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### 1

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

The “war powers authority” of the President is his legal authority as Commander-in-Chief

Gallagher, Pakistan/Afghanistan coordination cell of the U.S. Joint Staff, Summer 2011

(Joseph, “Unconstitutional War: Strategic Risk in the Age of Congressional Abdication,” *Parameters*, http://strategicstudiesinstitute.army.mil/pubs/parameters/Articles/2011summer/Gallagher.pdf)

First, consider the constitutional issue of power imbalance. Central to the Constitution is the foundational principle of power distribution and provisions to check and balance exercises of that power. This clearly intended separation of powers across the three branches of government ensures that no single federal officeholder can wield an inordinate amount of power or influence. The founders carefully crafted constitutional war-making authority with the branch most representative of the people—Congress.4

The Federalist Papers No. 51, “The Structure of Government Must Furnish the Proper Checks and Balances Between the Different Departments,” serves as the wellspring for this principle. Madison insisted on the necessity to prevent any particular interest or group to trump another interest or group.5 This principle applies in practice to all decisions of considerable national importance. **Specific to war powers authority**, **the Constitution empowers the legislative branch with the authority to declare war but endows the Executive with the authority to act as Commander-in-Chief.**6 This construct designates Congress, not the president, as the primary decisionmaking body to commit the nation to war—a decision that ultimately requires the consent and will of the people in order to succeed. By vesting the decision to declare war with Congress, the founders underscored their intention to engage the people—those who would ultimately sacrifice their blood and treasure in the effort.

“Statutory” means a law by Congress

The Oxford Guide to the U.S. Government 2012

(Oxford University Press via Oxford Reference, Georgetown Library)

statute

A statute is a written law enacted by a legislature. **A federal statute is a law enacted by Congress**. State statutes are enacted by state legislatures; those that violate the U.S. Constitution may be struck down by the Supreme Court if the issue is appealed to the Court.

Judicial means the courts

MacMillan Dictionary No Date

(http://www.macmillandictionary.com/us/dictionary/american/judicial)

Judicial – definition

ADJECTIVE [ONLY BEFORE NOUN]

1 relating to the judges and courts that are responsible for justice in a country or state

the judicial system

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.

Simulated 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.

Linking the ballot to a *should* question in combination with USFG simulation teaches the skills to organize pragmatic consequences *and* philosophical values into a course of action

Hanghoj 8

http://static.sdu.dk/mediafiles/Files/Information\_til/Studerende\_ved\_SDU/Din\_uddannelse/phd\_hum/afhandlinger/2009/ThorkilHanghoej.pdf Thorkild Hanghøj, Copenhagen, 2008 Since this PhD project began in 2004, the present author has been affiliated with DREAM (Danish Research Centre on Education and Advanced Media Materials), which is located at the Institute of Literature, Media and Cultural Studies at the University of Southern Denmark. Research visits have taken place at the Centre for Learning, Knowledge, and Interactive Technologies (L-KIT), the Institute of Education at the University of Bristol and the institute formerly known as Learning Lab Denmark at the School of Education, University of Aarhus, where I currently work as an assistant professor.

 Joas’ re-interpretation of Dewey’s pragmatism as a “theory of situated creativity” raises a critique of humans as purely rational agents that navigate instrumentally through meansends- schemes (Joas, 1996: 133f). This critique is particularly important when trying to understand how games are enacted and validated within the realm of educational institutions that by definition are inscribed in the great modernistic narrative of “progress” where nation states, teachers and parents expect students to acquire specific skills and competencies (Popkewitz, 1998; cf. chapter 3). However, as Dewey argues, the actual doings of educational gaming cannot be reduced to rational means-ends schemes. Instead, the situated interaction between teachers, students, and learning resources are played out as contingent re-distributions of means, ends and ends in view, which often make classroom contexts seem “messy” from an outsider’s perspective (Barab & Squire, 2004). 4.2.3. Dramatic rehearsal The two preceding sections discussed how Dewey views play as an imaginative activity of educational value, and how his assumptions on creativity and playful actions represent a critique of rational means-end schemes. For now, I will turn to Dewey’s concept of dramatic rehearsal, which assumes that social actors deliberate by projecting and choosing between various scenarios for future action. Dewey uses the concept dramatic rehearsal several times in his work but presents the most extensive elaboration in Human Nature and Conduct: Deliberation is a dramatic rehearsal (in imagination) of various competing possible lines of action… [It] is an experiment in finding out what the various lines of possible action are really like (...) Thought runs ahead and foresees outcomes, and thereby avoids having to await the instruction of actual failure and disaster. An act overtly tried out is irrevocable, its consequences cannot be blotted out. An act tried out in imagination is not final or fatal. It is retrievable (Dewey, 1922: 132-3). This excerpt illustrates how Dewey views the process of decision making (deliberation) through the lens of an imaginative drama metaphor. Thus, decisions are made through the imaginative projection of outcomes, where the “possible competing lines of action” are resolved through a thought experiment. Moreover, Dewey’s compelling use of the drama metaphor also implies that decisions cannot be reduced to utilitarian, rational or mechanical exercises, but that they have emotional, creative and personal qualities as well. Interestingly, there are relatively few discussions within the vast research literature on Dewey of his concept of dramatic rehearsal. A notable exception is the phenomenologist Alfred Schütz, who praises Dewey’s concept as a “fortunate image” for understanding everyday rationality (Schütz, 1943: 140). Other attempts are primarily related to overall discussions on moral or ethical deliberation (Caspary, 1991, 2000, 2006; Fesmire, 1995, 2003; Rönssön, 2003; McVea, 2006). As Fesmire points out, dramatic rehearsal is intended to describe an important phase of deliberation that does not characterise the whole process of making moral decisions, which includes “duties and contractual obligations, short and long-term consequences, traits of character to be affected, and rights” (Fesmire, 2003: 70). Instead, dramatic rehearsal should be seen as the process of “crystallizing possibilities and transforming them into directive hypotheses” (Fesmire, 2003: 70). Thus, deliberation can in no way guarantee that the response of a “thought experiment” will be successful. But what it can do is make the process of choosing more intelligent than would be the case with “blind” trial-and-error (Biesta, 2006: 8). The notion of dramatic rehearsal provides a valuable perspective for understanding educational gaming as a simultaneously real and imagined inquiry into domain-specific scenarios. Dewey defines dramatic rehearsal as the capacity to stage and evaluate “acts”, which implies an “irrevocable” difference between acts that are “tried out in imagination” and acts that are “overtly tried out” with real-life consequences (Dewey, 1922: 132-3). This description shares obvious similarities with games as they require participants to inquire into and resolve scenario-specific problems (cf. chapter 2). On the other hand, there is also a striking difference between **moral deliberation** and educational game activities in terms of the actual consequences that follow particular actions. Thus, when it comes to educational games, acts are both imagined and tried out, but without all the real-life consequences of the practices, knowledge forms and outcomes that are being simulated in the game world. Simply put, there is a difference in realism between the dramatic rehearsals of everyday life and in games, which only “play at” or simulate the stakes and risks that characterise the “serious” nature of moral deliberation, i.e. a real-life politician trying to win a parliamentary election experiences more personal and emotional risk than students trying to win the election scenario of The Power Game. At the same time, the lack of real-life consequences in educational games makes it possible to design a relatively safe learning environment, where teachers can stage particular game scenarios to be enacted and validated for educational purposes. In this sense, educational games are able to provide a safe but meaningful way of letting teachers and students make mistakes (e.g. by giving a poor political presentation) and dramatically rehearse particular “competing possible lines of action” that are relevant to particular educational goals (Dewey, 1922: 132). Seen from this pragmatist perspective, the educational value of games is not so much a question of learning facts or giving the “right” answers, but more a question of exploring the contingent outcomes and domain-specific processes of problem-based scenarios.

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.

Legal engagement is good—

The law is malleable—debating it is the only way to affect change

Todd Hedrick, Assistant Professor of Philosophy at Michigan State University, Sept 2012, Democratic Constitutionalism as Mediation: The Decline and Recovery of an Idea in Critical Social Theory, Constellations Volume 19, Issue 3, pages 382–400

Habermas’ alleged abandonment of immanent critique, however, is belied by the role that the democratic legal system comes to play in his theory. While in some sense just one system among others, it has a special capacity to shape the **environments of other systems** by regulating their interaction. Of course, the legal system is not the only one capable of affecting the environments of other systems, but law is uniquely open to inputs from ordinary language and thus potentially more **pliant and responsive** to democratic will formation: “Normatively substantive messages can circulate throughout society only in the language of law … . Law thus functions as the ‘transformer’ that guarantees that the socially integrating network of communication stretched across society as a whole holds together.”55 This allows for the possibility of consensual social regulation of domains ranging from the economy to the family, where actors are presumed to be motivated by their private interests instead of respect for the law, while allowing persons directed toward such interests to be cognizant that their privately oriented behavior is compatible with respect for generally valid laws. While we should be cautious about automatically viewing the constitution as the fulcrum of the legal order, its status as basic law is significant in this respect. For, recalling Hegel's broader conception of constitutionalism, political constitutions not only define the structure of government and “the relationship between citizens and the state” (as in Hegel's narrower “political” constitution); they also “implicitly prefigure a comprehensive legal order,” that is, “the totality comprised of an administrative state, capitalist economy, and civil society.”56 So, while these social spheres can be conceived of as autonomous functional subsystems, their boundaries are legally defined in a way that affects the manner and degree of their interaction: “The political constitution is geared to shaping each of these systems by means of the medium of law and to harmonizing them so that they can fulfill their functions as measured by a presumed ‘common good’.”57 Thus, constitutional discourses should be seen less as interpretations of a positive legal text, and more as attempts to articulate legal norms that could shift the balance between these spheres in a manner more reflective of generalizable interests, occurring amidst class stratification and cultural pluralism. A constitution's status as positive law is also of importance for fundamentally Hegelian reasons relating to his narrower sense of political constitutionalism: its norms must be public and concrete, such that differently positioned citizens have at least an initial sense of what the shared hermeneutic starting points for constitutional discourse might be. But these concrete formulations must also be understood to embody principles in the interest of all citizens, so that constitutional discourse can be the site of effective democratic will formation concerning the basic norms that mediate between particular individuals and the general interests of free and equal citizens. This recalls Hegel's point that constitutions fulfill their mediational function by being sufficiently positive so as to be publicly recognizable, yet are not exhausted by this positivity – the content of the constitution is instead filled in over time through ongoing legislation. In order to avoid Hegel's foreshortened conception of public participation in this process and his consequent authoritarian tendencies, Habermas and, later, Benhabib highlight the importance of being able to conceive of basic constitutional norms as themselves being the products of public contestation and discourse. In order to articulate this idea, they draw on legal theorists like Robert Cover and Frank Michelman who characterize this process of legal rearticulation as “jurisgenesis”58: a community's production of legal meaning by way of continuous rearticulation, through reflection and contestation, of its constitutional project. Habermas explicitly conceives of the democratic legal order in this way when, in the context of considering the question of how a constitution that confers legitimacy on ordinary legislation could itself be thought to be democratically legitimate, he writes: I propose that we understand the regress itself as the understandable expression of the future-oriented character, or openness, of the democratic constitution: in my view, a constitution that is democratic – not just in its content but also according to its source of legitimation – is a tradition-building project with a clearly marked beginning in time. All the later generations have the task of actualizing the still-untapped normative substance of the system of rights.59 A constitutional order and its interpretive history represent a community's attempt to render the terms under which they can give themselves the law that shapes their society's basic structure and secure the law's integrity through assigning basic liberties. Although philosophical reflection can give us some grasp of the presuppositions of a practice of legitimate lawmaking, this framework of presuppositions (“the system of rights”) is “unsaturated.”60 In Hegelian fashion, it must, to be meaningful, be concretized through discourse, and not in an one-off way during a founding moment that fixes the terms of political association once and for all, but continuously, as new persons enter the community and as new circumstances, problems, and perspectives emerge. The stakes involved in sustaining a broad and inclusive constitutional discourse turn out to be significant. Habermas has recently invoked the concept of dignity in this regard, linking it to the process through which society politically constitutes itself as a reciprocal order of free and equal citizens. As a status rather than an inherent property, “dignity that accrues to all persons equally preserves the connotation of a self-respect that depends on social recognition.”61 Rather than being understood as a quality possessed by some persons by virtue of their proximity to something like the divine, the modern universalistic conception of dignity is a social status dependent upon ongoing practices of mutual recognition. Such practices, Habermas posits, are most fully instantiated in the role of citizens as legislators of the order to which they are subject. [Dignity] can be established only within the framework of a constitutional state, something that never emerges of its own accord. Rather, this framework must be created by the citizens themselves using the means of positive law and must be protected and developed under historically changing conditions. As a modern legal concept, human dignity is associated with the status that citizens assume in the self-created political order.62 Although the implications of invoking dignity (as opposed to, say, autonomy) as the normative core of democratic constitutionalism are unclear,63 plainly Habermas remains committed to strongly intersubjective conceptions of democratic constitutionalism, to an intersubjectivity that continues to be legally and politically mediated (a dimension largely absent from Honneth's successor theory of intersubectivity). What all of this suggests is a constitutional politics in which citizens are empowered to take part and meaningfully impact the terms of their cultural, economic, and political relations to each other. Such politics would need to be considerably less legalistic and precedent bound, less focused on the democracy-constraining aspects of constitutionalism emphasized in most liberal rule of law models. The sense of incompleteness and revisability that marks this critical theory approach to constitutionalism represents a point where critical theories of democracy may claim to be more radical and revisionary than most liberal and deliberative counterparts. It implies a sharp critique of more familiar models of bourgeois constitutionalism: whether they conceive of constitutional order as having a foundation in moral rights or natural law, or in an originary founding moment, such models a) tend to be backward-looking in their justifications, seeing the legal order as founded on some exogenously determined vision of moral order; b) tend to represent the law as an already-determined container within which legitimate ordinary politics takes place; and c) find the content of law to be ascertainable through the specialized reasoning of legal professionals. On the critical theory conception of constitutionalism, this presumption of completeness and technicity amounts to the reification of a constitutional project, where a dynamic social relation is misperceived as something fixed and objective.64 We can see why this would be immensely problematic for someone like Habermas, for whom constitutional norms are supposed to concern the generalizable interests of free and equal citizens. If it is overall the case for him that generalizable interests are at least partially constituted through discourse and are therefore not given in any pre-political, pre-discursive sense,65 this is especially so in a society like ours with an unreconciled class structure sustained by pseudo-compromises. Therefore, discursive rearticulation of basic norms is necessary for the very emergence of generalizable interests. Despite offering an admirably systematic synthesis of radical democracy and the constitutional rule of law, Habermas’ theory is hobbled by the hesitant way he embraces these ideas. Given his strong commitment to proceduralism, the view that actual discourses among those affected must take place during the production of legitimate law if constitutionalism is to perform its mediational function, as well as his opposition to foundational or backward-looking models of political justification, we might expect Habermas to advocate the continuous circulation in civil society of constitutional discourses that consistently have appreciable impact on the way constitutional projects develop through ongoing legislation such that citizens can see the links between their political constitution (narrowly construed), the effects that democratic discourse has on the shape that it takes, and the role of the political constitution in regulating and transforming the broader institutional backbone of society in accordance with the common good. And indeed, at least in the abstract, this is what the “two track” conception of democracy in Between Facts and Norms, with its model of discourses circulating between the informal public sphere and more formal legislative institutions, seeks to capture.66 As such, Habermas’ version of constitutionalism seems a natural ally of theories of “popular constitutionalism”67 emerging from the American legal academy or of those who, like Jeremy Waldron,68 are skeptical of the merits of legalistic constitutionalism and press for democratic participation in the ongoing rearticulation of constitutional norms. Indeed, I would submit that the preceding pages demonstrate that the Left Hegelian social theoretic backdrop of Habermas’ theory supplies a deeper normative justification for more democratic conceptions of constitutionalism than have heretofore been supplied by their proponents (who are, to be fair, primarily legal theorists seeking to uncover the basic commitments of American constitutionalism, a project more interpretive than normative.69) Given that such theories have very revisionary views on the appropriate method and scope of judicial review and the role of the constitution in public life, it is surprising that Habermas evinces at most a mild critique of the constitutional practices and institutions of actually existing democracies, never really confronting the possibility that institutions of constitutional review administered by legal elites could be paternalistic or extinguish the public impetus for discourse he so prizes.70 In fact, institutional questions concerning where constitutional discourse ought to take place and how the power to make authoritative determinations of constitutional meaning should be shared among civil society, legislative, and judiciary are mostly abstracted away in Habermas’ post-Between Facts and Norms writings, while that work is mostly content with the professional of administration of constitutional issues as it exists in the United States and Germany. This is evident in Habermas’ embrace of figures from liberal constitutional theory. He does not present an independent theory of judicial decision-making, but warmly receives Dworkin's well-known model of “law as integrity.” To a certain extent, this allegiance makes sense, given Dworkin's sensitivity to the hermeneutic dimension of interpretation and the fact that his concept of integrity mirrors discourse theory in holding that legal decisions must be justifiable to those affected in terms of publicly recognizable principles. Habermas does, however, follow Michelman in criticizing the “monological” form of reasoning that Dworkin's exemplary Judge Hercules employs,71 replacing it with the interpretive activities of a specialized legal public sphere, presumably more responsive to the public than Hercules. But this substitution does nothing to alleviate other aspects of Dworkin's theory that make a match between him and Habermas quite awkward: Dworkin's standard of integrity compels judges to regard the law as a complete, coherent whole that rests on a foundation of moral rights.72 Because Dworkin regards deontic rights in a strongly realistic manner and as an unwritten part of the law, there is a finished, retrospective, “already there” quality to his picture of it. Thinking of moral rights as existing independently of their social articulation is what moves Dworkin to conceive of them as, at least in principle, accessible to the right reason of individual moral subjects.73 Legal correctness can be achieved when lawyers and judges combine their specialized knowledge of precedent with their potentially objective insights into deontic rights. Fashioning the law in accordance with the demands of integrity thereby becomes the province of legal elites, rendering public discourse and the construction of generalizable interests in principle unnecessary. This helps explain Dworkin's highly un-participatory conception of democracy and his comfort with placing vast decision-making powers in the hands of the judiciary.7 There is more than a little here that should make Habermas uncomfortable. Firstly, on his account, legitimate law is the product of actual discourses, which include the full spate of discourse types (pragmatic, ethical-political, and moral). If the task of judicial decision-making is to reconstruct the types of discourse that went into the production of law, Dworkin's vision of filling in the gaps between legal rules exclusively with considerations of individual moral rights (other considerations are collected under the heading of “policy”75) makes little sense.76 While Habermas distances himself from Dworkin's moral realism, calling it “hard to defend,”77 he appears not to appreciate the extent to which Dworkin links his account of legal correctness to this very possibility of individual insight into the objective moral order. If Habermas wishes to maintain his long held position that constitutional projects involve the ongoing construction of generalizable interests through the democratic process – which in my view is really the heart of his program – he needs an account of legal correctness that puts some distance between this vision and Dworkin's picture of legal elites discovering the content of law through technical interpretation and rational intuition into a fixed moral order. Also puzzling is the degree of influence exercised by civil society in the development of constitutional projects that Habermas appears willing to countenance. While we might expect professional adjudicative institutions to play a sort of yeoman's role vis-à-vis the public, Habermas actually puts forth something akin to Bruce Ackerman's picture of infrequent constitutional revolutions, where the basic meaning of a constitutional project is transformed during swelling periods of national ferment, only to resettle for decades at a time, during which it is administered by legal professionals.78 According to this position, American civil society has not generated new understandings of constitutional order that overcome group divisions since the New Deal, or possibly the Civil Rights era. Now, this may actually be the case, and perhaps Habermas’ apparent acquiescence to this view of once-every-few-generations national conversations is a nod to realism, i.e., a realistic conception of how much broad based, ongoing constitutional discourse it is reasonable to expect the public to conduct. But while a theory with a Left Hegelian pedigree should avoid “the impotence of the ought” and utopian speculation, and therefore ought not develop critical conceptions of legal practice utterly divorced from present ones, such concessions to realism are unnecessary. After all, critical theory conceptions of constitutionalism will aim to be appreciably different from the more authoritarian ones currently in circulation, which more often than not fail to stimulate and sustain public discourse on the basic constitution of society. Instead, their point would be to suggest how a more dynamic, expansive, and mediational conception of constitutionalism could unlock greater democratic freedom and rationally integrated social identities. Given these problems in Habermas’ theory, the innovations that Benhabib makes to his conception of constitutionalism are most welcome. While operating within a discourse theoretic framework, her recent work more unabashedly recalls Hegel's broader conception of the constitution as the basic norms through which a community understands and relates to itself (of which a founding legal document is but a part): a constitution is a way of life through which individuals seek to connect themselves to each other, and in which the very identity and membership of a community is constantly at stake.79 Benhabib's concept of “democratic iterations,” which draws on meaning-as-use theories, emphasizes how meaning is inevitably transformed through repetition: In the process of repeating a term or a concept, we never simply produce a replica of the original usage and its intended meaning: rather, very repetition is a form of variation. Every iteration transforms meaning, adds to it, enriches it in ever-so-subtle ways. In fact, there is really no ‘originary’ source of meaning, or an ‘original’ to which all subsequent forms must conform … . Every iteration involves making sense of an authoritative original in a new and different context … . Iteration is the reappropriation of the ‘origin’; it is at the same time its dissolution as the original and its preservation through its continuous deployment.80 Recalling the reciprocal relationship that Hegel hints at between the narrow “political” constitution and the broader constitution of society's backbone of interrelated institutions, Benhabib here seems to envision a circular process whereby groups take up the conceptions of social relations instantiated in the legal order and transform them in their more everyday attempts to live with others in accordance with these norms. Like Cover and Michelman, she stresses that the transformation of legal meaning takes place primarily in informal settings, where different groups try (and sometimes fail) to live together and to understand themselves in their relation to others according to the terms they inherit from the constitutional tradition they find themselves subject to.81 Her main example of such democratic iteration is the challenge Muslim girls in France raised against the head scarf prohibition in public schools (“L’Affaire du Foulard”), which, while undoubtedly antagonistic, she contends has the potential to felicitously transform the meaning of secularity and inclusion in the French state and to create new forms of togetherness and understanding. But although Benhabib illustrates the concept of democratic iterations through an exemplary episode, this iterative process is a constant and pervasive one, which is punctuated by events and has the tendency to have a destabilizing effect on authority.82 It is telling, however, that Benhabib's examples of democratic iterations are exclusively centered on what Habermas would call ethical-political discourses.83 While otherwise not guilty of the charge,84 Benhabib, in her constitutional theory, runs afoul of Nancy Fraser's critical diagnosis of the trend in current political philosophy to subordinate class and distributional conflicts to struggles for cultural inclusion and recognition.85 Perhaps this is due to the fact that “hot” constitutional issues are so often ones with cultural dimensions in the foreground, rarely touching visibly on distributional conflicts between groups. This nonetheless is problematic since much court business clearly affects – often subtly and invisibly – the outcomes of these conflicts, frequently with bad results.86 For another reason why centering constitutional discourse on inclusion and cultural issues is problematic, it is useful to remind ourselves of Habermas’ critique of civic republicanism, according to which the main deficit in republican models of democracy is its “ethical overburdening” of the political process.87 To some extent, republicanism's emphasis on ethical discourse is understandable: given the level of cooperativeness and public spirit that republicans view as the font of legitimate law, political discourses need to engage the motivations and identities of citizens. Arguably, issues of ethical self-understanding do this better than more abstract or arid forms of politics. But it is not clear that this is intrinsically so, and it can have distorting effects on politics. In the American media, for example, this amplification of the cultural facets of issues is very common; conflicts over everything from guns to taxes are often reduced to conflicts over who is a good, real American and who is not. It is hard to say that this proves edifying; substantive issues of rights and social justice are elided, politics becomes more fraudulent and conflictual. None of this is to deny a legitimate place for ethical-political discourse. However, we do see something of a two-steps-forward-one-step-back movement in Benhabib's advancement of Habermas’ discourse theory of law: although her concept of democratic iterations takes center stage, she develops the notion solely along an ethical-political track. Going forward, critical theorists developing conceptions of constitutional discourse should work to see it as a way of integrating questions of distributional justice with questions of moral rights and collective identities without subordinating or conflating them. 4. Conclusion Some readers may find the general notion of reinvigorating a politics of constitutionalism quixotic. Certainly, it has not been not my intention to overstate the importance or positive contributions of constitutions in actually existing democracies, where they can serve to entrench political systems experiencing paralysis in the face of long term fiscal and environmental problems, and where public appeals to them more often than not invoke visions of society that are more nostalgic, ethno-nationalistic, authoritarian, and reactionary than what Habermas and Benhabib presumably have in mind. Instead, I take the basic Hegelian point I started this paper with to be this: modern persons ought to be able to comprehend their social order as the work of reason; the spine of institutions through which their relations to differently abled and positioned others are mediated ought to be responsive to their interests as fully-rounded persons; and comprehending this system of mediation ought to be able to reconcile them to the partiality of their roles within the universal state. Though modern life is differentiated, it can be understood, when seen through the lens of the constitutional order, as a result of citizens’ jointly exercised rationality as long as certain conditions are met. These conditions are, however, more stringent than Hegel realized. In light of this point, that so many issues deeply impacting citizens’ social and economic relations to one another are rendered marginal – and even invisible – in terms of the airing they receive in the public sphere, that they are treated as mostly settled or non-questions in the legal system consitutues a strikingly deficient aspect of modern politics. Examples include the intrusion of market logic and technology into everyday life, the commodification of public goods, the legal standing of consumers and residents, the role of shareholders and public interests in corporate governance, and the status of collective bargaining arrangements. Surely a contributing factor here is the absence of a shared sense of possibility that the basic terms of our social union could be responsive to the force that discursive reason can exert. Such a sense is what I am contending jurisgenerative theories ought to aim at recapturing while critiquing more legalistic and authoritarian models of law. This is not to deny the possibility that democratic iterations themselves may be regressive or authoritarian, populist in the pejorative sense. **But the denial of their** legitimacy or **possibility moves us in the direction of authoritarian conceptions of law and political power and the isolation of individuals and social groups wrought by a political order of machine-like administration** that Horkheimer and Adorno describe as a main feature of modern political domination. Recapturing some sense of how human activity makes reason actual in the ongoing organization of society need not amount to the claim that reason culminates in some centralized form, as in the Hegelian state, or in some end state, as in Marx. It can, however, move us to envision the possibility of an ongoing practice of communication, lawmaking, and revision that seeks to reconcile and overcome positivity and division, without the triumphalist pretension of ever being able to **fully do so**.

Rejecting state-based legal solutions creates ineffective activism, undermining progressive forces

Orly Lobel, University of San Diego Assistant Professor of Law, 2007, The Paradox of Extralegal Activism: Critical Legal Consciousness and Transformative Politics,” 120 HARV. L. REV. 937, http://www.harvardlawreview.org/media/pdf/lobel.pdf

Both the practical failures and the fallacy of rigid boundaries generated by extralegal activism rhetoric permit us to broaden our inquiry to the underlying assumptions of current proposals regarding transformative politics — that is, attempts to produce meaningful changes in the political and socioeconomic landscapes. The suggested alternatives produce a new image of social and political action. This vision rejects a shared theory of social reform, rejects formal programmatic agendas, and embraces a multiplicity of forms and practices. Thus, it is described in such terms as a plan of no plan,211 “a project of projects,”212 “anti-theory theory,”213 politics rather than goals,214 presence rather than power,215 “practice over theory,”216 and chaos and openness over order and formality. As a result, the contemporary message rarely includes a comprehensive vision of common social claims, but rather engages in the description of fragmented efforts. As Professor Joel Handler argues, the commonality of struggle and social vision that existed during the civil rights movement has disappeared.217 There is no unifying discourse or set of values, but rather an aversion to any metanarrative and a resignation from theory. Professor Handler warns that this move away from grand narratives is self-defeating precisely because only certain parts of the political spectrum have accepted this new stance: “[T]he opposition is not playing that game . . . . [E]veryone else is operating as if there were Grand Narratives . . . .”218 Intertwined with the resignation from law and policy, the new bromide of “neither left nor right” has become axiomatic only for some.219 The contemporary critical legal consciousness informs the scholarship of those who are interested in progressive social activism, but less so that of those who are interested, for example, in a more competitive securities market. Indeed, an interesting recent development has been the rise of “conservative public interest lawyer[ing].”220 Although “public interest law” was originally associated exclusively with liberal projects, in the past three decades conservative advocacy groups have rapidly grown both in number and in their vigorous use of traditional legal strategies to promote their causes.221 This growth in conservative advocacy is particularly salient in juxtaposition to the decline of traditional progressive advocacy. Most recently, some thinkers have even suggested that there may be “something inherent in the left’s conception of social change — focused as it is on participation and empowerment — that produces a unique distrust of legal expertise.”222 Once again, **this conclusion reveals flaws** parallel **to the** original **disenchantment with legal reform**. Although the new extralegal frames present themselves as apt alternatives to legal reform models and as capable of producing significant changes to the social map, in practice they generate very limited improvement in existing social arrangements. Most strikingly, the cooptation effect here can be explained in terms of the most profound risk of the typology — that of legitimation. The common pattern of extralegal scholarship is to describe an inherent instability in dominant structures by pointing, for example, to grassroots strategies,223 and then to **assume** that specific instances of counterhegemonic activities translate into a more complete transformation. This celebration of multiple micro-resistances seems to rely on an aggregate approach — an idea that the multiplication of practices will evolve into something substantial. **In fact, the myth of engagement obscures the** actual lack of change being produced**, while the broader pattern of equating extralegal activism with social reform produces a** false belief in the potential of change. There are few instances of meaningful reordering of social and economic arrangements and macro-redistribution. Scholars write about decoding what is really happening, as though the scholarly narrative has the power to unpack more than the actual conventional experience will admit.224 Unrelated efforts become related and part of a whole through mere reframing. At the same time, the elephant in the room — the rising level of economic inequality — is left unaddressed and comes to be understood as natural and inevitable.225 This is precisely the problematic process that critical theorists decry as losers’ self-mystification, through which marginalized groups come to see systemic losses as the product of their own actions and thereby begin to focus on minor achievements as representing the boundaries of their willed reality. The explorations of micro-instances of activism are often fundamentally performative, obscuring the distance between the descriptive and the prescriptive. The manifestations of **extralegal** **activism** — the law and organizing model; the proliferation of informal, soft norms and norm-generating actors; and the celebrated, separate nongovernmental sphere of action — all **produce a fantasy that change can be brought about through small-scale, decentralized transformation**. The emphasis is local, but the locality **is** described as a microcosm of the whole and the audience is national and global. In the context of the humanities, Professor Carol Greenhouse poses a comparable challenge to ethnographic studies from the 1990s, which utilized the genres of narrative and community studies, the latter including works on American cities and neighborhoods in trouble.226 The aspiration of these genres was that each individual story could translate into a “time of the nation” body of knowledge and motivation.227 In contemporary legal thought, a corresponding gap opens between the local scale and the larger, translocal one. In reality, although there has been a recent proliferation of associations and grassroots groups, few new local-statenational federations have emerged in the United States since the 1960s and 1970s, and many of the existing voluntary federations that flourished in the mid-twentieth century are in decline.228 There is, therefore, an absence of links between the local and the national, an absent intermediate public sphere, which has been termed “the missing middle” by Professor Theda Skocpol.229 New social movements have for the most part failed in sustaining coalitions or producing significant institutional change through grassroots activism. Professor Handler concludes that this failure is due in part to the ideas of contingency, pluralism, and localism that are so embedded in current activism.230 Is the focus on small-scale dynamics simply an evasion of the need to engage in broader substantive debate? **It is important for next-generation progressive legal scholars**, while maintaining a critical legal consciousness, to recognize that not all extralegal associational life is transformative. We must differentiate, for example, between inward-looking groups, which tend to be self-regarding and depoliticized, and social movements that participate in political activities, engage the public debate, and aim to challenge and reform existing realities.231 We must differentiate between professional associations and more inclusive forms of institutions that act as trustees for larger segments of the community.232 As described above, extralegal activism tends to operate on a more divided and hence a smaller scale than earlier social movements, which had national reform agendas. Consequently, **within critical discourse there is a need to recognize the limited capacity of small-scale action**. We should question the narrative that imagines consciousness-raising as directly translating into action and action as directly translating into change. Certainly not every cultural description is political. Indeed, it is questionable whether forms of activism that are opposed to programmatic reconstruction of a social agenda should even be understood as social movements. In fact, when groups are situated in opposition to any form of institutionalized power, they may be simply mirroring what they are fighting against and merely producing moot activism that settles for what seems possible within the narrow space that is left in a rising convergence of ideologies. The original vision is consequently coopted, and contemporary discontent is legitimated through a process of self-mystification.

### 2

War metaphors are coercive ploys that map social reality onto a realm of militarism

Nuri ’09 (Dalia, Political Studies Department, Bar-Ilan University and Hadassah College, Jerusalem, “Friendly fire: war-normalizing metaphors in the Israeli political discourse,” Journal of Peace Education Vol. 6, No. 2, September 2009, 153–169)

Combining principles of peace education and political discourse analysis, this study dwells on one powerful metaphorical mechanism engaged in by Israeli political leaders. The discursive phenomenon in question is what I call ‘war-normalizing meta- phors’. War-normalizing metaphors are metaphors that contain the potential to naturalize and legitimate the use of military power by creating a systematic analogy between war and objects that are far from the battlefield; for example, WAR IS A GAME, WAR IS SPORT, or WAR IS BUSINESS. The claim is that systematic use of war-normalizing metaphors frames war3 as a ‘normal’ phenomenon that is part of human nature and ordinary life and a situation that does not require any intervention or change. As such, war-normalizing metaphors are ‘discursive landmines’ that **inflict harm on a culture of peace and should be eliminated from any political discourse**.

This article reports the findings of a case study of the war-normalizing metaphors employed by Israeli political leaders during 1967–1973. The metaphors in this case study were taken from a corpus of 40 speeches, articles and interviews authored by prominent Israeli political leaders. This period was characterized by several types of hostilities (two total wars, a War of Attrition and hundreds of terrorist attacks) as well as various kinds of peace initiatives (that all failed). It is important to note that in this period, the Israeli government had a monopoly over radio transmissions and the single national television channel (which began broadcasting in 1969). It also had crucial influence on the press. Political leaders, therefore, had unlimited access to the arenas available for shaping public opinion with respect to peace and conflict.

While political discourse on peace and war, as defined here, usually evokes political support or political criticism, this article’s position is completely different. It aims to demonstrate the importance of educating political leaders in order to **improve their awareness**, sensitivity and rhetorical skills regarding war and peace discourse. Thus, **the contribution of this research to the field of peace education is dual.** First, it expands the audience targeted for peace education. Traditionally, peace education has favored students still located in the education system (McGlynn et al. 2004), with a focus on special school programs (see for example, Zeiger 2000; Arweck and Nesbitt 2008) or on higher education (see for example, Osborn 2000; Conley Tyler and Bretherton 2006). Teacher education for peace has also aroused scholarly research (see for example Koshmanova and Hapon 2007). In contrast, this study demonstrates the importance of peace education oriented directly toward political leaders. Second, while analysis of peace actions, peace movements and education programs for peace have captured a central place in the field of peace studies in general and in peace education in particular, research on the peace discourse and peace rhetoric has gained momentum only in the last 15 years (e.g., Schaffner and Wenden 1995; Bridgeman 2000; Morke and Pincus 2000; Salomon 2004; Cavin 2006; Friedrich 2007; Wenden 2007).4

Wenden (2003, 171) has succinctly summed up the crucial importance of ‘the linguistic factor’ in promoting a culture of peace:

Since ideologies are expressed in text and talk, albeit indirectly, and since discourses also contribute to the construction and confirmation of already-present ideologies, it is essen- tial that we learn to look critically at discourse as a means of identifying these ideologies that challenge the achievement of a culture of peace...the linguistic factor be taken into account by scholars and researchers, policy makers and government planners, educators and activists in their attempts to deal with the problems of social...violence that challenge contemporary societies.

The current research fits this orientation.

The article opens with an overview of the conceptual framework and continues

with a discussion of the concept war-normalizing metaphors. Following the method- ological section, the article analyzes the war-normalizing metaphors used in the Israeli political discourse between 1967 and 1973. Next is a section containing a short comparison of the war-normalizing metaphors applied in the Israeli political discourse during the 2006 Second Lebanon War. In the concluding section I suggest exploring the introduction of a peace-normalizing mechanism having its own metaphors so as to encourage a peace-oriented rhetorical consciousness among political and military leaders.

The conceptual framework

War and peace discourses function as effective mechanisms for **sustaining relations of control** within a national entity. The identification of political biases in these discourses opens a window to latent processes by which powerful groups attempt to **influence public opinion** and promote their agendas, in this case an aggressive political agenda. Researchers, especially critical linguists, have revealed the manipulative power of a line of new and old terms, concepts and metaphors regarding war and warfare e.g., ‘war on terror’ (Mazid 2007), ‘preventive war’ (Ferrari 2007), ‘surgical strike’ (Gavriely-Nuri 2008), ‘targeted killing’ (Silber forthcoming), ‘smart bomb’ (Muchnik forthcoming) and many others. Manipulation is not only a linguistic device:

Socially, manipulation is defined as **illegitimate domination confirming social inequality.** Cognitively, manipulation as mind control involves the interference with processes of understanding, the formation of biased mental models and social representations. Discursively, manipulation generally involves the usual forms and formats of ideological discourse. (Van Dijk 2006)

The manipulative powers of political metaphors in general and war metaphors in particular will be discussed below.

Metaphors

Metaphors have traditionally been studied by scholars in the fields of literature, rhet- oric and linguistics. For many years, this area of study was considered inappropriate for the analysis of social and political events. Curticapean (2006, 17) succinctly described this attitude: ‘They were deemed incompatible with reason (because meta- phors get in the way of clear ideas and plain truth) or, at best, garments of rational thought (ornaments which decorate texts without affecting their meaning).’

Advances in cognitive linguistics altered the narrow perception of metaphors in the latter part of the twentieth century. In their seminal study Metaphors we live by, George Lakoff and Mark Johnson (1980) challenged the traditional approach to metaphors and offered a coherent, systematic framework that became known as the cognitive linguistic view of metaphor. This theory essentially altered the status of metaphor from art to instrument, to a crucial device for the formation of concepts and the conceptualization of reality. Metaphor thus came to be perceived as inherent to human reasoning, and more than a figure of speech, it came to be viewed as a mode of thought. Lakoff and Johnson noted that **metaphors can ‘create social reality and guide future action’**: that **they can behave like ‘self-fulfilling prophecies’** (1980, 156). What is most relevant for the current study is the understanding that ‘ideological struggles are often a matter of fighting for one set of metaphors to become common- sense and “naturalized” as literal’ (Goatly 2002, 265) or, as often claimed: ‘Military strategists stress the importance of controlling the high ground; political strategists stress the importance of controlling the metaphor’ (Thompson 1996, 190).

The internalization of militarism leads to pure war and extinction

Borg, Executive Director at Community Consulting Group, Graduate White Institiute Psychoanalystic Program, 2003, Journal for the Psychoanalysis of Culture and Society 8.1 (2003) 57-67

Paul Virilio and Sylvere Lotringer's concept of "**pure war"refers to the potential of a culture to destroy itself completely** (12). 2 We as psychoanalysts can—and increasingly must—explore the impact of this concept on our practice, and on the growing number of patients who live with the inability to repress or dissociate their experience and awareness of the pure war condition. The realization of a patient's worst fears in actual catastrophic events has always been a profound enough psychotherapeutic challenge. These days, however, **catastrophic events** not only threaten friends, family, and neighbors; they also **become the stuff of endless repetitions and dramatizations** on radio, television, and Internet. 3 **Such continual reminders of death and destruction affect us all**. What is the role of the analyst treating patients who live with an ever-threatening sense of the pure war lying just below the surface of our cultural veneer? At the end of the First World War, the first "total war," Walter Benjamin observed that "nothing [after the war] remained unchanged but the clouds, and beneath these clouds, in a field of force of destructive torrents and explosions, was the tiny, fragile human body"(84). Julia Kristeva makes a similar note about our contemporary situation, "The recourse to atomic weapons seems to prove that horror...can rage absolutely" (232). And, as if he too were acknowledging this same fragility and uncontainability, the French politician Georges Clemenceau commented in the context of World War I that "war is too serious to be confined to the military" (qtd. in Virilio and Lotringer 15). Virilio and Lotringer gave **the name "pure war"to the psychological condition that results when people know that they live in a world where the possibility for absolute destruction** (e.g., nuclear holocaust) **exists**. As Virilio and Lotringer see it, **it is not the technological capacity for destruction** (that is, for example, the existence of nuclear armaments) **that imposes the dread characteristic of** a **pure war** psychology **but the belief systems** that **this capacity sets up**. **Psychological survival requires** that **a way** be found (at least unconsciously) **to escape** inevitable **destruction**—it requires a way out—but **this enforces an irresolvable paradox, because the definition of pure war culture is that there is no escape**. Once people believe in the external possibility—at least those people whose defenses cannot handle the weight of the dread that pure war imposes—**pure war becomes an internal condition**, a **perpetual state of preparation for absolute destruction and for personal, social, and cultural death**. The Pure Warrior The philosophy (or practice) of "pure warriors," that is, of people who are preoccupied with the pure war condition of their society, is based on the perpetual failure within them of the dissociation and repression that allow others to function in a situation that is otherwise completely overwhelming. Joyce was one of those who lived on the border of life and death; she could not escape awareness of that dread dichotomy that most of us are at great pains to dissociate. She manifested the state of perpetual preparation that is the hallmark of pure war culture and of the insufficiently defended pure warrior, and also a constant awareness of the nearness of death in all its various forms. She understood quite well, for instance, that when people are institutionalized (as she had been on numerous occasions), "society is defining them as socially dead, [and that at that point] the essential task to be carried out is to help inmates to make their transition from social death to physical death" (Miller and Gwynne 74). Against this backdrop, Joyce sought psychoanalysis as a "new world," the place where she would break free from the deathly institutionalized aspects of her self, and begin her life anew. Her search for a "new world" included the possibility of a world that was not a pure war world—a prelapsarian Eden. Virilio and Lotringer state that "**war exists in its preparation**" (53). And Sun Tsu, who wrote over 2400 years ago and yet is often considered the originator of modern warfare, said in The Art of War, "Preparation everywhere means lack everywhere" (44). This means that **when** the **members of a culture must be on guard on all fronts**, the **resources** of that culture **are** necessarily **scattered and taxed**. The more defenses are induced and enacted, the more psychologically impoverished a culture (or a person) will be. In war-torn nations, resources like food, clothing, and materials for shelter may be scarce in the general population because they are shunted off to the military. Similarly, the hoarding of psychological resources and the constant alert status of the defense system are outcomes of existence in a pure war culture. We can see this scattering and scarcity of resources occurring already in the United States as billions of dollars are shunted from social services to war efforts and homeland security. **In pure war cultures**—that is, in cultures that enact a perpetual preparation for war—the notion of **peace is itself a defensive fantasy,** although to survive psychically we distract ourselves from such frightening stimuli as widespread terrorist activities and other events that demonstrate our pure war status. **Pure war obliterates the distinction between soldier and citizen**. We have all been drafted. According to Virilio and Lotringer, "**All of us are already civilian soldiers**, without knowing it...**War happens everywhere, but we no longer have the means of recognizing it**" (42).

### case

They paint a picture of a trend toward apocalypse—don’t buy it—Quality of life is skyrocketing worldwide by all measures—disproves the thesis of their impacts

Ridley, visiting professor at Cold Spring Harbor Laboratory, former science editor of *The Economist*, and award-winning science writer, 2010

(Matt, *The Rational Optimist*, pg. 13-15)

If my fictional family is not to your taste, perhaps you prefer statistics. Since 1800, the population of the world has multiplied six times, yet **average life expectancy has more than doubled and real income has risen more than nine times**. Taking a shorter perspective, in 2005, compared with 1955, the average human being on Planet Earth earned nearly three times as much money (corrected for inflation), ate one-third more calories of food, buried one-third as many of her children and could expect to live one-third longer. She was less likely to die as a result of war, murder, childbirth, accidents, tornadoes, flooding, famine, whooping cough, tuberculosis, malaria, diphtheria, typhus, typhoid, measles, smallpox, scurvy or polio. She was less likely, at any given age, to get cancer, heart disease or stroke. She was more likely to be literate and to have finished school. She was more likely to own a telephone, a flush toilet, a refrigerator and a bicycle. All this during a half-century when the world population has more than doubled, so that far from being rationed by population pressure, the goods and services available to the people of the world have expanded. It is, by any standard, an astonishing human achievement. Averages conceal a lot. **But even if you break down the world into bits**, **it is hard to find any region that was worse off in 2005 than it was in 1955**. Over that half-century, real income per head ended a little lower in only six countries (Afghanistan, Haiti, Congo, Liberia, Sierra Leone and Somalia), life expectancy in three (Russia, Swaziland and Zimbabwe), and infant survival in none. In the rest they have rocketed upward. Africa’s rate of improvement has been distressingly slow and patchy compared with the rest of the world, and many southern African countries saw life expectancy plunge in the 1990s as the AIDS epidemic took hold (before recovering in recent years). There were also moments in the half-century when you could have caught countries in episodes of dreadful deterioration of living standards or life chances – China in the 1960s, Cambodia in the 1970s, Ethiopia in the 1980s, Rwanda in the 1990s, Congo in the 2000s, North Korea throughout. Argentina had a disappointingly stagnant twentieth century. But overall, after fifty years, **the outcome for the world is** remarkably, astonishingly, **dramatically positive**. The average South Korean lives twenty-six more years and earns fifteen times as much income each year as he did in 1955 (and earns fifteen times as much as his North Korean counter part). The average Mexican lives longer now than the average Briton did in 1955. The average Botswanan earns more than the average Finn did in 1955. **Infant mortality is lower today in Nepal than it was in Italy in 1951**. The proportion of Vietnamese living on less than $2 a day has dropped from 90 per cent to 30 per cent in twenty years. The rich have got richer, but the poor have done even better. **The poor in the developing world grew their consumption twice as fast as the world as a whole between 1980 and 2000**. The Chinese are ten times as rich, one-third as fecund and twenty-eight years longer-lived than they were fifty years ago. Even Nigerians are twice as rich, 25 per cent less fecund and nine years longer-lived than they were in 1955. **Despite a doubling of the world population**, even **the raw number of people living in absolute poverty** (defined as less than a 1985 dollar a day) **has fallen since the 1950s**. The percentage living in such absolute poverty has dropped by more than half – to less than 18 per cent. That number is, of course, still all too horribly high, but the trend is hardly a cause for despair: at the current rate of decline, it would hit zero around 2035 – though it probably won’t. The United Nations estimates that poverty was reduced more in the last fifty years than in the previous 500.

Util’s the only moral framework

**Murray 97** (Alastair, Professor of Politics at U. Of Wales-Swansea, *Reconstructing Realism*, p. 110)

Weber emphasised that, while the 'absolute ethic of the gospel' must be taken seriously, it is inadequate to the tasks of evaluation presented by politics. Against this 'ethic of ultimate ends' — Gesinnung — he therefore proposed the 'ethic of responsibility' — Verantwortung. First, whilst the former dictates only the purity of intentions and pays no attention to consequences, the ethic of responsibility commands acknowledgement of the divergence between intention and result. Its adherent 'does not feel in a position to burden others with the results of his [OR HER] own actions so far as he was able to foresee them; he [OR SHE] will say: these results are ascribed to my action'. Second, the 'ethic of ultimate ends' is incapable of dealing adequately with the moral dilemma presented by the necessity of using evil means to achieve moral ends: Everything that is striven for through political action operating with violent means and following an ethic of responsibility endangers the 'salvation of the soul.' If, however, one chases after the ultimate good in a war of beliefs, following a pure ethic of absolute ends, then the goals may be changed and discredited for generations, because responsibility for consequences is lacking. The 'ethic of responsibility', on the other hand, can accommodate this paradox and limit the employment of such means, because it accepts responsibility for the consequences which they imply. Thus, Weber maintains that only the ethic of responsibility can cope with the 'inner tension' between the 'demon of politics' and 'the god of love'. 9 The realists followed this conception closely in their formulation of a political ethic.10 This influence is particularly clear in Morgenthau.11 In terms of the first element of this conception, the rejection of a purely deontological ethic, Morgenthau echoed Weber's formulation, arguing tha/t:the political actor has, beyond the general moral duties, a special moral responsibility to act wisely ... The individual, acting on his own behalf, may act unwisely without moral reproach as long as the consequences of his inexpedient action concern only [HER OR] himself. What is done in the political sphere by its very nature concerns others who must suffer from unwise action. What is here done with good intentions but unwisely and hence with disastrous results is morally defective; for it violates the ethics of responsibility to which all action affecting others, and hence political action par excellence, is subject.12 This led Morgenthau to argue, in terms of the concern to reject doctrines which advocate that the end justifies the means, that the impossibility of the logic underlying this doctrine 'leads to the negation of absolute ethical judgements altogether'.13

No impact – people can assert agency in the face of state control – ignoring this disempowers the alt

Cesare **Casarino**, professor of cultural studies and comparative literature at the University of Minnesota AND Antonio Negri, author of numerous volumes of philosophy and political theory. “It’s a Powerful Life: A Conversation on Contemporary Philosophy” Cultural Critique 57. **2004**

AN: I believe Giorgio is writing a sequel to Homo Sacer, and I feel that this new work will be resolutive for his thought—in the sense that he will be forced in it to resolve and find a way out of the ambiguity that has qualified his understanding of naked life so far. He already attempted something of the sort in his recent book on Saint Paul, but I think this attempt largely failed: as usual, this book is extremely learned and elegant; it remains, however, somewhat trapped within Pauline exegesis, rather than constituting a full-fledged attempt to reconstruct naked life as a potentiality for exodus, to rethink naked life fundamentally in terms of exodus. I believe that the concept of naked life is not an impossible, unfeasible one. I believe it is possible to push the image of power to the point at which a defenseless human being [un povero Cristo] is crushed, to conceive of that extreme point at which power tries to [End Page 173] eliminate that ultimate resistance that is the sheer attempt to keep oneself alive. From a logical standpoint, it is possible to think all this: the naked bodies of the people in the camps, for example, can lead one precisely in this direction. But this is also the point at which this concept turns into ideology: to conceive of the relation between power and life in such a way actually ends up bolstering and reinforcing ideology. Agamben, in effect, is saying that such is the nature of power: in the final instance, power reduces each and every human being to such a state of powerlessness. But this is absolutely not true! On the contrary: the historical process takes place and is produced thanks to a continuous constitution and construction, which undoubtedly confronts the limit over and over again—but this is an extraordinarily rich limit, in which desires expand, and in which life becomes increasingly fuller. Of course it is possible to conceive of the limit as absolute powerlessness, especially when it has been actually enacted and enforced in such a way so many times. And yet, isn't such a conception of the limit precisely what the limit looks like from the standpoint of constituted power as well as from the standpoint of those who have already been totally annihilated by such a power—which is, of course, one and the same standpoint? Isn't this the story about power that power itself would like us to believe in and reiterate? Isn't it far more politically useful to conceive of this limit from the standpoint of those who are not yet or not completely crushed by power, from the standpoint of those still struggling to overcome such a limit, from the standpoint of the process of constitution, from the standpoint of power [potenza]? I am worried about the fact that the concept of naked life as it is conceived by Agamben might be taken up by political movements and in political debates: I find this prospect quite troubling, which is why I felt the need to attack this concept in my recent essay. Ultimately, I feel that nowadays the logic of traditional eugenics is attempting to saturate and capture the whole of human reality—even at the level of its materiality, that is, through genetic engineering—and the ultimate result of such a process of saturation and capture is a capsized production of subjectivity within which ideological undercurrents continuously try to subtract or neutralize our resistance. [End Page 174]

# 2nc

### 2nc links

Method focus causes scholarly paralysis

**Jackson**, associate professor of IR – School of International Service @ American University, **‘11**

(Patrick Thadeus, The Conduct of Inquiry in International Relations, p. 57-59)

Perhaps the greatest irony of this instrumental, decontextualized importation of “falsification” and its critics into IR is the way that an entire line of thought that privileged disconfirmation and refutation—no matter how complicated that disconfirmation and refutation was in practice—has been transformed into a license to **worry endlessly about foundational assumptions.** At the very beginning of the effort to bring terms such as “paradigm” to bear on the study of politics, Albert O. **Hirschman** (1970b, 338) **noted this very danger**, suggesting that without “a little more ‘reverence for life’ and a little less straightjacketing of the future,” the **focus on** producing internally **consistent** packages of **assumptions instead of** actually examining **complex empirical situations would result in scholarly paralysis.** Here as elsewhere, Hirschman appears to have been quite prescient, inasmuch as the major effect of paradigm and research programme language in IR seems to have been a series of debates and discussions about whether the fundamentals of a given school of thought were sufficiently “scientific” in their construction. Thus **we have debates about how to evaluate scientific progress**, and attempts to propose one or another set of research design principles **as uniquely scientific**, and inventive, “reconstructions” of IR schools, such as Patrick James’ “elaborated structural realism,” supposedly for the purpose of placing them on a **firmer scientific footing** by making sure that they have all of the required elements of a basically Lakatosian19 model of science (James 2002, 67, 98–103).

The bet with all of this scholarly activity seems to be that if we can just get the fundamentals right, then scientific progress will inevitably ensue . . . even though this is the precise opposite of what Popper and Kuhn and Lakatos argued! In fact, all of this obsessive interest in foundations and starting-points is, in form if not in content, a lot closer to logical positivism than it is to the concerns of the falsificationist philosophers, despite the prominence of language about “hypothesis testing” and the concern to formulate testable hypotheses among IR scholars engaged in these endeavors. That, above all, is why I have labeled this methodology of scholarship neopositivist. While it takes much of its self justification as a science from criticisms of logical positivism, in overall sensibility it still operates in a visibly positivist way, attempting to construct knowledge from the ground up by getting its foundations in logical order before concentrating on how claims encounter the world in terms of their theoretical implications. This is by no means to say that neopositivism is not interested in hypothesis testing; on the contrary, neopositivists are extremely concerned with testing hypotheses, but **only after the fundamentals have been** soundly **established.** Certainty, not conjectural provisionality, seems to be the goal—a goal that, ironically, Popper and Kuhn and Lakatos would all reject.

Causes endless paradigm wars

**Wendt**, professor of international security – Ohio State University, **‘98**

(Alexander, “On Constitution and Causation in International Relations,” British International Studies Association)

As a community, we in the academic study of international politics spend too much time worrying about the kind of issues addressed in this essay. The **central point** of IR scholarship is to increase our knowledge of how the world works, not to worry about how (or whether) we can know how the world works. What matters for IR is ontology, not epistemology. This doesn’t mean that there are no interesting epistemological questions in IR, and even less does it mean that there are no important political or sociological aspects to those questions. Indeed there are, as I have suggested above, and as a discipline IR should have more awareness of these aspects. At the same time, however, these are questions best addressed by philosophers and sociologists of knowledge, not political scientists. Let’s face it: most IR scholars, including this one, have little or no proper training in epistemology, and as such the attempt to solve epistemological problems anyway will **inevitably lead to confusion** (after all, **after 2000 years, even** the **specialists are still having a hard time**). Moreover, as long as we let our research be driven in an open-minded fashion by substantive questions and problems rather than by epistemologies and methods, there is little need to answer epistemological questions either. It is simply not the case that we have to undertake an epistemological analysis of how we can know something before we can know it, a fact amply attested to by the success of the natural sciences, whose practitioners are only rarely forced by the results of their inquiries to consider epistemological questions. In important respects we do know how international politics works, and it doesn’t much matter how we came to that knowledge. In that light, going into the epistemology business will distract us from the real business of IR, which is international politics. **Our great debates should be about first-order issues of substance**, like the ‘first debate’ between Realists and Idealists, **not second-order issues of method.**

Unfortunately, it is no longer a simple matter for IR scholars to ‘just say no’ to epistemological discourse. The problem is that this discourse has already contaminated our thinking about international politics, helping to polarize the discipline into ‘**paradigm wars’**. Although the resurgence of these wars in the 1980s and 90s is due in large part to the rise of post-positivism, its roots lie in the epistemological anxiety of positivists, who since the 1950s have been very concerned to establish the authority of their work as Science. This is an important goal, one that I share, but its implementation has been marred by an overly narrow conception of science as being concerned only with causal questions that can be answered using the methods of natural science. The effect has been to marginalize historical and interpretive work that does not fit this mould, and to encourage scholars interested in that kind of work to see themselves as somehow not engaged in science. One has to wonder whether the two sides should be happy with the result. Do positivists really mean to suggest that it is not part of science to ask questions about how things are constituted, questions which if those things happen to be made of ideas might only be answerable by interpretive methods? If so, then they seem to be saying that the double-helix model of DNA, and perhaps much of rational choice theory, is not science. And do post-positivists really mean to suggest that students of social life should not ask causal questions or attempt to test their claims against empirical evidence? If so, then it is **not clear by what criteria their work should be judged**, **or how it differs from art or revelation**. On both sides, in other words, the result of the Third Debate’s **sparring over epistemology is often one-sided, intolerant caricatures** of science.

Their demand for the ballot is bad—it cedes revolutionary potential to the sovereign authority of the judge which paradoxically reaffirms the status quo.

David Campbell, Professor of International Politics at the University of Newcastle in England, 1998, Performing Politics and the Limits of Language, Theory & Event, 2:1

Those who argue that hate speech demands juridical responses assert that not only does the speech communicate, but that it constitutes an injurious act. This presumes that not only does speech act, but that "it acts upon the addressee in an injurious way" (16). This argumentation is, in Butler's eyes, based upon a "sovereign conceit" whereby speech wields a sovereign power, acts as an imperative, and embodies a causative understanding of representation. In this manner, hate speech constitutes its subjects as injured victims unable to respond themselves and in need of the law's intervention to restrict if not censor the offending words, and punish the speaker: **This idealization of the speech act as a sovereign action (whether positive or negative) appears linked with the** idealization **of sovereign state power** or, rather, with the imagined and forceful voice of that power. It is as if the proper power of the state has been expropriated, delegated to its citizens, and the state then rememerges as a neutral instrument to which we seek recourse to protects as from other citizens, who have become revived emblems of a (lost) sovereign power (82). Two elements of this are paradoxical. First, the sovereign conceit embedded in conventional renderings of hate speech comes at a time when understanding power in sovereign terms is becoming (if at all ever possible) even more difficult. Thus the juridical response to hate speech helps deal with an onto-political problem: "The constraints of legal language emerge to put an end to this particular historical anxiety [the problematisation of sovereignty], for the law requires that we resituate power in the language of injury, that we accord injury the status of an act and trace that act to the specific conduct of a subject" (78). The second, which stems from this, is that (to use Butler's own admittedly hyperbolic formulation) "the state produces hate speech." By this she means not that the state is the sovereign subject from which the various slurs emanate, but that within the frame of the juridical account of hate speech "the category cannot exist without the state's ratification, and this power of the state's judicial language to establish and maintain the domain of what will be publicly speakable suggests that the state plays much more than a limiting function in such decisions; in fact, the state actively produces the domain of publicly acceptable speech, demarcating the line between the domains of the speakable and the unspeakable, and retaining the power to make and sustain the line of consequential demarcation" (77). **The sovereign conceit of the juridical argument thus linguistically resurrects the sovereign subject at the very moment it seems most vulnerable, and reaffirms the sovereign state and its power in relation to that subject at the very moment its phantasmatic condition is most apparent**. **The danger is that the resultant extension of state power will be turned against the social movements that sought legal redress in the first place** (24)

### at: case DA

Topical version of the aff solves: [theory can use other justifications to support usfg action ]

Orly Lobel, University of San Diego Assistant Professor of Law, 2007, The Paradox of Extralegal Activism: Critical Legal Consciousness and Transformative Politics,” 120 HARV. L. REV. 937, http://www.harvardlawreview.org/media/pdf/lobel.pdf

V. RESTORING CRITICAL OPTIMISM IN THE LEGAL FIELD

“La critique est aisée; l’art difficile.”

A critique of cooptation often takes an uneasy path. Critique has always been and remains not simply an intellectual exercise but a political and moral act. The question we must constantly pose is how critical accounts of social reform models contribute to our ability to produce scholarship and action that will be constructive. To critique the ability of law to produce social change is inevitably to raise the question of alternatives. In and of itself, the exploration of the limits of law and the search for new possibilities is an insightful field of inquiry. However, the contemporary message that emerges from critical legal consciousness analysis has often resulted in the distortion of the critical arguments themselves. This distortion denies the potential of legal change in order to illuminate what has yet to be achieved or even imagined. Most importantly, cooptation analysis is not unique to legal reform but can be extended to any process of social action and engagement. When claims of legal cooptation are compared to possible alternative forms of activism, the false necessity embedded in the contemporary story emerges — a story that privileges informal extralegal forms as transformative while assuming that a conservative tilt exists in formal legal paths. In the triangular conundrum of “law and social change,” law is regularly the first to be questioned, deconstructed, and then critically dismissed. The other two components of the equation — social and change — are often presumed to be immutable and unambiguous. Understanding the limits of legal change reveals the dangers of absolute reliance on one system and the need, in any effort for social reform, to contextualize the discourse, to avoid evasive, open-ended slogans, and to develop greater sensitivity to indirect effects and multiple courses of action. **Despite its weaknesses, however, law is an optimistic discipline**. It operates both in the present and in the future. **Order without law is often the privilege of the strong**. Marginalized groups have used legal reform precisely because they lacked power. Despite limitations, these groups have often successfully secured their interests through legislative and judicial victories. **Rather than experiencing a** disabling disenchantment **with the legal system, we can learn from both the successes and failures of past models, with the aim of** constantly redefining the boundaries of legal reform **and making visible law’s broad reach**.

Decisionmaking from debate is critical to citizen activism on environmental and technological issues

Patronis, Department of Mathematics – University of Patras, ‘99

(Tasos, “Students’ argumentation in decision-making on a socio-scientific issue: implications for teaching,” International Journal of Science Education, Vol. 21, No. 7, p. 745-754)

The citizen of today’ s society, which is highly industrialized and mechanized, has to face crises and conflicts of a different nature. Skovsmose (1994) describes this crisis by using terms, e.g. suppression, conflict, contradiction, misery, inequality, ecological devastation and exploitation. The role of the citizen in such a society is to be involved in resolving controversies and societal issues created by the changing relationships between science, technology and society. This involvement can be fruitful and valuable if the proposed solutions are validated and if the debates are based on argumentation. This indicates that we need to develop pedagogical approaches to prepare our students to be critical citizens. Discussing, explaining, justifying, illustrating, using analogies, etc are elements of argumentation in instances of social life but they are also elements that need to be developed in classroom situations.

Our research shows that students are able to develop arguments and reach decisions when they face a situation in which they are really involved. The analysis of the arguments that students used during their involvement in a socio-scientific issue made apparent some ’ new’ dimensions in argumentation in the classroom. The variety and the nature of arguments which emerged, their interplay in the process of argumentation and in the process of decision-making are tools of thought which are not usually apparent in science or mathematics classrooms. The kind of reasoning which is usually developed in the classroom focuses only on scientific problems detached from the demands of the citizens’ real life. In this study, the nature of the problem did not require an exact method of solution, so students’ justifications of their proposals could not be judged on the basis of their being scientifically right or wrong. Students had to convince the others that their own proposal was the optimal solution. In such an open situation, students’ arguments often refer to personal experience and are also grounded in ideologies that exist in society. Economic development, ecological positions and humanistic perspectives underline and direct students’ arguments.

Emergent technologies like post-human genetic science demand our best decisionmaking skills for intelligent foresight

Annas et al, Chair of the Health Law Dept – Boston University School of Public Health, ‘2

(George, 28 Am. J. L. and Med. 151)

Biotechnology, especially human cloning and inheritable genetic alteration, has the potential to permit us to design our children and to literally change the characteristics of the human species. The movement toward a posthuman world can be characterized as "progress" and enhancement of individual freedom in the area of procreation; but it also can be characterized as a movement down a slippery slope to a neo-eugenics that will result in the creation of one or more subspecies or superspecies of humans. The first vision sees science as our guide and ultimate goal. The second is more firmly based on our human history as it has consistently emphasized differences, and used those differences to justify genocidal actions. It is the prospect of "genetic genocide" that calls for treating cloning and genetic engineering as potential weapons of mass destruction, and the unaccountable genetic researcher as a potential bioterrorist. The greatest accomplishment of humans has not been our science, but our development of human rights and democracy. Science cannot tell us what we should do, or even what our goals are, therefore, humans must give direction to science. In the area of genetics, this calls for international action to control the techniques that could lead us to commit species suicide. We humans clearly recognized the risk in splitting the atom and developing nuclear weapons; and most humans recognize the risk in using human genes to modify ourselves. Because the risk is to the entire species, it requires a species response.

Failing to bring decisionmaking skills to bear on emergent technologies risks a loathesome politics that writes alterity out of the genome

Sexton, researcher for Corner House, UK-based research group focusing on social and environmental justice issues, ‘2

(Sarah, “If Cloning Is the Answer, What Was the Question? Power and Decision-Making in the Geneticisation of Health,” World Watch, Vol. 15, Iss. 4, July/August)

Combining new genetic research with a market approach to health thus exacerbates the racist aspects of both. In the United States, for instance, many black women have for decades been subjected to coercive sterilization or contraception on the grounds that they are "unfit" or too many or do not deserve to procreate. Whether consciously or not, the products of the new genetic research are likely to be put into the service of racist practice. Rutgers University legal scholar Dorothy Roberts points out the danger that people will come to accept black women "being forcibly implanted with Norplant or jailed because they gave birth to a child while addicted to drugs." By the same token, Roberts suggests, tests claiming that "certain children are genetically predisposed to crime" may help justify, in the public eye, racist government programs of reproductive control. Indeed, one of the biggest concerns associated with the new genetic research is how neatly it reinforces discourses of eugenics and overpopulation. If the simple existence of 6 billion people (rather than the actions of a small but privileged minority of those people) is believed to be destroying the planet, then reducing those numbers becomes the top priority-- and both consumers and policymakers will become more interested in trying to ensure that those children who are allowed to be born are as "perfect" as possible in the current society's eyes.

The aff has good ideas but doesn’t do anything but constantly play intellectual catch – theres no actual action that can resolve these things.

The 1AR and 2ar will say that this round is key – theres no reason why voting aff this round suddenly changes the way that other people relate to these issues – only the negs interpretation can solve that.

If they don’t claim spillover impacts, the decisionmaking impacts outweigh.

Evaluate the topical version as a counterplan that solves their offense sufficiently—we don’t have to win a specific policy solves their offense, just that it’s possible to engage discussions of [ ] within our interpretation

T isn’t exclusion. Saying that a game rule is the same as actual suffering is a pretty weak logic chain that trivializes actual suffering and exclusion. Seriously, this K team tactic is a standard formula for cookie-cutter criticism. Take your oppression, make a strained analogy to T, and then run with it.

Attempts to apply their aff to T should be rejected – we weren’t prepared to have this debate. If we win that separating that ballot from the resolutional question is bad, you can’t use your ballot to endorse this argument as a prior question.

The process of inculcating critical thinking is more transformative than their [demand / ethical stance]

Catherine Fox, teaches writing at Iowa State University. Her research interests focus on feminist and critical pedagogies, critical race theory, and feminist rhetorics, 2002, The Race to Truth: Disarticulating Critical Thinking from Whiteliness, Pedagogy 2.2 (2002) 197-212

We also tend to acknowledge critical thinking only as an analytic form of thought that "resists" the status quo. David Wallace and Helen Rothschild Ewald (2000: 21) point out that cultural critique is often the primary goal of feminist and critical pedagogies. "**Privileging resistance can itself become an expression of a teacher's absolute authority**," however, **and is antithetical to our goal of transforming relations of power and authority**. In feminist and critical pedagogies, resistance to the status quo becomes the answer that students are expected to arrive at after analyzing texts. For example, Shor (1992: 41) presents critical thinking as follows: Had I tried to be a "neutral" teacher who ignored the pro-business bias of news organizations, I would have cheated students of a chance for critical thinking about the real world they live in. For a teacher or syllabus to ignore business bias would have been just as political in orientation and less scientific; that would have meant avoiding the criticism of the way power actually operates in the media to create manipulative images of the world. . . . A syllabus without critical questions is not neutral or apolitical. In fact, it supports the status quo by not questioning it. . . . Students in the media class gained a critical perspective on their TV, radio, and daily papers. . . . When I posed [the antilabor tilt in these media] as a problem, they had a chance to see one structure in society for what it really is [emphasis mine]. I agree that no classroom is "neutral," and I do not deny the pro-business bias of the media, but I struggle with Shor's construing of critical thinking (which is fairly typical for the literature on alternative pedagogies). In the problem-posing approach to teaching, which relies on critical thinking as the primary tool for finding solutions, the instructor too often has already solved the problem. In my own composition classrooms, some students seem to equate critical thinking with figuring out what my opinion is and then reproduce it in their papers and class comments. I have told them that I do not expect them to agree with me; I simply want them to think critically. But in reflecting on the comments I put on their papers and the ways that I lead class discussions, I become uneasy, because my comments, which are intended to encourage critical thinking, often point to my unintentional use of it to guide my students to the "right" answer, the "right" perspective—which is always my answer, [End Page 200] my perspective. My experiences as a feminist educator and my review of the literature indicate that, too often, the "chance for critical thinking" means the chance finally to know the "truth."Rather than "an analytic and imaginative habit of mind**," critical thinking** comes to mean seeing from and believing in the feminist or critical **instructor's perspective** on the manipulative powers that serve the status quo. In this way critical thinking, however "revolutionary," is "still running in old cycles." 3 In sum, I perceive the following problems with the way that feminist and critical pedagogues posit critical thinking: 1. In general, we consider it an unquestionable good, and as such it operates as a god-term. 2. We equate it with analytic thinking that leads students to see issues in the "right" way. 3. Thus we tend to conflate critical thinking with feminist and critical ideologies. 4. Ultimately, doing so creates a race to truth whose telos is the same as that of the traditional pedagogies criticized for using transmission models of language, knowledge, and learning. Critical Thinking: Racing to Truth One way to disarticulate this conflation is through the metaphor of whiteliness. Ruth Frankenberg (1993, 1997) and Michelle Fine et al. (1997) explore the social construction of whiteliness and offer broad analyses of how it manifests itself (in such realms as history, sociological and cultural studies, subjectivity and the performance of identities, and social movements). Importantly, some scholars argue that studying whiteliness reifies its central position in discussions of race and racism. I believe, however, that naming and defining what has been considered "transparent" are also important steps toward disrupting systems of domination. 4 In "Identity: Skin Blood Heart," in which she explores her struggles against racism and anti-Semitism, Pratt (1984: 14-15) lists four characteristics of the white, southern female identity that she contends with in attempting to live in "connection" with others: "I was taught to be a judge, of moral responsibility and of punishment only in relation to my ethical system; was taught to be a martyr, to take all the responsibility for change, and the glory, to expect others to do nothing; was taught to be a peacemaker, to mediate, negotiate between opposing sides because I knew the right way; was taught to be a preacher, to point out wrongs and tell others what to do." She defines this white identity as a false identity that has taught her to lead her life through [End Page 201] "ought-to's" rather than through the need and desire for social change and connection to other people. 5 Frye (1992: 153) uses Pratt's four characteristics to launch her own discussion of whiteliness. She explains that the white, southern, Christian identity she was taught to espouse was based on the motto "Right is might": "'We' knew right from wrong and had the responsibility to see to it right was done; that there were others who did not know what is right and wrong and should be advised, instructed, helped and directed by us." Frye offers the following "lessons learned" about how to be whitely, all of which pertain primarily to Pratt's characteristic of judge: 6 I was taught that because one knows what is right, it is morally appropriate to have and exercise what I now would call race and class privilege. Whitely people have a staggering faith in their own rightness and goodness, and that of other whitely people. We are not crooks. Whitely people do have a sense of right and wrong, and are ethical. Their ethics is in a great part an ethics of forms, procedures and due process. Whitely people tend to believe that one preserves one's goodness by being principled, by acting according to rules instead of according to feeling. Authority seems to be central to whiteliness, as you might expect from a people who are raised to run things, or to aspire to that: belief in one's authority in matters practical, moral and intellectual exists in tension with the insecurity and hypocrisy that are essentially connected with the pretense of infallibility. (153-54) Turning next to white women's whiteliness, Frye argues that it is based on integrity, dignity, and respectability, which whitely women use as levers to raise themselves to the level of whitely men. She calls on white women to unlearn whiteliness, just as men are expected to unlearn masculinity, if the ultimate goal is to achieve more egalitarian relationships with others. The judgmentalism of whitely people and the presumed rightness that protects them from having to justify their ability to know right from wrong shed light on what is intuitively wrong with conflating critical thinking and a particular political agenda. 7 For example, Elizabeth Ellsworth (1992: 96) characterizes critical thinking as "judging the truth and merit of propositions . . . and the critical [and feminist] pedagogue is one who enforces the rules of reason in the classroom." When we teach students how to analyze texts as feminist and critical pedagogues, we often assume that we are being principled, ethical, and morally appropriate because we are following the "rules of reason" [End Page 202] as they have been established during the long history of Western intellectualism. 8 When analyzing and writing about the advertising industry's representation of women in my composition classroom, I often found myself approaching discussions and the evaluation of student papers with the assumption that I had the right analyses of the ads; my job was simply to pose leading questions to my students. If they arrived at my point of view, I rewarded them with oral or written comments that suggested that they had learned to think critically. If they did not arrive, I had such faith in my own rightness and righteousness that I could dismiss them as resisting my pedagogy and therefore as being unreachable. Rather than state my ideological position and goals as a feminist educator explicitly, I seductively named what I did "teaching my students to think critically." One's positioning as a feminist or critical pedagogue, then, rests on the assumption that one has already arrived at the position of being a critical thinker. It follows, since we have attained the right answer or political position, that we have the moral or ethical responsibility of getting our students to do the same. In assuming that critical thinking is a point of arrival and, perhaps more important, in using it to race students to the truths we have discovered, we manifest and reproduce whitely ways of being in the world. Thus critical thinking becomes a lever, similar to the integrity, dignity, and respectability whitely women use to raise themselves to the level of white men. In our classrooms, when we posit critical thinking as the moment of arriving at the right answer, we use it as a lever to raise students to our level. Transformation is supposedly undergone by the nonwhitely students; we instructors are exempt from it. Students who do not arrive at the right answer or resist the idea of the right answer do not get raised; in general, we do not reward their good critical thinking with high grades, favorable evaluations, and our interest in or involvement with them. The students whom we deem good critical thinkers can feel a "staggering faith in their own rightness and goodness and that of other whitely people" and can use their newly honed critical thinking skills to raise nonwhitely people to their level. When we replace dominant worldviews with "alternative" ones, moreover, we use critical thinking to reproduce dichotomous thinking between "us" and "them," between "right" and "wrong." There is nothing radical or transformative about supplanting a conservative, hegemonic truth with a leftist, marginalized truth—it is only more "running in old cycles." The parallels between theories of whiteliness and the uses of critical thinking in alternative pedagogies raise crucial questions for reflection: How much of the critical thinking that we laud in ourselves is embedded in our assumed righteousness, principled conduct, goodness, and standing as moral and ethical citizens and teachers who, because we possess these whitely qualities, have the authority to run things? Does the critical thinking we encourage our students to apply lead them to aspire to the same qualities? **If so, it poses the danger of** reproducing the very hegemony that radical pedagogues aim to disrupt. To the extent that we can name and understand how whiteliness manifests itself in critical thinking and in our ways of being in the world, however, we can begin to transform them into new ways of being. 9 Disarticulating Critical Thinking from Whiteliness Critical thinking, when disarticulated from a particular ideological standpoint, offers us a means of engaging in the self-reflexivity needed to question the truth of our positions. To begin to move away from whiteliness, we might construe critical thinking as a self-reflexive process that is pragmatically oriented, rather than as a right answer or a point of arrival. Kate Ronald and Hephzibah Roskelly (2001: 629), quoting C. S. Peirce, suggest that we link pragmatism with liberatory pedagogy to find fruitful methods of discovering transformative possibilities: "'Grant an idea to be true' . . . then ask 'what concrete difference will its being true make in anyone's actual life.'" Adopting the pragmatic insistence that "meaning resides in consequences" (614), we might begin by positing critical thinking as what examines the consequences of our choices and the locations from which we make them, not what suggests the relative correctness of choices and locations. Two concepts from Paulo Freire indicate an approach to critical thinking that supersedes the revolutionary cycles that race to the truth. 10 In Letters to Cristina Freire (1996: 115) explains that critical thinking begins with "epistemological curiosity" and leads to critical consciousness, which enables students to make broad connections between themselves and the social. For Freire, critical thinking involves the ability not only to know and analyze concepts but to imagine things beyond the present reality; students who possess this ability become knowers and doers, creators of the word and the world. In Teachers As Cultural Workers (Shor and Freire 1998: 40), Freire also explains the necessity of humility: "Humility does not flourish in people's insecurities but in the insecure security of the more aware, and thus this insecure security is one of the expressions of humility, as is uncertain certainty, unlike certainty, which is excessively sure of itself." Importantly, humility is not akin to meekness or docility, which has often been demanded of marginalized peoples and so is at odds with the goal of transformation. Hence we must understand the [End Page 204] locations from which we teach and speak; the degree to which we may invoke humility is contingent on the extent to which our positions already carry whitely notions of rightness and righteousness. **Imagination and humility** seem to **go underground when we collapse critical thinking with** feminist and **critical ideologies**. Ann Berthoff (1988: 38) aptly describes the imaginative, critical mind as "fresh and open," as a mind that "opens out" into the arena of the possible. The very idea of possibilities, rather than certainties, might keep our minds and our students' minds fresh and open. If we emphasized critical thinking as an imaginative habit of mind, we might move past moral ought-to's and stop urging our students to race to truths that we have already discovered. We might construe critical thinking, then, not as a way to home in on the truth through rational deliberation but as an inclination to look for multiple solutions and question their consequences. This inclination might lead us back to an attitude of humility, of "uncertain certainty," beyond the whitely notion that through critical thinking we can "judg[e] the truth and merit of propositions" infallibly. That is, if we could question the consequences of our actions, the ways that meaning resides in the consequences of a choice, we might see new ways of being that move past revolution, past replacing old truths with feminist or critical ideological truths, and into moments of transformation, moments in which we engage in constructing meaning and knowledge with our students, rather than transmit knowledge to them. The first-year composition course I teach at Iowa State University, a predominantly white, middle-class institution, encourages students to see writing as a powerful tool for both intellectual life and civic action. In it I use a local conflict or issue, for example, the "education crisis" that Iowa (like many states) is facing, as an occasion to engage in a reconceived kind of critical thinking. 11 Iowa loses teachers to neighboring states because its public schools lack the funding and other incentives to retain the new teachers that the local colleges train. To counteract this loss, a bill now under consideration proposes to secure quality teachers for Iowa's public schools through a new structure of promotion. I begin this project by having the class research the history of education in Iowa, identify what incentives draw its new teachers to other states, and investigate the solutions that citizens and legislators have recommended to stem the loss. The focus of this project then turns to a specific solution, such as the education bill. To learn about its consequences, my students may interview professors and students in the College of Education for their perspectives or local schoolteachers (both new and experienced) for the opinions of the citizens whom the bill would affect most directly. After [End Page 205] gaining these multilayered perspectives (and thus avoiding a single "truth" handed down from the teacher's position of authority), we formulate our own stances toward the bill. Finally, in keeping with the course's objectives, we choose some way to enter the conflict. I give the students various options for doing so, such as creating a Web page that helps educate citizens about the bill, assembling a brochure that takes a stand on it, or writing a letter to the editor or to a congressional representative. Toward the end of the project, we discuss the consequences of the options we have chosen; we also question the project itself and the choices I made in designing it. Certainly, the focus on working within institutionalized structures, such as the legal system, proceeds from trust in the authority and rules of preestablished systems of negotiation; hence the activities that I offer my students in this project move their thinking in a particular direction. I place my own choices on the table for discussion to model a pragmatic process of critical examination that asks: What difference do my choices make? What options do they preclude or open? Examining **many perspectives**, then, is vital to the critical thinking I want to promote, but so is questioning one's own stake in a particular position or solution, because it is where reflection and humility enter the process. One of the best ways I have found to encourage these habits is continually to ask students to think about their thinking, to consider why they think what they do about the conflict under investigation. To distance students from the component of whiteliness that judges only in relation to one ethical system, I often ask them: What do you stand to lose if you give up that belief or position or to gain if you hold on to it? The point is to engage them in a self-reflexivity that might forestall the collapsing of critical thinking with the whitely tendency to judge from a position of presumptive rightness and righteousness. Moreover, the teacher must become a coparticipant in the making of meaning so as to model critical thinking that resists the whitely feminist and critical assumption of having already arrived at the truth, at the position of "criticality." In a workshop at the Learning Community Institute at Iowa State, Jean MacGregor (2001) described an interdisciplinary project created through linked-learning community classes (in composition and environmental science) that struck me as a useful example of how critical thinking can be pragmatically reenvisioned in feminist and critical classrooms. The project centers on the local conflict over the Cushman Dam, which provides electricity for the city of Tacoma, Washington, but is threatening the local salmon population, whose migratory route it blocks. MacGregor's students research the various sides of the conflict and decide whether the dam should remain in place [End Page 206] or be torn down. In papers they then address the consequences: if they argue that the dam should be destroyed, they must suggest alternative sources of electricity; if they decide that the dam should be kept, they must find a way to save the dwindling salmon population. Asking students to reflect on the effects of their choices embraces the pragmatism that Ronald and Roskelly (2001) suggest might make transformation possible, because it moves us away from the dogmatism of feminist and critical discourse. It also positions us to question the truths that we forward. Confronting Closure and Embracing Uncertain Certainty Notwithstanding the examples above, it remains possible for critical thinking to be posited in whitely ways. For example, feminist and critical teachers have clear opinions about education; therefore it can be difficult for us not to posit the "right" answers when discussing conflicts that relate to education. It takes active commitment to move away from the assumption that we who have invested our lives in practicing and theorizing about learning already know the truth about the education crisis or the specific issues of an education bill. Where I know that I have strong vested interests, I make a concerted effort to model for my students the reflection, humility, and imagination that I have suggested we need to incorporate into critical thinking. Yet no matter how carefully I do so, **I** still **struggle against an** ideology **of critical thinking that gives priority to social involvement and social responsibility**. From one angle I perceive a set of moral ought-to's in how I have **construe**d critical thinking in the above projects. For example, my definition of it assumes that humility is an admirable trait. For students who have been institutionally and socially constructed to be humble, or who are already unsure of their ability to make meaning and arrive at solutions, the emphasis on questioning can further undermine the ability to claim and voice an opinion in a conflict. These projects also presuppose that change is necessary and that good citizens are those who participate in the democratic process, assumptions that may run counter to students' understanding of democracy and even of the purposes of a college education. For example, MacGregor's project enforces the idea of disrupting the status quo, which not all students hold as a requirement of citizenship. Instructors will always bring to the classroom ideologies that drive our pedagogical choices. However, if we are committed to questioning the conflation of critical thinking with **one ideological stance** and to positing critical thinking as a pragmatic process of knowing, acting, being, and reflecting, we may begin to **move from revolutionary cycles to spaces of transformation**. [End Page 207] How do we deal with students who do not share our ideological assumptions? First, we can avoid summarily dismissing them as simply resistant to our agenda or our pedagogy. Second, we can find methods of using their dissonance to model critical thinking in ways that match our transformative goals. Redefining critical thinking as a recursive engagement in inquiry and then thinking about our thinking represent, for me, moves away from closure and toward the opening of the mind and imagination. **We might model this process by** opening a **dialogue** with our students about the structure of a class or the design of a project in order to explain our pedagogical choices to them. But simply explaining and justifying these choices would reify our authority and power to run things. Rather, we might invite students into a reflective consideration in which to show us some of the consequences of our choices in designing the course. The point of inviting students to do so is to show them that we are genuinely interested in these consequences and to enable students to collaborate in the development, or even the reconstruction, of the project or course. Indeed, I once stopped a project in midsemester when it was apparent that it was not working. In an evaluation I asked the students anonymously to describe the project's strengths and weaknesses and suggest how to reconfigure the remainder of the project and semester. I then presented their responses to the whole class as a starting point. Throughout this process I attempted to model explicitly the critical engagement central to my course curriculum. I realize that I am placing a tall order for feminist and critical educators to fill in one semester or one quarter. Nonetheless, I believe that it will allow us actually to engage in processes of critical thinking alongside our students. In Freire's (1996: 3) words, we need to be "rigorously coherent so as to not lose [ourselves] in the enormous distance between what [we] do and say." My point is not that we should rid our classrooms of truths or ideologies. In fact, we cannot do so, because our agenda is to teach something. However, we can ask for what purpose we posit critical thinking in our classrooms. If we do it in the service of our truth, we must recognize that there is nothing inherently liberatory about any ideological stance, **no matter what the supposed emancipatory goals**. We also can unlearn whitely ways of being in the world; we can disarticulate a whitely construction of critical thinking from feminist and critical ideologies by being more reflective and humble about ourselves as critical thinkers. Not only do we need to represent critical thinking differently to our students, but we need to model it for them if we are to transform the processes of learning and teaching. This modeling requires, in part, more mutual engagement with students in making and reflecting on [End Page 208] meanings. Rather than race students to the truths that we have already figured out, rather than reproduce whitely ways of being, we might begin to construe critical thinking as a process that we engage in with our students. That is, we might see critical thinking as a different approach to learning and teaching: not a specific point of arrival, not a specific form of content, but a cycle in which together we make meaning, arrive at solutions, question the consequences, and return again to making meaning.

That proves that process comes before product—inscribing a set ethical outcome at the outset destroys agency

Race and Pedagogy Project, University of California at Santa Barbara, 2005, Jay, Gregory and Gerald Graff. “A Critique of Critical Pedagogy”, http://bit.ly/11e8uXY

Jay and Graff argue that **critical pedagogy is problematic** because it claims to liberate students but in fact only reinforces the “banking” dynamic by forcing progressive ideologies upon students, enforcing a predetermined outcome based upon an assumed true position on the part of the teacher. Oppositional pedagogy makes the same mistake. Instead, the authors recommend a method of “teaching the conflicts,” where the unilateral teacher’s authority in the classroom is balanced by a “counterauthority,” thus opening the possibility for multiple points of view, all of which are laid open to critique. Suggestions for practical application follow. Freire’s close adherence to the Marxian-Hegelian master-slave dialectic, in which all desire on the part of the oppressed is inevitably formed by the oppressor, suffers from a double bind, giving power only to the “liberatory” teacher, who must impose liberation upon the oppressed, freeing them from false consciousness by persuading them of his (tacitly correct) point of view. In other words, **only students persuaded to the radical point of view of the teacher can be expressing an authentic desire**. “This assumption spares Freire from ever having to consider an unpleasant possibility: that what ‘the people’ authentically prefer might conflict with the pedagogy of the oppressed. The assumption is that, deep down, in our most authentic selves, we are all Christian or existentialist Marxists. According to Freire’s model, the resistance of students to the pedagogy of the oppressed would be taken seriously only as a symptom of their woefully mystified consciousness. The teacher would treat their ideas as the suspect products of their political unconscious, not as arguments that might have their own rationality, persuasiveness, and basis in experience. Needless to say, the possibility never arises that the radical teacher might have his or her mind seriously challenged by the conservative student.” (203) The authors are careful to state that they are both progressives themselves; their **opposition to critical pedagogy rises not from a desire to maintain conservative systems, but rather to avoid the** reinscription of oppression **that** they believe **critical** and oppositional **pedagogies promote by silencing and denying authentic agency to the student who has an alternative point of view**. “The failure to take seriously the objections of the unpersuaded seems to us a serious limitation of critical pedagogy both on ethical and strategic grounds.” (204) The authors further attack critical pedagogy by noting a contextual problem: “Freire’s assumption of a student body that will readily accept a description of themselves as the oppressed is understandable in the original context of Freire’s work with Latin American peasants. But Freire’s model encounters serious problems when it is transplanted to a North American campus, where not all students are obviously members of an oppressed class, and where even many of those who might plausibly fit that designation refuse to accept it.” (204) And later, “In our view, the definition of categories such as the disenfranchised and the dominant, oppressed and oppressor, should be a product of the pedagogical process, not its unquestioned premise.” (207) In contrast, “teaching the conflicts” allows for the autonomy and freedom of the subject through the building of discourse communities which go outside the tacit authority of the teacher, and even outside of the traditional boundaries of the classroom. “To be sure, there is a useful place for the ‘collaborative learning’ strategy of decentering authority by breaking the class into small groups. To decenter authority in a fully useful way, however, and transcend the double bind of radical pedagogy, our classrooms need not just to diffuse authority, but to introduce counterauthorities. And this for us means moving beyond the limitations of the isolated course, a model that unwittingly echoes the myth of the unified subject.” (210) **Students should be** presented with multiple viewpoints in any given classroom **and invited to support or contest all of them**. This does not remove politics from the classroom**, but** in fact **makes it truly possible.** “**Real political** opposition and **change** cannot be accomplished by isolated individuals or random acts of critique. Unlike critique, politics is a social enterprise. It requires that persons form communities based on some degree of trust and faith and. mutual respect – even for those with whom one is ideologically at odds.” (208)

Engaging the state is productive – otherwise they cede the political to the right

Donald S. Lutz, Professor of Polisci at Houston, 2K *Political Theory and Partisan Politics* p. 36-7

The position argued here is that to the extent such a discussion between political theorists and politicians does not take place we damage the prospects for marrying justice with power. Since the hope of uniting justice with power was the reason for creating politi­cal philosophy in the first place, political theorists need to pursue the dialogue as part of what justifies their intellectual project. Poli­tics is the realm of power. More specifically it is the realm where force and violence are replaced by debates and discussion about how to implement power. Without the meaningful injection of consider­ations of justice, politics tends to become discourse by the most powerful about how to implement their preferred regime. Although constitutionalism tends to be disparaged by contemporary political science, a constitution is the very place where justice and power are married. Aristotle first taught us that a constitution must be matched to the realities of the political system—the character, hopes, fears, needs and environment of the people—which requires that constitutional­ism be addressed by men and women practiced in the art of the possible.2 Aristotle also taught us that a constitution (the politeia, or plan for a way of life) should address the improvement of people toward the best life possible, which requires that constitutionalism be addressed by political theorists who can hold out a vision of justice and the means for advancing toward it. The conversation between politician and political theorist stands at the center of their respective callings, and a constitution, even though it reflects only a part of the reality of a political system, has a special status in this central conversation. Although the focus of this chapter is on a direct conversation be­tween theorist and politician, there is an important, indirect aspect of the conversation that should not be overlooked—classroom teaching. Too often the conversation between politician and political theorist is described in terms of a direct one between philosophers and those holding power. Overlooked is the central need to educate as many young people as possible. Since it is difficult to predict who will, in fact, hold power, and because the various peoples who take seriously the marriage of justice with power are overwhelmingly committed to a non-elitist, broad involvement of the population, we should not overlook or minimize our importance as teachers of the many. Politi­cal leaders drawn from a people who do not understand what is at stake are neither inclined nor equipped to join the conversation. As we teach, we converse with future leaders. Perhaps not everyone who teaches political theory has had the same experience, but of the more than eight thousand students I have taught, I know of at least forty-nine who later held a major elective office, and at least eighty more who have become important political activists. This comes down to about five students per teaching year, and I could not have predicted which five it would be. The indeterminate future of any given student is one argument against directing our efforts at civic education toward the few, best students. A constitutional perspective suggests not only that those in power rely upon support and direction from a broad segment of the public, but also that reliance upon the successful civic education of the elite is not very effective, by itself for marrying justice with power in the long run.

Constant deliberation preserves collective peace

Thomas A. Spragens, Professor of Polisci at Duke, 2K *Political Theory and Partisan Politics* p. 90-1

In another equally important respect, however, Plato was, as a consequence of his philosophical positivism and attendant political authoritarianism, quite wrong. So long as we are fallibilist but not pyrrhonist in our moral epistemology, we should recognize that lib­eral democratic regimes are the natural homes of political theory and the places where the functions of political theory are most integral to the premises and practices of political life and legitimacy. For it is these regimes that make legitimacy consist in the consent of a citi­zenry presumed to be both rational and possessed of the moral pow­ers. In that context, rational discourse about what is to be done seems an essential component of legitimate politics, since that form of con­testation is essential to the creation of a popular will that can pass muster—that is, to the formation of a popular will that can claim to be rational consent rather than aggregate whimsy. To say that liberal democratic regimes are the natural homes of political theory is not to say that tensions do not characterize the relationship between them. In its deployment of critical reason, politi­cal theory must seem somewhat subversive to all regimes, liberal democracies included. Political theoretical critique casts a skeptical eye on all legitimacy myths, and it must puncture claims to political certitude and hegemony. It also will be subject to critical and poten­tially corrosive scrutiny the justifications set forth on their own behalf by powerful interests in democratic societies, including perhaps those enshrined by a democratic majority. This constant critique is socially useful but often not politically welcome. This critical function of political theory is one that even moral cynics and epistemological skeptics can appreciate and accredit. But political theory also plays a more constructive role in liberal democ­racies, one that the cynic fails to appreciate and one that a thorough­going and unqualified cynicism would ultimately undermine. Relying upon the moral powers and their attendant passions for its energy and relying upon the logical and linguistic constraints of moral dis­course for its direction, political theoretical dialogue assists the movement toward the more complex form of objectivity in political and practical affairs envisioned by Karl Mannheim, someone who was as aware as anyone of the ways that our sociological particulari­ties and partisan interests produce competing perspectives. Mannheim explained: The problem, he wrote, is not how we might arrive at a non-perspectivistic picture but how, by juxtaposing the various points of view, each perspective may be recognized as such and thereby a new level of objectivity attained. Thus we come to the point where the false ideal of a detached, impersonal point of view must be replaced by the ideal of an essentially human point of view which is within the limits of a human perspective, constantly trying to enlarge itself. (Mannheim 1936, 296-297) Political theory at its best, I would argue, functions constructively in precisely this fashion. It admits into its conversation conflicting per­spectives and arguments that ineluctably are grounded in our sociologi­cal particularities and our partisan political interests. These perspectives are then set against each other and subjected to critical scrutiny in the context of those logical and linguistic constraints that constitute the discipline of reason. From that agonistic dialectic, narrowly partisan perspectives tend to lose credence and get winnowed out. Or they be­come broadened, amended, and complexified into new, more capacious and synthetic normative conceptions of the political world. These syn­theses are neither final nor complete but continue to undergo continual change and revision under the impact of further challenge. What results from this process of critical moral dialogue between competing perspectives is, then, not some final Hegelian scientific super-synthesis, much less some Cartesian perfect transcendence. But what does result, I would argue, is a greater tendency among all par­ticipants to be self-critical about their naive attachments and premises and a great and salutary pressure toward inducing in them a more enlarged, more comprehensive, and more impartial viewpoint regard­ing their society, their fellow citizens, and the issues of public policy they must address. From the kind of robust and rationally disciplined political dialogue embodied in political theory, one learns, as John Stuart Mill (1962, 168) put it, "to feel for and with ~~his~~ fellow citizens and becomes consciously a member of a great community." This is a form of discourse and discipline that pushes toward those "more com­prehensive and distant views" (Mill 1962, 138) that are the cognitive base of the public spiritedness that Mill, Tocqueville, the civic repub­licans, and even James Madison thought essential to the health of a democratic body politic. It is a form of discourse, moreover, that sharp­ens the habits and skills necessary for serious democratic deliberation. And this, I would insist, is no small contribution to the democratic enterprise of self-governance.

Their rejection of political solutions quickly devolves into authoritarianism

Martin Lewis, Assistant Professor at George Washington, ‘92 *Green Delusions* p. 258

A majority of those born between 1960 and 1980 seem to tend toward cynicism, and we can thus hardly expect them to be converted en masse to radical doctrines of social and environmental salvation by a few committed thinkers. It is actually possible that a radical education may make them even more cynical than they already are. While their professors may find the extreme relativism of subversive postmodernism bracingly liberating, many of today's students may embrace only the new creed's rejection of the past. Stripped of leftist social concerns, radical postmodernism's contempt for established social and political philosophy—indeed, its contempt for liberalism—may well lead to right-wing totalitarianism. When cynical, right-leaning students are taught that democracy is a sham and that all meaning derives from power, they are being schooled in fascism, regardless of their instructors' intentions. According to sociologist Jeffrey Goldfarb (1991), cynicism is the hallmark—and main defect—of the current age. He persuasively argues that cynicism's roots lie in failed left- and right-wing ideologies—systems of thought that deductively connect "a simple rationalized absolute truth ... to a totalized set of political actions and policies" (1991:82). Although most eco-radicals are anything but cynical when they imagine a "green future," they do take a cynical turn when contemplating the present political order. The dual cynical-ideological mode represents nothing less than the death of liberalism and of reform. Its dangers are eloquently spelled out by Goldfarb (1991:9): "When one thinks ideologically and acts ideologically, opponents become enemies to be vanquished, political compromise becomes a kind of immorality, and constitutional refinements become inconvenient niceties.

This is empirically proven – fracturing the middle caused Hitler

Michael Ignatieff, Carr professor of human rights at Harvard, ‘4 *Lesser Evils* p. 65-6

This is not to deny that the Weimar constitution suffered from weaknesses. It was both too democratic—allowing fringe parties with no commitment to constitutionalism—and too authoritarian. Article 48 of the constitution vested the president with dictatorial powers to repel terrorist political violence. By granting its president so much power, the constitution enabled an unscrupulous leader like Hitler to maneuver into a dictatorship by constitutional means. Yet without these executive powers Weimar would never have survived as long as it did. Stresemann used presidential decree to bring German hyperinflation under control, and his success paved the way for the political stability of the late 1920s. A more serious defect of the Weimar constitution was that it allowed political participation by parties, like the Nazis, that made no secret of their desire to establish a dictatorship. Beyond the weaknesses in the constitution, as Richard J. Evans has shown, the civil service, the judiciary, and the army were all holdovers from the Wilhelm regime and few gave the new regime their wholehearted support.20 By 1930, as Hitler began his rise to power, the Weimar state had lost both the will and the capability to challenge Nazi Brownshirts in the streets. Here the essential problem was not democratic constitutionalism itself, but rather the isolation and disunity of those charged with its defense. Faced with fascism on the right and totalitarianism on the left, the defenders of liberal constitutionalism splintered and collapsed. The Weimar example suggests that liberal democracy runs the greatest danger of digging its own grave when it faces a simultaneous extracon-stitutional challenge from the extreme Left and the extreme Right. This leaves liberals in the middle isolated and exposed, unable to sustain the unity necessary to take firm measures against violence at both extremes.

### AT: metaphysical critiques are necessary

Their politics fail – isolating the aff from the government destroys its radical potential – it gets lost in mountains of academic work

Martin **Kramer**, editor of the Middle East Quarterly and past director of the Moshe Dayan Center for Middle Eastern and African Studies at Tel Aviv University, 20**01** "Ivory Towers on Sand: The Failure of Middle Eastern Studies in America" The Washington Institute for Near East Policy

Even more humiliating to the guild was the growing prominence of in- dependent journalists and writers. Said had derided the journalists in Covering Islam, and a general contempt for them pervaded the academy. Rashid Khalidi, while president of MESA, vented a widespread resentment against the influence of journalists and writers. “[On the] level of policy and public discourse,” he wrote to MESA members, “we who actually know something about the Middle East, and have been there, and know the languages, are largely ignored, while ill-informed sensationalists like Steven Emerson and Robert D. Kaplan hog the headlines and grace the podiums of think-tanks and lecture halls.”12 In fact, many journalists were extremely well informed (and well travelled), and even controversial ones often unearthed impor- tant information. But whatever one thought of the journalists on Middle Eastern beats, their rise had been made easier by the deliberate refusal of academics to engage the press. Roger Owen personified this retreat. In the midst of another Middle East crisis, Owen found time to write a short piece—for an Egyptian weekly. There he rationalized his disengagement from the American debate. “Given the very narrow political parameters which govern any policy towards the Middle East,” he wrote, there was “little mileage to be gained by running campaigns to convince those in Washington.” As for the media, “journalists who try to find out my opinions are so ignorant themselves that I cannot reasonably trust any of them to report what I try to say correctly.” Owen’s conclusion? “It is better, for the moment, to spend my time with those of my students who are troubled and upset by both the crisis itself and by having to experience it here in these unfriendly surroundings. University teach-ins and workshops will follow.”13 (For the A. J. Meyer Professor of Middle East- ern History at Harvard, those “unfriendly surroundings” were these United States.) Countless academics made the same choice Owen did. It was much easier to huddle with student disciples, who constituted a subordinate class, indebted to and dependent on their professors in every conceivable way. Unlike journalists, they would hang on every word uttered by their mentors. After all, their careers might depend on it. The crisis in Middle Eastern studies arose partly from this self-imposed isolation, and the loss of an ability to communicate beyond the field—some- thing at which the pioneers of the field had excelled. The new guard, dancing to every new academic tune, found it ever more difficult to communicate with other Americans who had an interest in the region. Perhaps this was inevitable: the academics were intent upon winning legitimacy within the disci- plines, even if this dictated obeisance to the gods of theory and shunning the vulgar media. But the disciplines, it turned out, were not so easily appeased.

Their movement gets marginalized – it can’t even access small changes

Martin **Kramer**, editor of the Middle East Quarterly and past director of the Moshe Dayan Center for Middle Eastern and African Studies at Tel Aviv University, 20**01** "Ivory Towers on Sand: The Failure of Middle Eastern Studies in America" The Washington Institute for Near East Policy

By the mid-1990s, some leaders of the guild began to appreciate the damage they had done to the field by alienating themselves from policymakers. Rashid Khalidi was the first to realize the obvious: if academics could not make per- suasive cases in Washington, this would undermine their standing on campus. “If we have no clout in terms of policy-making,” he asked in 1994, “and can’t get our message across on that level, then how can we expect the state legis- lators, university trustees, potential funders, foundation officials and university administrators on whom our fate depends to listen to us?”64 “If we fail to get out of our rut,” Khalidi warned an assembled MESA that year, “our marginalization will spread beyond the current level of policy and public discourse, and will extend into our own cherished preserve of academia.”65 Philip Khoury, a savvy administrator raised inside the Beltway, reached a simi- lar conclusion in 1998: We must accept a higher degree of accountability than we have been used to and turn this accountability to our advantage by communicating effec- tively with the American public and the federal government about what we do and why it is important. We must leverage our position by utilizing, more than we have, traditional mechanisms of outreach such as writing opinion editorials and essays in national and local newspapers and magazines and lobbying our elected representatives and federal agencies.66 How did it come to pass that two presidents of MESA, both disciples of Edward Said, should be calling upon their colleagues—most of them dis- ciples of Said—to influence Washington policymaking, communicate effectively with the federal government, and lobby federal agencies? Said’s admirers, who were now the lords of Middle Eastern studies (and MESA), had begun to realize that they had undermined the crucial foundations of external support for Middle Eastern studies. The federal subsidy for Middle Eastern studies came to several millions of taxpayer dollars annually. These subsidies paid for instructorships, student fellowships, outreach programs, and library resources. The designation of a center as a National Resource Center, in a nationwide competition, impressed provosts and deans and made it easier to attract funding from foundations. And the existence of these centers buttressed the standing of the field as a whole, creating openings at other institutions. To keep the funds flowing, both Khalidi and Khoury now believed that the field had to impress itself on Washington.

### 2nc at: law bad

‘Abandoning’ the law is impossible, but the attempt to do so produces ineffective social change

Orly Lobel, University of San Diego Assistant Professor of Law, 2007, The Paradox of Extralegal Activism: Critical Legal Consciousness and Transformative Politics,” 120 HARV. L. REV. 937, http://www.harvardlawreview.org/media/pdf/lobel.pdf

At first glance, the idea of opting out of the legal sphere and moving to an extralegal space using alternative modes of social activism may seem attractive to new social movements. We are used to thinking in binary categories, constantly carving out different aspects of life as belonging to different spatial and temporal spheres. Moreover, we are attracted to declarations about newness — new paradigms, new spheres of action, and new strategies that are seemingly untainted by prior failures.186 However, the critical insights about law’s reach must not be abandoned in the process of critical analysis. Just as advocates of a laissez-faire market are incorrect in imagining a purely private space free of regulation, and just as **the “state” is not a single organism but a multiplicity of** legislative, administrative, and judicial **organs**, “nonstate arenas” are dispersed, multiple, and constructed. **The focus on action in a separate sphere broadly defined as civil society can be** self-defeatingprecisely because **it conceals the many ways in which law continues to play a crucial role** in all spheres of life. Today, the lines between private and public functions are increasingly blurred, forming what Professor Gunther Teubner terms “polycorporatist regimes,” a symbiosis between private and public sectors.187 Similarly, new economic partnerships and structures blur the lines between for-profit and nonprofit entities.188 Yet much of the current literature on the limits of legal reform and the crisis of government action is built upon a privatization/regulation binary, particularly with regard to social commitments, paying little attention to how the background conditions of a privatized market can sustain or curtail new conceptions of the public good.189 In the same way, legal scholars often emphasize sharp shifts between regulation and deregulation, overlooking the continuing presence of legal norms that shape and inform these shifts.190 These false dichotomies should resonate well with classic cooptation analysis, which shows how social reformers overestimate the possibilities of one channel for reform while crowding out other paths and more complex alternatives. Indeed, in the contemporary extralegal climate, and contrary to the conservative portrayal of federal social policies as harmful to the nonprofit sector, voluntary associations have flourished in mutually beneficial relationships with federal regulations.191 A dichotomized notion of a shift between spheres — between law and informalization, and between regulatory and nonregulatory schemes — therefore neglects the ongoing possibilities within the legal system to develop and sustain desired outcomes and to eliminate others. The challenge for social reform groups and for policymakers today is to identify the diverse ways in which some legal regulations and formal structures contribute to socially responsible practices while others produce new forms of exclusion and inequality. Community empowerment requires ongoing government commitment.192 In fact, the most successful communitybased projects have been those which were not only supported by public funds, but in which public administration also continued to play some coordination role.193 At both the global and local levels, with the growing enthusiasm around the proliferation of new norm-generating actors, many envision a nonprofit, nongovernmental organization–led democratization of new informal processes.194 Yet this Article has begun to explore the problems with some of the assumptions underlying the potential of these new actors. Recalling the unbundled taxonomy of the cooptation critique, it becomes easier to identify the ways extralegal activism is prone to problems of fragmentation, institutional limitation, and professionalization. Private associations, even when structured as nonprofit entities, are frequently undemocratic institutions whose legitimacy is often questionable.195 There are problematic structural differences among NGOs, for example between Northern and Southern NGOs in international fora, stemming from asymmetrical resources and funding,1 9 6 and between large foundations and struggling organizations at the national level. Moreover, direct regulation of private associations is becoming particularly important as the roles of nonprofits increase in the new political economy. Scholars have pointed to the fact that nonprofit organizations operate in many of the same areas as for-profit corporations and government bureaucracies.197 This phenomenon raises a wide variety of difficulties, which range from ordinary financial corruption to the misrepresentation of certain partnerships as “nonprofit” or “private.”198 Incidents of corruption within nongovernmental organizations, as well as reports that these organizations serve merely as covers for either for-profit or governmental institutions, have increasingly come to the attention of the government and the public.199 Recently, for example, the IRS revoked the tax-exempt nonprofit status of countless “credit counseling services” because these firms were in fact motivated primarily by profit and not by the notfor-profit cause of helping consumers get out of debt.200 Courts have long recognized that the mere fact that an entity is a nonprofit does not preclude it from being concerned about raising cash revenues and maximizing profits or affecting competition in the market.201 In the application of antitrust laws, for example, almost every court has rejected the “pure motives” argument when it has been put forth in defense of nonprofits.202 Moreover, akin to other sectors and arenas, nongovernmental organizations — even when they do not operate within the formal legal system — frequently report both the need to fit their arguments into the contemporary dominant rhetoric and strong pressures to subjugate themselves in the service of other negotiating interests. This is often the case when they appear before international fora, such as the World Bank and the World Trade Organization, and each of the parties in a given debate attempts to look as though it has formed a well-rounded team by enlisting the support of local voluntary associations.203 One NGO member observes that “when so many different actors are drawn into the process, there is a danger that our demands may be blunted . . . . Consequently, we may end up with a ‘lowest common denominator’ which is no better than the kind of compromises the officials and diplomats engage in.”204 Finally, local NGOs that begin to receive funding for their projects from private investors report the limitations of binding themselves to other interests. Funding is rarely unaccompanied by requirements as to the nature and types of uses to which it is put.205 These concessions to those who have the authority and resources to recognize some social demands but not others are indicative of the sorts of institutional and structural limitations that have been part of the traditional critique of cooptation. In this situation, local NGOs become dependent on players with greater repeat access and are induced to compromise their initial vision in return for limited victories. The concerns about the nature of both civil society and nongovernmental actors illuminate the need to reject the notion of avoiding the legal system and opting into a nonregulated sphere of alternative social activism. When we understand these different realities and processes as also being formed and sustained by law, we can explore new ways in which legality relates to social reform. Some of these ways include efforts to design mechanisms of accountability that address the concerns of the new political economy. Such efforts include treating private entities as state actors by revising the tests of joint participation and public function that are employed in the state action doctrine; extending public requirements such as nondiscrimination, due process, and transparency to private actors; and developing procedural rules for such activities as standard-setting and certification by private groups.206 They may also include using the nondelegation doctrine to prevent certain processes of privatization and rethinking the tax exemption criteria for nonprofits.207 All of these avenues understand the law as performing significant roles in the quest for reform and accountability while recognizing that new realities require creative rethinking of existing courses of action. **Rather than opting out of the legal arena, it is possible to accept the need to** diversify modes of activism and legal categories while **using legal reform in ways that are responsive to new realities**. Focusing on function and architecture, rather than on labels or distinct sectors, requires legal scholars to consider the desirability of new legal models of governmental and nongovernmental partnerships and of the direct regulation of nonstate actors. In recent years, scholars and policymakers have produced **a body of literature**, rooted primarily in administrative law, describing ways in which the government can harness the potential of private individuals to contribute to the project of governance.208 These new insights develop the idea that administrative agencies must be cognizant of, and actively involve, the private actors that they are charged with regulating. These studies, in fields ranging from occupational risk prevention to environmental policy to financial regulation, draw on the idea that groups and individuals will better comply with state norms once they internalize them.209 For example, in the context of occupational safety, there is a growing body of evidence that focusing on the implementation of a culture of safety, rather than on the promulgation of rules, can enhance compliance and induce effective self-monitoring by private firms.210 Consequently, social activists interested in improving the conditions of safety and health for workers should advocate for the involvement of employees in cooperative compliance regimes that involve both top-down agency regulation and firmand industry-wide risk-management techniques. Importantly, in all of these new models of governance, the government agency and the courts must preserve their authority to discipline those who lack the willingness or the capacity to participate actively and dynamically in collaborative governance. Thus, unlike the contemporary message regarding extralegal activism that privileges private actors and nonlegal techniques to promote social goals, the new governance scholarship is engaged in developing a broad menu of legal reform strategies that involve private industry and **nongovernmental actors** in a variety of ways while maintaining the necessary role of the state to aid weaker groups in order to promote overall welfare and equity. **A responsive legal architecture has the potential to generate new forms of accountability and social responsibility and to link hard law with “softer” practices and normativities**. **Reformers can** potentially **use law to increase the power and access of vulnerable individuals and groups and to develop tools to increase fair practices and knowledge building** within the new market.

# 1nr

### 2nc impact

Their Aff is about “war everywhere”—the K STRAIGHT TURNS THAT—Heres a quote from Borg:

In pure war cultures—that is, in cultures that enact a perpetual preparation for war—the notion of peace is itself a defensive fantasy, although to survive psychically we distract ourselves from such frightening stimuli as widespread terrorist activities and other events that demonstrate our pure war status. Pure war obliterates the distinction between soldier and citizen. We have all been drafted. According to Virilio and Lotringer, "All of us are already civilian soldiers, without knowing it...War happens everywhere, but we no longer have the means of recognizing it" (42)

Also turns environment

Downey et al ’10 (Liam Downey is an associate professor of sociology at the University of Colorado at Boulder, “Natural Resource Extraction, Armed Violence, and Environmental Degradation,” Organization Environment 2010 23: 417, <http://oae.sagepub.com/content/23/4/417>)

The evidence presented in this article clearly demonstrates that armed violence is associated with the extraction of many critical and noncritical natural resources, suggesting quite strongly that the natural resource base upon which industrial societies stand is constructed in large part through the use and threatened use of armed violence. The evidence also demonstrates that when armed violence is used to protect resource extraction activities, it is often employed in response to popular protest or rebellion against these activities. These findings, and the theoretical model set forth in this article, extend prior sociological thinking and research on the environment in several impor- tant ways. First, as we previously noted, very few environmental sociologists have examined armed violence and militarism, and those that have done so have generally restricted their atten- tion to the direct environmental consequences of weapons production, military activity, and war. Thus, this article establishes more clearly than prior environmental sociology research the degree to which armed violence **underpins** the current **ecological crisis**. Second, in identifying armed violence as an important mechanism promoting ecological unequal exchange, and theorizing that armed violence works in concert with other institutional, organizational, ideological, legal, and technological mechanisms to ensure core nation access to and control over vital natural resources, this study contributes to the literature on ecological unequal exchange, which has focused more attention on establishing the existence of ecological unequal exchange than on identifying the mechanisms responsible for it. Third, this article helps demonstrate that much of the armed violence associated with natural resource extraction is carried out by developing nation governments, mercenaries, and rebels. It also offers a theoretical argument for why developing nations are likely to use armed violence to achieve their resource extraction goals even when doing so promotes ecological unequal exchange and the continued domination of these nations by core nations.19 Thus, this article (a) provides a rationale for why developing nation governments sometimes use armed violence to achieve res- ource extraction goals that contradict their long term interests and (b) suggests that core nations and corporations are able to distance themselves from many violent actions that benefit them, actions that they might otherwise have to take themselves. The ability of core nations and corporations to distance themselves from extraction-related violence is potentially important because it likely allows these nations and corporations to divert blame for this violence (and the human rights abuses associated with it) away from themselves and to present their control over natural resources as the legitimate product of a just and rational world market. As a result, extraction-related armed violence carried out by developing nations may often help to legitimate core nations, core nation corporations, international trade and finance institutions, and the global economic order by stigmatizing developing nations and disas- sociating core nations, core nation corporations, and the institutions they control from the violent underpinnings of the global extractive industry.20 Clearly, more work needs to be done to fully substantiate these claims as well as many of the theoretical claims we make in the article. Nevertheless, as we state in the introduction, our goal in this article was not to empirically examine all of our theoretical claims. Instead, our goal was fourfold: to develop a new theoretical argument that links natural resource extraction, raw material transport, and environmental degradation to armed violence; to demonstrate that this link is theoretically and substantively important; to begin filling in the gaps in the ecological unequal exchange and environmental sociology literatures that we identified in our literature review; and to demonstrate that armed violence plays a critical role in facilitating natural resource extraction, **without which** ecological unequal exchange could not occur and much environmental degradation **would not occur**. We have, therefore, achieved the goals we set for ourselves at the begin- ning of the article. More importantly, when one combines the evidence presented in this article with prior sociological research on ecological unequal exchange and the direct environmental consequences of armed violence, militarism, and war, it quickly becomes apparent that armed violence and the environmental degradation associated with it **are intimately woven into the everyday lives of core nation citizens** through the purchases they make and the fuels they consume.21 It also becomes apparent that **armed violence is a key driver of the global ecological crisis** and that this is likely the case because other key drivers of natural resource exploitation, such as the IMF, World Bank, WTO, and global marketplace, **cannot**, on their own, guarantee core nation access to and control over vital natural resources. This, of course, suggests that armed violence is a serious environmental problem regardless of whether, in any specific instance, it is used, threatened, or merely implied. It also suggests that environmentalists and environmental sociologists have to examine and address armed violence and other resource extraction mechanisms simultaneously and in concert with other macro- and micro-level drivers of ecological degradation if they are to fully understand and solve the global ecological crisis. In addition, because the effective use of armed violence is predicated on the existence of inequality and power differences between social groups and/or nations, it further suggests that inequality and power are key drivers of environmental degradation. This claim is, of course, consistent with much environmental sociology research. Finally, it suggests that the IMF, World Bank, WTO, and global marketplace are violent institutions not just in their effects but also because they require the use and threatened use of armed violence (by others) to achieve their resource extraction and related capital accumulation goals. This has important implications not only for environmental sociology but also for the study of globalization, markets, and the inter- national trade and finance institutions that undergird the global economy.

Rhetoric militarizes even the smallest aspects of society – creates rampant structural warfare

Graham ‘6 (Stephen, Prof. of Cities and Society @ Newcastle U., “Urban metabolism as target: Contemporary war as forced demodernization” In The Nature Of Cities: Urban Political Ecology and The Politics Of Urban Metabolism, pp. 250)

CONCLUSION

Infrastructure—the boring stuff that binds us all—is not irrelevant to the business of fighting terrorism. It is the foundation of our future security. (Klein 200:23)

Three conclusions are evident from this chapter. The first is that the everyday systems of urban infrastructure upon which all urbanites continuously depend have now become central sites of geopolitical struggle. From the 9/11, Madrid, and London terrorist attacks; through the (still largely chimerical) discourses of cyberterror; to the central place of forced demodernization within contemporary US and Israeli military doctrine: the ability to use, and pervert, everyday urban technics through political violence has become a driving force in contemporary political strategy. Forcibly destroying or manipulating the complex connectivities that urban technics sustain, the doctrines of both terrorists and state military theorists increasingly centre on the coercive powers of forced demodernization. Given the central role of urban infrastructures in mediating processes of urban metabolism—in allowing Nature to be continually metabolized into Society and Culture—the effects of such targeting, whilst usually less obvious than those of bombing—are dramatic and deadly.

The proliferation of state infrastructural violence, in particular, forces us to reconsider the very notion of war. It suggests that potentially boundless and continuous landscapes of conflict, risk and unpredictable attack are currently emerging, as the everyday technics of urban life that are so usually taken for granted and ignored become key geopolitical sites through their use as mechanisms for the projection of organized, structural demodernization. Increasingly, such interventions are occurring from a distance, as the infrastructural connections themselves become the site either of violence (as with 9/11, the Madrid bombs, “cyber-terror”, and state-backed “computer network attack’) or demodernization (as with the systematic demodernizations in Kosovo, Iraq, and Palestine). Indeed, there are signs that, in globalizing urban societies, which rely utterly and continuously on complex, multi-layered and often ignored technical systems, war becomes a strategy of deliberate “decyborganization” and demodernization through orchestrated assaults on everyday, networked technics (Luke 2004).

Such notions of war being literally “unleashed” from the boundaries of time and space—what Paul James has termed “metawar” (2003)—pushes a two-pronged doctrine to the centre of (particularly US) geopolitical strategy. On the one hand, **this centres on the defence of everyday “critical” infrastructures in the “homeland” through improving its “resilience” to attack and manipulation and re-inscribing national,and urban, borders that were previously becoming more and more porous** (Kaplan 2003). On the other, it involves the development of capabilities to systematically degrade, or at least control, the infrastructural connectivity, modernity, and geopolitical potential of the purported enemy, again, increasingly from afar. Such a strategy is, in essence:

war in the most general possible sense;war that reaches into the tiniest details of daily life, reengineering the most basic arrangements of travel and communications in a time when everyday life, in a mobile and interconnected society, is increasingly organized around these very arrangements. (Agre 2001:5)

The problem with such strategies, of course, is that they implicitly push for a deepening militarization of all aspects of contemporary urban societies. Everything from the design of subways, through the topology of water networks, to the thickness of aeroplane doors and the software that makes electricity systems work, **becomes a site of subtle militarization**. War, in this broadest sense, suggests Phil Agre (2001), becomes a continuous, distanciated event, without geographical limits, that is relaid live, 24/7, on TV and the Internet. Here domains of “war” blur into those of “peace”. Instead, replacing such binaried landscapes are continuous time-spaces dominated by discourses of “security”, which saturate, and militarize, the tiniest details of everyday urban life. Certainly, many US political and military elites are currently perpetuating such discourses of endless, boundless war as part of the construction of post 9/11 states of emergency and the so-called “war on terror” (Agamben 2002).

Our second conclusion is that the very real risk here is that **the “securitization” of network-based urban societies against this new notion of war becomes such an overpowering obsession that it is used to legitimize a re-engineering of the everyday systems that are purportedly now so exposed to the endless, sourceless, boundless threat**. There is already considerable evidence to support Agamben’s view that “security thus imposes itself as the basic principle of state activity” (2002:1). He even argues that the imperative of “security” is beginning to overwhelm other, historic functions of nation states that were built up over the nineteenth and twentieth centuries (such as social welfare, education, health, economic regulation, planning). “What used to be one among several decisive measures of public administration until the first half of the twentieth century”, suggests Agamben, “**now becomes the sole criterion of political legitimation”** (Agamben 2002:1).

Our final conclusion is that it is imperative that theorists and analysts of the geographies and geopolitics of contemporary warfare address the intersections of infrastructural warfare and forced demodernization with much more theoretical and empirical vigour than has thus been the case. As King and Martin suggest, “work in international relations in political science and related social science disciplines almost always ignores all but the most direct publichealth implications of military conflict” (2001:2). The realities of “war on public health”, and the geo-politics of state-backed efforts to ensure that entire societies endure the immiseration of what Agamben (1998) has called “bare life,” tend to be overwhelmingly ignored in social, political and media analyses of war. This is because both media and analytical attention tend to turn, capriciously, to the formal, mediatized, violence, and the most obvious “collateral” casualties of the “**next” war**. **The wider neglect of networked infrastructures in the social and political sciences compounds this systematic ignoring of state-backed infrastructural warfare** (Graham and Marvin 2001).

### link magnifier

The metaphor controls the framing of the aff

Oppermann and Spencer ’13 (Kai Oppermann, University of Cologne, and, Alexander Spencer Ludwig-Maximilians-University Munich, “Thinking Alike? Salience and Metaphor Analysis as Cognitive Approaches to Foreign Policy Analysis,” Foreign Policy Analysis (2013) 9, 39–56)

Essentially, the definition one adopts depends very much on what one considers metaphors capable of (Glucksberg 2001:3). While some may consider metaphors to be a purely rhetorical tool which simply replaces one word with another and serves little purpose but to make speech sound nice (Gozzi 1999:9; Beer and De Landtsheer 2004:5), others stress the cognitive process inherent in metaphor use. In particular, Lakoff and Johnson (1980) are among the most influential scholars in this respect as they have managed to export the study of metaphor from cognitive linguistics into other disciplines such as psychology, sociology, political science and FPA. For them, the ‘‘essence of metaphor is understanding and experiencing one kind of thing in terms of another.’’ (Lakoff and Johnson 1980:5) In their ground-breaking book Metaphors We Live By, they argue that metaphors structure the way people think and that the human con- ceptual system as such is fundamentally metaphorical. ‘‘[T]he way we think, what we experience and what we do everyday is very much a matter of metaphor’’ (1980:297).

In this sense, metaphors can be considered linguistic devices which influence and reflect the cognitive process of decision making by helping people to under- stand abstract events with the aid of more familiar concepts. As its origin in the subject of cognitive linguistics indicates, metaphors are both linguistic devices and **cognitive schemata**: on the one hand, they are linguistics devices that influ- ence the thought process by framing something in a particular way and on the other hand they are cognitive schemata which give an insight into the cognitive processes of the user.

Metaphors make humans understand one conceptual domain of experience in terms of another by projecting knowledge about the first familiar domain onto the second more abstract domain. Here, metaphors can be understood a ‘‘devices for simplifying and giving meaning to complex and bewildering sets of observations that evoke concern.’’ (Edelman 1971:65) Considering the well- known metaphor ‘‘war on terrorism’’, the central idea is that metaphors map a source domain, for example WAR, onto a target domain, for example TERROR- ISM, and thereby make the target domain appear in a new light (Spencer 2010). Metaphors involve a cognitive transference of something to something else.

### at: no spillover

Their rhetoric becomes so abstracted it leads to an actual call to arms

Stuart ‘11 (Susan, Professor, Valparaiso University School of Law, “WAR AS METAPHOR AND THE RULE OF LAW IN CRISIS: THE LESSONS WE SHOULD HAVE LEARNED FROM THE WAR ON DRUGS,” Southern Illinois University Law Journal, Vol. 36 2011)

Politicians and pundits have become immune to the ethics of war rhetoric. The rhetoric itself is violent, and it **breeds violence**. The forty years of the War on Drugs has demonstrated the success of militarized rhetoric to move this nation to action. It does not suggest the success of the war itself, but it demonstrated the power of the marketing tool. It allows pundits and politicians to avoid responsibility by saying: “Everybody does it.” The War on Drugs has damaged the American culture and it has damaged its democratic genius, the rule of law. But ultimately, it has made acceptable the idea of being at war with each other.

As the parable of the War on Drugs has taught the people of this nation, we will target specific enemies in the cause of an abstraction when impelled by metaphorical militarized rhetoric. Those enemies will not be protected by our rule of law. As these abstractions become less connected to facts and pragmatism, metaphorical rhetoric acquires the tenor of actual call to arms. The subtleties of the distinctions—even if those distinctions exist—are lost on the crowd that **no longer recognizes the moral implications of war**. Left to its own devices to preserve itself, the crowd will select enemies at random, targeting anybody who is not “us” to preserve itself. Gabrielle Giffords was specifically targeted in this Culture War. One can hardly argue that her shooting was coincidence or that mental instability is an intervening cause. Today’s pundits and politicians no longer have the moral sense to even see the connection. Maybe that blindness is the most horrifying result of the numbness we suffer from the forty-year drumbeat of the War on Drugs: “Regardless of how you try to explain to people it’s a ‘war on drugs’ or a ‘war on a product,’ people see a war as a war on them. . . . We’re not at war with people in this country.”231

Spills over outside the political sphere

Sánchez ’13 (Andrea Nill, J.D. Student @ Yale Law, “Mexico’s Drug “War”: Drawing a Line Between Rhetoric and Reality,” The Yale Journal of International Law Vol. 38, 2013)

This section focuses on demonstrating the extent to which war rhetoric has pervaded both U.S. and Mexican political discourse surrounding initiatives to combat Mexico ’ s drug cartels, motivating some public figures to push for transforming a metaphorical war into a literal armed conflict. “ Rhetoric has long been employed to persuade, even goad, people to action, ” Susan Stuart wrote in her piece on the effect of militaristic rhetoric on the United States ’ domestic “ war ” on drugs. 58 “ [T]oday ’ s increasing use of militaristic rhetoric by politicians and pundits goes beyond its metaphorical use as a war against an abstraction. Instead, use of such language is becoming literal, and that rhetorical shift matters, ” Stuart wr ote. 59 While Stuart ’ s research posits that **war rhetoric has “ identif[ied] fellow [United States] citizens as** enemies in a literal war, ” 60 her observations translate internationally as well. Another legal scholar has observed that the language of war “ has a **profound impact on how the law’s intervention is shaped,** or how the laws governing the transnational use of force are interpreted to accommodate a ‘ war. ’” 61 He posited that *w*ar and its rhetoric create legal norms and that the meaning of law is formed at the intersection of language and politics. 62 Put simply, “ the language of war shapes and creates the international legal norms governing the use of force. ” 63 **Outside of legal academia**, the late Wayne C. Booth — who dedicated his life to analyzing rhetoric — similarly pointed out that **war rhetoric is essentially the most influential form of political rhetoric that “ makes (and destroys) our realities.** ” 64 This is because political rhetoric is inherently aimed at changing present circumstances. 65 Linguist George Lakoff and philosopher Mark Johnson have maintained that **our conceptual system itself is metaphorical and that metaphors thus “ structure how we perceive, how we think, and what we do.** ” 66 Citing the rhetorical use of the term “ war, ” they note that the very acceptance of the war metaphor leads to certain inferences and also clears the way for political action. 67 Thus, the **examples** that follow in this section **should not be merely dismissed as insignificant rhetorical flourishes**. As Lackoff and Johnson warn, Metaphors may create realities for us, especially social realities. A metaphor may thus be a guide for future action. Such actions, will of course, fit the metaphor. This will, in turn, reinforce the power of the metaphor to make experience coherent. In this sense metaphors can be self fulfilling prophecies. 68

### turns case\*\*\*

War rhetoric renders dehumanizing constructions of the enemy invisible – makes violent otherization inevitable

Steuter and Wills ’10 (Erin Steuter and Deborah Wills, Mount Allison University, Sackville, New Brunswick, Canada“‘The vermin have struck again’: dehumanizing the enemy in post 9/11 media representations,” Media, War & Conflict 3(2) 152–167)

In times of conflict, language assumes a role of heightened importance. As scholars of propaganda observe, staging and sustaining a war often depend on the marshaling of public emotion that the **visceral impact** of propagandistic language can achieve. This language has little to do with disseminating information. Information is, at best, a distraction and, at worst, an impediment to propaganda’s fundamental work of focusing public attention and ensuring that emotion dominates and directs public discourse. In the so-called ‘war on terror’, as media critics are beginning to acknowledge, many of the classic techniques of propaganda have found an often unconscious but significant corollary in mainstream media’s framing of the conflict. This framing uncritically replicated the model proposed by the Bush administration and the American military, in which the September 11 attacks were depicted as initiating a retaliatory war on terror. Internationally and domestically, the martial framing that saturated public discourse and shaped government policy in the wake of the attacks is now being challenged. A related and equally ubiquitous component of public discourse, however, has yet to be identified and analyzed. This framing is as significant to media rhetoric and public perception as the dominant war on terror trope. It comprises a remarkably coherent and consistent set of metaphors which **represent the enemy as animals**, particularly noxious, verminous, or pestilential animals, or as diseases, especially spreading and metastatic diseases like cancers or viruses. This figurative language is prevalent across many forms of media including talk radio and editorial cartoons (Steuter and Wills, 2008). Often appearing in forms so overt one might think this language emerged from the most obvious forms of wartime propaganda, it has become a common feature of mainstream news headlines. By virtue of its sheer repetition it has come to seem invisible, and has garnered little analysis or critical notice even amid the growing disenchantment with the broader war metaphor. This article presents data gathered from 2001 to 2008 from a wide spectrum of mainstream newspapers from many countries; it demonstrates a **series of representations** that, we conclude, may lead to **serious consequences** that move from the realm of language to the realm of experience, and thus deserve and require analysis.

The language of public discourse in times of war, including the metaphors it draws on to support and sustain conflict, is not simply descriptive or expositional. It does not reveal an objective or pre-existing picture of ‘the enemy’. As theorists of enemy-construction from Philip Knightly (1975) to Edward Said (1997) to Debra Merskin (2004) agree, what is reflected in and created by language is not reality but construct, something conditioned and assembled, put together from fragments of information and observation and shaped by the contexts of their assembly. Therefore, through the metaphors we choose and reiterate, we ‘make’ enemies. History offers many fertile examples of how enemies are made into the Other, dragged symbolically backwards down the evolutionary ladder until they are no longer seen as human, but as insect or animal, germ or disease. **This dehumanization fuels the kind of prisoner abuse documented at Abu Ghraib, furthers the cycles of offense and retaliation, and binds the imagination into adversarial patterns that work against the creativity required to break free of the cyclical violence** central to the perpetuation of the war on terror. If metaphor is as crucial to our perception as this suggests, we need to pay close attention to the patterns of metaphor at work in public discourse. One such pattern is identifiable in media’s echoing of the US military’s linking of terrorism to infestation, cancer, corruption, and spreading decay. These images are historically resonant, echoing the language used by the Third Reich to dehumanize its hated Others, those disenfranchised from citizenship and ultimately from humanity itself. In the voice of a supposedly impartial media, we repeatedly detect a vocabulary that bypasses the objective and taps directly into the visceral. This language often expands in its application from encompassing individual agents to encompassing entire nations. This dehumanization of an entire group or race encourages an unconscious transformation, the imaginative transference that is metaphor’s chief function (Hawkes, 1972: 1), and by which entire populations are collectively stripped of their humanity.

### at: perm

Contradiction – we’ve impact turned the aff’s advocacy – any inclusion of it links.

All our links are reasons the perm fails—do the link debate here:

They say theres no link to the 1AC because theyre not saying anything about war—BLATANTLY FALSE—Cross Ex PROVES that what they are focused on is analogy between us and usfg—“war in the debate space”

Says that and then They talk about how we cant “gas them out” on framework!

The perm just pushes the two sides of the metaphor further apart – leads to violence

Kennedy ’09 (Victor Kennedy, Faculty of Education University of Maribor, “Intended Tropes and Unintended Metatropes in Reporting on the War in Kosovo,” METAPHOR AND SYMBOL, 15(4), 253–265)

Lakoff (1991) analyzed metaphors used by the Bush administration and reported by the media to encourage public support for the Gulf War. Lakoff (1991) argued that there are (a) **a fixed set of metaphors that structure the way people think;** (b) a set of definitions that allow us to apply such metaphors to a particular situation; and that, as a result, (c) use of a metaphor with a set of definitions can “hide realities in a harmful way.” From the various metaphors used by the Bush administration to support their policies, Lakoff induced the “Clausewitz metaphor,” which proposes that “WAR IS POLITICS” and “WAR IS BUSINESS,” leading to a cost–benefit analysis of war; the “STATE IS A PERSON” metaphor, which posits that “strength for a state is military strength” and suggests “war is a fight between two people”; and the “RULER-FOR-STATE METONYMY,” which allows characterization of an “aggressor as a bully” and an “intervener as a policeman” and **leads to “the fairy tale of the just war**,” in which there is a villain, a victim, and a hero: The villain commits a crime against the victim, who is then rescued by the hero. This gives rise to two related but contradictory scenarios, the “rescue scenario” and the “self-defense scenario.” Lakoff concluded that although these metaphors were successful in creating public support for the war, they were harmful because they hide the reality of the human costs of the war.

There are similarities between the 1991 Gulf War and the 1999 NATO bom- bardment of Kosovo and Serbia: In both, the United States led an alliance to inter- vene in a regional conflict, and in both, careful media preparation of public support to avoid Vietnam-style opposition was criticized by academics (e.g., Lakoff’s, 1991, and Rohrer’s, 1995, analysis of the Gulf War, and Chomsky’s, 1999, and Cooke’s, 1999, commentary on the bombing of Kosovo). This criticism leads to an awareness of some subtle issues regarding both media reporting and government briefings. During the Kosovo conflict, **each side represented itself as a defender**: The NATO alliance, led by the United States, claimed to be defending human rights, whereas Serbia claimed to be defending its historical homeland. Public sup- port for each position was solicited through news broadcasts; newspaper and magazine articles; and in a new development, commercial and private sites on the Internet, which began to pick up and publish e-mail from within Serbia. (Newspa- pers were quick to follow.) On the Serbian side, the media was directly govern- ment-controlled; dissenting broadcasters were quickly silenced (Duffy, 1999). On the NATO side, government control was more indirect, with information being disseminated mainly through U.S. State Department and NATO briefings. The myths and metaphors used by each side were less controlled than the facts, but each side’s media did report government-generated myths and metaphors**. Each side also presented the other’s media as biased**, **characterizing the other as the aggressor.** For example, Serbian television broadcast images of demonstrators waving placards denouncing “NATO Nazis,” whereas CNN broadcast Bill Clinton’s speeches comparing Slobodan Milosevic to Adolf Hitler.

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Even if they win their role of the ballot claim is normatively good – metaphors shape the way we conceive of that reality – comes first

Oppermann and Spencer ’13 (Kai Oppermann, University of Cologne, and, Alexander Spencer Ludwig Maximilians University Munich, “Thinking Alike? Salience and Metaphor Analysis as Cognitive Approaches to Foreign Policy Analysis,” Foreign Policy Analysis (2013) 9, 39–56)

Nevertheless, analogies are similar to metaphors as they involve understanding something in terms of something else (Gentner, Bowdle, Wolff, and Boronat 2001; Juthe 2005). As Keith Shimko (1994:660) points out, in ‘‘a purely cognitive sense, there is very little difference between analogies and metaphors. Indeed, because the dynamics of analogical and metaphorical thought are alike, many cognitive psychologists usually fail to distinguish between the two (not because they cannot, but because doing so is often unnecessary).’’ And despite the differ- ences, most scholars, especially in political science and IR, generally adopt a very broad definition of metaphor to include other linguistic devices such as analo- gies. In this sense, metaphor has become an ‘‘all-purpose connector term’’ (Gozzi 1999:55) for linguistic tools that focus on understanding something with the help of something else.

We should, however, distinguish between two kinds of metaphors: the meta- phoric expression and the conceptual metaphor. The conceptual metaphor, for exam- ple TERRORISM IS WAR, involves the abstract connection between one conceptual domain and another by mapping a source domain (WAR) and a tar- get domain (TERRORISM) (Lakoff 1993:208–209). Mapping in this case is a cog- nitive process which links ‘‘a set of systematic correspondences between the source and the target in the sense that constituent conceptual elements of B cor- respond to constituent elements of A.’’ (Ko ̈vecses 2002:6) ‘‘Thus, the conceptual metaphor makes us apply what we know about one area of our experience (source domain) to another area of our experience (target domain).’’ (Drula ́k 2005:3) Conceptual metaphors do not have to be explicitly visible in discourse. However, metaphorical expressions are directly visible and represent the specific statements found in statements which the conceptual metaphor draws on. ‘‘The conceptual metaphor represents the conceptual basis, idea or image’’ that underlies a set of metaphorical expressions (Charteris-Black 2004:9). So for example, metaphorical expressions describing Afghanistan as a ‘‘front’’ and Iraq as a ‘‘battlefield’’ in the ‘‘war on terror’’ indicate a more abstract conceptual metaphor of TERRORISM IS WAR (Spencer 2010).

The metaphorical formula A IS B applied to the conceptual metaphor men- tioned above is, however, not totally accurate as it suggests that the whole target domain is understood in terms of the whole source domain. However, this can- not be the case as concept A cannot be the same as concept B. The cognitive mapping between the two domains is only ever partial as not all characteristics of concept A are transferred to concept B. In fact, it is commonly accepted in the realm of metaphor analysis that through the use of metaphors ‘‘people make selective distinctions that, by highlighting some aspect of the phenomenon, down- play and hide other features that could give a different stance.’’ (Milliken 1996:221; emphasis original) They frame the target domain in a particular way and draw attention to certain aspects of a phenomenon and invite the listener or reader to think of one thing in the light of another**. Metaphors ‘‘limit what we notice, highlight what we do see, and provide part of the inferential structure that we reason with.’’** (Lakoff 1992:481) As Chilton and Lakoff point out, metaphors ‘‘are concepts that can be and often are acted upon. As such, they define in significant part, what one takes as ‘‘reality’’, and thus form the basis and the justification for the formulation of policy and its potential execution.’’ (Chilton and George 1999:57) Metaphors frame the way people define a phenomenon and thereby influence how they react to it: they limit and bias our perceived pol- icy choices as they determine basic assumptions and attitudes on which foreign policy decision making depends (Chilton 1996; Mio 1997; Milliken 1999).