter Schoomaker, the former US Chief of Staff, told Congress on December 15, 2006 that even the existing deployment policy is looking increasingly ‘untenable’.8 The ‘overstretch’ of military resources is matched by an economy incapable of fulfilling its primary neo-conservative goals of low taxation, sound national finances and extensive military interventions. Whilst this is not to suggest that the US is on the point of financial implosion, the transition to a fully proto-fascist state is unlikely to be seamless or certain. Giroux’s preferred form of resistance is radical education. The photographs from Abu Ghraib were iconic not just in their encapsulation of proto-fascism, but in their public pedagogic role. Their prominence highlighted the many different sites of interpretation, as Giroux rightly stresses, there is no single way to interpret a photograph, however potent the depiction. The ability to interpret an image requires an ongoing process by a critical citizenry capable of identifying the methods by which a picture’s meanings are constructed (p. 135). Giroux’s critical pedagogy overtly borrows from Adorno’s essay ‘Education After Auschwitz’, and proposes “modes of education that produce critical, engaging and free minds” (p. 141). But herein lies one of the flaws with the text: Giroux never spells out what sorts of existing institutions and social practices are practical models of this critical pedagogy. Thus, he does not indicate what methods he finds appropriate in resisting the proto-fascist onslaught nor how merely interpreting images critically would fundamentally contest hierarchical power-relationships. Questions arise as to the adequacy of his response to the totalising threat he identifies in the main section of the book. Clearly existing academic institutions in the US are barely adequate given the campaigns against dissident academics led by David Horowitz (p.143). Giroux recounts in the final chapter, an interview conducted by Sina Rahmani, his own flight from the prestigious Penn State University to McMaster University in Canada because of managerial harassment following his public criticisms of Penn’s involvement in military research (p. 186). But whilst Giroux recognises that education is far wider than what takes place in institutions of learning there is no account of what practical forms these take. Nor does Giroux give an account of why a critical pedagogy would take priority over informed aesthetic or ethical practices. Such a concentration on education would appear to prioritise those who already have (by virtue of luck or social circumstance) an already existing expertise in critical thinking, risking an oppressive power-relationship in which the expert drills the student into rigorous assessment. This lapse into the role of the strident instructor demanding the correct form of radical response, occasionally appears in Giroux’s text: “within the boundaries of critical education, students have to learn the skills and knowledge to narrate their own stories [and] resist the fragmentation and seductions of market ideologies” (p. 155). Woe betide the student who prefers to narrate the story of the person sitting next to them, or fails to measure up to the ‘educators’ standard of critical evaluation.

It turns the case—a stasis point is the necessary precondition for examining any issue

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

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professor.

According to Eugene Matusov, classroom examples of authoritative discourse also include “intolerance, speaking for others, an unwillingness to listen to and genuinely question others, the failure to test one’s own ideas and assumptions, and the desire to impose one’s own views on others” (Matusov, 2007: 231). Internally persuasive discourse, in contrast, refers to language use directed towards mutual communication and the mutual construction of knowledge: “In the everyday rounds of our consciousness, the internally persuasive word is half-ours and halfsomeone- else's” (Bakhtin, 1981: 345). In this way, internally persuasive discourse marks a creative border zone based on the impossibility of any word ever being final, and for this reason it is “able to reveal ever newer ways to mean” (Bakhtin, 1981: 346). But internally persuasive discourse cannot be reduced to the mere “appropriation” of the ideas and words of others, as it requires the ability to be involved in and embody how “diverse voices collide with each other in a dialogue that tests these ideas” (Matusov, 2007: 230). Thus, internally persuasive discourse always requires some form of dialogical and critical exposure that can be supported by the interplay of different voices in a classroom setting. The application of Bakhtin’s terms to classroom contexts can be quite problematic as the two terms easily end up as an unproductive dichotomy between authoritative (“bad”) and persuasive (“good”) discourse. Bakhtin scholar Gary Saul Morson has tried to further elaborate the two concepts and argues that internally persuasive discourse cannot be sustained in a classroom without authority (Morson, 2004).21 Quite simply, it is impossible to create shared classroom attention solely on the basis of internally persuasive discourse.

Dialogism best exposes the GAPS in state power – it’s best than rejection

Painter 6

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 Narrative and discourse, in both their everyday and more authoritative forms are integral to the notion that the state is best understood as an imagined collective actor. The state emerges as an imagined collective actor partly through the telling of stories of statehood and the production of narrative accounts of state power ( [Hansen and Stepputat, 2001], [Meadowcroft, 1995] and [Neocleous, 2003]). Another key mechanism is the symbolic relationship between state and nation that underpins state actors' claims to be acting on behalf of ‘the people’. Considering these narratives through the lens of **dialogism and prosaics highlights their potential instability**, historicity and artefactual character.

The arguments of Bakhtin and Tolstoy about the effectivity of the mundane and the ordinary encourage us to rethink both the functioning of state institutions and the mechanisms that give rise to state effects. For example, passing legislation has few immediate effects in itself. Rather, its effects are produced in practice through the myriad mundane actions of officials, clerks, police officers, inspectors, teachers, social workers, doctors and so on. In addition, the act of passing legislation in the first place also depends on the prosaic practices and small decisions of parliamentary drafters, elected politicians, civil servants and all those who influence them, including journalists, electors, letter writers, campaigning organizations, lobbyists, academics and others. Furthermore, all of these interactions are characterized by heteroglossia and—another Bakhtinian keyword—unfinalizability. Thus, the outcome of state actions is always uncertain and fallible

## 1nc cp

We affirm the hunger strikes of military detainees as a form of revolutionary suicide to restrict presidential war powers on indefinite imprisonment. The counterplan is an ethical interrogation of not only the procedure of force feeding but the conditions that made it possible

The use of the term ‘detention’ to describe imprisonment sanitizes the process and smoothly transforms a system of abuse and degradation into a clean administrative procedure---this linguistic move actively legitimizes the worst excesses of the war on terror

National Forum, 6/28/05 (http://72.14.203.104/search?q=cache:3qt2cbGSm7UJ:forum.onlineopinion.com.au/thread.asp%3Farticle%3D3592+%22detention+is%22+euphemism&hl=en&gl=us&ct=clnk&cd=267)

So it is Liberal policy to lock up children who have come to this country to seek refuge and discard those with a conscience. What is their crime? Wrong place wrong time?
How do the Liberals and their supporters justify this cruelty to children? Orwell said " In our time, Political speech and writing are largely the defence of the indefensible." **Today the Liberals dole out the euphemisms and PR to defend the indefensible**. For instance: "mandatory **detention" is really imprisonment without trial;** an "illegal" is a mother, a child, a person - flesh and blood with feelings. The main argument that we get to counter refugees and others who protest against this cruelty in Australia is the "question-begging", the "what if" nonsense comparing the treatment that they would get at the hands of dictators without conscience (that most refugees are escaping from). These mothers, fathers, sons and daughters are denied our help because the humanitarian conscience that they are appealing to no longer recognises their humanity - the "**sheer cloudy vagueness" has swallowed up their humanity. Vague, desperate, fleeting images in the distance behind bars**. According to KD, the Liberals have "legitimised" gaoling children and their parents in prisons to discourage other refugees from entering our shores. A terrorist is a person who uses extreme fear to govern or coerce government or community. So, I think, those condoning this method of coercion, that is, locking up refugees to coerce boat people into staying away is based on the similar thinking as a terrorist uses - it is wrong. Moreover, political conformity of the kind KD encourages, engenders the **machine-like responses** Orwell talks of in his essays. Those in favour of gaoling the mums and dads from afar who seek our help to scare others have no conscience, or more precisely , a sense of justice. Conscience reminds us of our humanity - without it **you are just cogs in a machine**.

Detention is a euphemism---it functions to legitimizes government authority---undercuts public capacity to hold the Executive accountable for illegitimate arrests

Shirazi 6

Said Shirazi, Princeton-based analyst for Dissident Voice, 3/9/06 (http://72.14.203.104/search?q=cache:gkwNaqfTznIJ:www.printculture.com/item-771.html+%22detention+is%22+euphemism&hl=en&gl=us&ct=clnk&cd=27)

By all means, if you suspect someone of terrorist activity arrest them, but charge them and let them work with counsel on defending themselves in case it turns out you’re wrong, as the U.S. was practically every time here. The benefit of the doubt must always be for the individual, not the peristaltic torpor of the bureaucratic Leviathan.The linguistic irony is that "**detained" is a less serious word than "arrested**", but to be detained amounts to being arrested and held indefinitely without charge, which is of course much worse. **Detention is a kind of limbo, and while technically accurate as a descriptive term**, functions today as a **euphemism for arrested without charge**, a phrase whose sense is more plain. So if you enjoy paradoxes, here’s a good one for you: the problem is not that people are being arrested, but rather that they are not being arrested.Special Registration, as the program was called, went into effect without proper public notice, only a posting in the Congressional Quarterly. It was already wrong from Day One, regardless of abuses that may have followed during incarceration, because it is based on racist assumptions, and because immigration laws were not intended to be used for an anti-terrorism dragnet. Applying immigration laws selectively to detain one group rather than another is discriminatory and illegal. Adding more groups to try to make it look less racist only makes it worse.The public tends to assume that if the government does something, it must be okay, since the government is who says what's okay and what isn't. This is a dangerous oversimplification that blurs the crucial distinction between the legislative and the executive branch, and that overlooks the reality that agencies can and do **overstep their authority**.

This cynical detachment authorizes the genocidal extermination of the planet---Orwellian mind control both enables and necessitates a tolerance for brutality and violence

Mann 03

Halton Adler Mann, political writer for the Politix Group, 9/5/03 (http://www.politixgroup.com/comm180.htm)

In George Orwell's "1984", his Everyman, Winston Smith perceives the significant signs of his repressive, tyrannical times; constant war and the xenophobia and paranoia it fosters and constant lotteries to keep the proletariat **dumb, diverted and distracted**.
If this dreadful scenario seems familiar, it is the result of a felonious assault on the collective American sensibility, yes, but also and perhaps **more inimical and insidious**, a cynical and unconscionable attempt to subvert the very freedoms Americans cherish and for which the sustained struggle against the terrorist scourge is being waged.
No president wants to surrender the 75 percent apogee of his approval to a more earth-bound reality.  But when the attempt to retain such an artificial, unearned and anomalous figure includes a disgraceful equation of dissent with disloyalty by a de facto prime minister and the recruiting of a first lady to stand by her man then all Americans should be as concerned with the Bush administration's reaction to damning revelations of malfeasance regarding terrorism as to the terrorism itself.When Vice President Dick Cheney declared that criticizing the president in a time of war was an outrageous act of betrayal, he revealed his propagandist's soul and abysmal failure to comprehend the American ideal for which 3,000 innocents lived and died last September.  Would they want the national debate over their clearly preventable American tragedies proscribed or even prohibited by those scoundrels seeking "refuge" in the "patriotism" Samuel Johnson scorned so memorably two and a half centuries ago? "In war, **the first casualty is truth**" as Hiram Johnson said but there are other casualties as well when truth's a trespass upon the body politic. One by one, **every essential element of democracy can fall victim to the barbarism** that must be confronted and conquered:  Idealism, devotion, credibility, fulfillment, confidence, national spirit and the consuming conviction of that Dream known as distinctly American. It is sacred to the memory of all those millions who sought sanctuary in this Promised Land AND to those millions more who were denied it.As persecution, invasion, genocide and war consumed the European continent in the Thirties, America and the Western democracies were as complicit in their complacency as the Nazi barbarism that sentenced millions to a Fascist fate.  In Nazi Germany, a "willing" population of "executioners"--to employ Daniel Jonah Goldhagen's indictment-- was raised on racism and harvested with hate, hate that does not require reason for its sustenance.  So it is with every evil evolution, **every belligerent belief created in a crucible of death-affirming fanaticism, in an inferno of intolerance,** in a wanton world.  Now, with the history of hatred repeating its repulsive virulence, freedom and justice--like all the precious promises of democracy-- must be defended to be defined.  We do NOT have to understand the terrorist's hatred to know it exists, to know we must annihilate it if we are to survive.  The United States denied this maxim to its perpetual peril and then to its unthinkable, unspeakable horror. Isolationist no longer, complacency shaken from its shoulders, America has awakened, FINALLY, as it did six decades ago, to the tumult and tragedy of our time.  Now America must muster its indomitable will once again to defeat another scourge or be consumed by it.  Now America must recruit sentient sentinels to repulse the barbarians before its "Golden Door".There is no mystery to the pathetic pathology, to the history of hatred. It begins in ignorance and envy, is fomented by fanatical exploiters of its existence, subverts the unsuspecting who are sacrificed to its febrile doctrine and **ends in a cataclysm for all.** "**From fanaticism to barbarism is only one step**" Diderot wrote.  He could have written that from hatred to fanaticism, from demeaning a people to demonizing them is the same indistinct distance, the same simple synapse that sends murdered and murderer into the abyss.  "**If we believe absurdities, we shall commit atrocities**" Voltaire wrote 250 years before the Holocaust and the national trauma of September 11th.
Unlike tyranny, it is impossible to impose freedom. It cannot be destroyed easily, certainly not by the terrorist's hand. Once realized, it is relished. The longer it is denied, the longer it will require to recover its voice. In theory, the greatest repudiation of terrorism would be to further unfurl the blessings of liberty, the glory of freedom's franchise. In reality, terrorism's manifest motive is to make us LESS free, to put limits on liberty, to make us reflexive in our repression and put our demand for security above and beyond our love of freedom and so, serve as an unwitting accomplice to the anarchist's creed, to the terrorist's hatred of democracy whose sole purpose is to destroy the coherence of coexistence and put asunder the sun of life, the love of living.
Desperation does NOT produce suicidal terrorist murder nor should it produce suicidal "security" as its response. In our tenacious battle against terrorism, **we must NEVER deny dissent**, the hallowed hallmark of our freedom. Democratic dissent will NEVER devolve to anti-democratic depredations if it is given its free forum, its vibrant voice.

## 1nr cp

B) No value to life---any risk that the plan affirms a sanitized tyranny negates human aspiration---undercuts the terminal impact to the case

Petro 74

Sylvester Petro, Toledo Law Review, Spring 1974, pg 480

However, one may still insist, echoing Ernest Hemingway - "I believe in only one thing: liberty." And it is always well to bear in mind David Hume's observation: "It is seldom that liberty of any kind is lost all at once." Thus, it is unacceptable to say that the **invasion of one aspect** of freedom is of no import because there have been invasions of so many other aspects. That road leads to chaos, tyranny, despotism, and the **end of all human aspiration**. Ask Solzhenitsyn. Ask Milovan Dijas. In sum, if one believed in freedom as a supreme value and the proper ordering principle for any society aiming to maximize spiritual and material welfare, then every invasion of freedom must be emphatically identified and resisted with undying spirit.

2. Turns the case---prisons are justified and sustained by the sanitized descriptions we give them---Orwellian language is dangerous because it chokes off criticism of injustice---its what legitimizes detention in the first place---that’s Shirazi

More ev - the term legitimizes abuses

**Sullivan 05**

Andrew Sullivan, political journalist for New York Times Magazine, 11/12/05 (http://www.andrewsullivan.com/index.php?dish\_inc=archives/2005\_11\_06\_dish\_archive.html)

EXEMPTING THE CIA: A former general counsel for the agency [argues](http://www.washingtonpost.com/wp-dyn/content/article/2005/11/08/AR2005110801108.html?nav=hcmodule" \t "_blank) against Dick Cheney's case for legally codifying torture as a lawful activity for the CIA. Meanwhile, new evidence [emerges](http://www.nytimes.com/2005/11/09/politics/09detain.html%22%20%5Ct%20%22_blank) that individuals within the CIA have warned that illegality was occurring. Here's one question I hope the press asks the president some time soon: does he believe that "waterboarding" constitutes torture and has he ever authorized it himself? Since we know that the CIA has been granted permission to water-board detainees, this doesn't violate anything classified. And since no specific case is mentioned, it doesn't tell us anything but general policy. So why not ask the question? **An important element of this debate has been euphemism**. The terms "coercive interrogation" or "aggressive interrogation" or even "abuse" can obscure as much as they reveal. These techniques need to be described as Orwell would have demanded. What is actually done to another human being? Exactly? And who specifically authorized which techniques? **There's a reason that politicians use Orwellian formulations as Bush does and Clinton did: to obscure reality**. Except Clinton used them to cover up sexual embarrassment and perjury. Bush has used them to cover up rape, murder, near-drowning and **torture of defenseless detainees**.

4. Clarity D/A---

A) Euphemistic manipulation relies precisely on watering down ethical clarity and confusing the terms of the debate---allows the state to consistently alter and fluctuate between terminology

Bohm 03

Robert Bohm, Campaign Coordinator for Deleware Green Party, 3/19/03

(<http://www.gp.org/articles/bohm_03_19_03.shtml>)

The idea that scorching sections of the world with napalm is a pro-peace activity is the type of linguistic reversal of meaning that George Orwell depicted in his novel, 1984, in which the Ministry of Truth was the agency in charge of disseminating propaganda and lies, and the word "joycamp" meant forced labor camp. Orwell would have understood exactly what Fries meant when the poet wrote with melancholy sarcasm, "Peace is tons of napalm falling." According to Orwell, the purpose of mainstream language in a society run by an over-powerful state isn¹t to facilitate communication but to reinforce the state¹s world-view and "to make all other modes of thought impossible." In such an environment of **corrupted significations,** previously stable meanings **transform into each other in unpredictable ways**. Consequently, **moral incoherence reigns** e.g., **peace equals mass destruction.** The status quo's assault on what Orwell called non-desirable modes of thought **doesn't necessarily mean outright censorship.** For the status quo's purposes, it is sufficient that there be a **gradual narrowing down of meanings** so that language's capacity to undermine authoritarianism, alienation and oppression is **weakened in an evolutionary way over time**. When language's power shrinks in this way, society's subgroups often seek out non-verbal languages that they believe express their frustrations and aspirations better than the dominant language does. Such non-verbal languages inevitably begin as outlaw vocabularies multiple tattoos, body piercings, spiked hair, baggy pants, overly extravagant gold chains, slam dancing, mass gatherings of dissenters, etc. that are **screams against the falsity** of existing language, wisdom, and political morality.

B) Absolute clarity is crucial to combat the routinization of murder and the sovereign control of language

Kehl and Livingston 99

D.G. Kehl and Howard Livingston, English at Arizona State University and Pace University, July 1999

(English Journal 88.6)

On the other hand, though, the present climate reveals some disturbing differences over the past several decades—even beyond Orwell’s “intensified form.” Not only does doublespeak “make lies sound truthful and **murder respectable** [giving] an appearance of solidity to pure wind,” but also the **duplicity has become even more widespread and subtle**. Regardless of one’s political affiliation, who can deny that the linguistic duplicity of just about anyone trying to persuade—whether to buy a certain product or vote for a certain politician—has become fashionable, even assumed, expected, accepted, and hence justifiable. Orwell’s plea to make pretentiousness unfashionable has sadly gone unheeded. If, as he noted in “Why I Write,” “**good prose is like a windowpane**,”the panes today are not only murky but almost opaque. Even more disturbing at present is the assumption that, just to win elections, politicians must, and therefore may justifiably, doublethink, doublespeak, and doubledo. There is the further sense that what is at stake, what we feel, is so crucial, so deep, so complex that it can be expressed only by leaving behind quaint notions of ethics, **abandoning clarity and simplicity**, and giving up even trying to be truthful. The argument was made recently that because everyone knows advertisements are not factual, why should anyone expect them to be? An equally disturbing corollary attitude is the growing distrust of and cynicism about language itself. E. J. Dionne Jr., in his book Why Americans Hate Politics, argues that there is a growing “distrust of language, distrust of the correct, distrust of practicality itself.” Students should be taught a healthy skepticism about the use and potential abuse of language but duly warned about the dangers of an unhealthy cynicism. (A teacher might well begin with a discussion of the distinctions—both denotations and connotations— between cynicism and skepticism; for example, cynicism involves a contemptuous, pessimistic, disparaging—often bitter—disbelief with no implication of further investigation; skepticism, on the other hand, involves the doubting and questioning of the validity or authenticity of something that purports to be truthful—but with the implication of ongoing probing and testing of evidence.)

5. Any residual link is enough---must reject doublethink in EVERY instance

Kehl and Livingston 99

D.G. Kehl and Howard Livingston, English at Arizona State University and Pace University, July 1999

(English Journal 88.6)

Doublespeak is not a frivolous game about humorous euphemisms, such as “sanitation engineer” for one who collects garbage, or “sanitarians” (who “deroach” buildings) for pest exterminators, or “automotive technicians” for car mechanics, or “field service technicians” for repair people. Rather, doublespeak in all too many cases is an **insidious practice** whereby the powerful abuse language to **deceive and manipulate** for the purpose of controlling public behavior—the public as consumer, as voter, as student—by depriving us of our right to make informed choices. Before teachers of English at any level are permitted to “practice” in the classroom, we should subscribe to a linguistic equivalent of the Hippocratic Oath, an **Orwellian Oath** perhaps, whereby we commit to (1) use language clearly and responsibly ourselves; (2)**combat doublespeak wherever we find it;** and (3)seek effective pedagogical ways of making students **sensitive to language** and aware of **linguistic vulnerability in all forms.**

The word “detention” is not necessary to constrain Executive authority---precedent proves that the more explicit wording of the CP solves better

Perkins 05

Jared Perkins, BYU Journal of Public Law, 2005 (19 BYU J. Pub. L. 437)

Under strict construction, Justice Souter found that the AUMF did not authorize Hamdi's detention because "it never so much as uses the word detention," and there would be no reason for Congress to imply more power than was explicitly granted by the resolution "given the well-stocked statutory arsenal of defined criminal offenses covering the gamut of actions that a citizen sympathetic to terrorists might commit." [101](https://www.lexis.com/research/retrieve?_m=0f46022d0dd770c6a4a746bffbfba5a7&docnum=23&_fmtstr=FULL&_startdoc=21&wchp=dGLbVtz-zSkAV&_md5=d2060df91ee645be39cb31497a8a5d75&focBudTerms=%28term%20detention%29%20or%20%28term%20detain%29%20or%20word%20detention%20or%20word%20detain&focBudSel=all" \l "n101#n101" \t "_self) Justice Souter concluded that Congress intended to preclude any detention not explicitly sanctioned by a congressional act, fearing that it "might leave citizens subject to arbitrary executive action, with no clear demarcation of the limits of executive authority." [102](https://www.lexis.com/research/retrieve?_m=0f46022d0dd770c6a4a746bffbfba5a7&docnum=23&_fmtstr=FULL&_startdoc=21&wchp=dGLbVtz-zSkAV&_md5=d2060df91ee645be39cb31497a8a5d75&focBudTerms=%28term%20detention%29%20or%20%28term%20detain%29%20or%20word%20detention%20or%20word%20detain&focBudSel=all" \l "n102#n102" \t "_self) Because Congress's precise intent was "to preclude reliance on vague congressional authority ... as authority for detention or imprisonment at the discretion of the Executive," the AUMF fails to satisfy the clarity and  [\*452]  explicitness requirements of the Non-Detention Act. [103](https://www.lexis.com/research/retrieve?_m=0f46022d0dd770c6a4a746bffbfba5a7&docnum=23&_fmtstr=FULL&_startdoc=21&wchp=dGLbVtz-zSkAV&_md5=d2060df91ee645be39cb31497a8a5d75&focBudTerms=%28term%20detention%29%20or%20%28term%20detain%29%20or%20word%20detention%20or%20word%20detain&focBudSel=all" \l "n103#n103" \t "_self) Unless Congress clearly authorized detention or imprisonment, the executive has no power to detain citizens on American territory. [104](https://www.lexis.com/research/retrieve?_m=0f46022d0dd770c6a4a746bffbfba5a7&docnum=23&_fmtstr=FULL&_startdoc=21&wchp=dGLbVtz-zSkAV&_md5=d2060df91ee645be39cb31497a8a5d75&focBudTerms=%28term%20detention%29%20or%20%28term%20detain%29%20or%20word%20detention%20or%20word%20detain&focBudSel=all" \l "n104#n104" \t "_self)

This regime of sanitized language actively conceals the horror of totalitarianism---the language of euphemism clinically detaches people from any sense of ethical responsibility

Davidson 03

Elias Davidsson, Centre for Research on Globalization, 2003 (<http://www.aldeilis.net/jus/econsanc/debate.pdf>)

In order to effectively describe a complex and highly politicized phenomenon, such as economic sanctions, the **utmost care in the choice of terminology is necessary**. Among the tools of politicians figure their creative use of language, including the invention of euphemisms and obfuscatory expressions. Discussing the role of euphemisms in political discourse, Stanley Cohen writes: The most familiar form of reinterpretation is the use of euphemistic labels and jargon. These are everyday devices for **masking, sanitising, and conferring respectability** by using **palliative terms** that **deny or misrepresent cruelty or harm**, giving them **neutral or respectable status**. Orwell's original account of the anaesthetic function of political language - how words **insulate their users and listeners** from **experiencing fully the meaning** of what they are doing - remains the classic source on the subject [28]. Judge Weeramantry, in his Separate Dissenting Opinion on The legality of nuclear weapons (International Court of Justice (Advisory Opinion) (1996)), castigates [...] the use of euphemistic language - the **disembodied language** of military operations and the **polite language of diplomacy**. They conceal the horror of nuclear war, diverting attention to intellectual concepts such as self-defence, reprisals, and proportionate damage which can have little relevance to a situation of total destruction. Horrendous damage to civilians and neutrals is described as collateral damage, because it was not directly intended; incineration of cities becomes "considerable thermal damage". One speaks of "acceptable levels of casualties", even if megadeaths are involved. Maintaining the balance of terror is described as "nuclear preparedness"; assured destruction as "deterrence", total devastation of the environment as "environmental damage". **Clinically detached** from their human context, such expressions **bypass the world of human suffering**, out of which humanitarian law has sprung.

## 1nr conditionality

Contradictory positions crucial to solve AUTHORITARIAN pedagogy and lead to critical thinking- improves activism

Lewis and Dehler 00

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U Cincinnati College of Business, Professor Lewis is the Interim Associate Dean of Undergraduate Programs and Professor of Management. She also leads the Kolodzik Business Scholars Program, as its themes of innovation, collaboration and globalization are closely linked to her research and teaching interests. Indeed, her work addresses paradoxes that impede and enable innovation. In particular, Dr. Lewis explores the need to manage paradoxes in three domains.

Gordon E. Dehler, PhD. Associate Professor. The College of Charleston. School of Business and Economics. Department of Management & Entrepreneurship

Teaching with paradox requires “walking the talk.” If students are truly going to be inspired to think outside the box, we need not only to help them critique the box of oversimplified, polarized frames but also to model paradoxical thinking ourselves. As Farson (1996) noted, paradoxical thinking taps the power of uncertainty and ambiguity: “Absurdly, our most important human affairs—marriage, education, leadership—do best when there is an occasional loss of control and an increase in personal vulnerability, times when we do not know what to do” (p. 38). Recalling our earlier discussion of the control/flexibility paradox, the paradox of teaching with paradox lies in the need to provide order and foster creative tension. In this regard, we have found that teaching with paradox offers a valuable learning opportunity for instructors as well as students. By being self-reflective ourselves, we have become highly conscientious of our own defenses—our desire to control the classroom—and the paradoxical need to allow, even cultivate, an element of confusion to enable more insightful experiences. This requires resisting the temptation to overuse teaching paradigm tactics, that is, refraining from merely telling students about paradoxes and regulating their experiences and instead constructing boundaries within which they may comfortably question inadequacies of their understandings. Such needs complement and extend those of other learning paradigm strategies. For instance, Mallinger (1998) recently wrote of the need to give up control, to maintain control when using collaborative learning approaches, whereas Dennehy, Sims, and Collins (1998) examined the conflicting needs of experiential learning. Ambiguity is necessary so that individuals are personally stretched to apply concepts to real situations. It may seem paradoxical that the pursuit of a conceptual model for debriefing is urged, yet ambiguity is also urged, to meet the subjective needs of individuals. Both requirements (structure and ambiguity), however, can be met if the management educator is cognizant of . . . the debriefing model and uses it as a road map to facilitate discussion so that all learning states are experienced. (p. 18) Barrett’s (1998) seven injunctions of the “Paradox Mind-Set” remind instructors to be purposeful, open, skeptical, contrary, paralogical, imaginative, and courageous, as they encourage students to do likewise. Modeling paradoxical thinking entails remaining focused on the process and objectives of intentional learning while displaying curiosity, honesty, and selfreflection. By provoking insightful debate, conflict can become a source of creativity, and playing devil’s advocate may help students identify their underlying assumptions and more complicated questions to move beyond which alternative is “right” (Dehler &Welsh, 1993). Critiquing oversimplified explanations and taken-for-granted, often nonsensical, conventions, students can be inspired to seek and accommodate opposing views, to creatively make sense of contradictions by transcending either/or logic and overcoming fears of sounding absurd. Finally, the potential value of students’ leaving the classroom with some confusion or dissatisfaction should not be overlooked as a constructive tactic. Palmer (1998) proposed that “good education is always more process than product . . . [and] may leave students deeply dissatisfied, at least for a while” (p. 94). Likewise, French (1997) explained that teachers may use anxiety to foster creative tension and energy while avoiding an excess that freezes students within their defenses. Using the learning space provided by paradox requires staying with the uncertainty long enough to explore contradictions rather than suppress them, examining the ambivalence of mixed feelings, conflicting demands, and uncertainty. Rather than providing oversimplified closure to a complicated discussion, leaving a class with unresolved questions may spur further exploration to reduce confusion and complexity. A degree of unresolved tension or “dissatisfaction may be a sign that real education has happened” (Palmer, 1998, p. 94).