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

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

Army Officer School ‘04

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

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

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

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

Ericson ‘03

(Jon M., Dean Emeritus of the College of Liberal Arts – California Polytechnic U., et al., The Debater’s Guide, Third Edition, p. 4)

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

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

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

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

The concept of simulations as an aspect of higher education, or in the law school environment, is not new.164 Moot court, after all, is a form of simulation and one of the oldest teaching devices in the law. What is new, however, is the idea of designing a civilian national security course that takes advantage of the doctrinal and experiential components of law school education and integrates the experience through a multi-day simulation. In 2009, I taught the first module based on this design at Stanford Law, which I developed the following year into a full course at Georgetown Law. It has since gone through multiple iterations.

The initial concept followed on the federal full-scale Top Official (“TopOff”) exercises, used to train government officials to respond to domestic crises.165 It adapted a Tabletop Exercise, designed with the help of exercise officials at DHS and FEMA, to the law school environment. The Tabletop used one storyline to push on specific legal questions, as students, assigned roles in the discussion, sat around a table and for six hours engaged with the material.

The problem with the Tabletop Exercise was that it was too static, and the rigidity of the format left little room, or time, for student agency. Unlike the government’s TopOff exercises, which gave officials the opportunity to fully engage with the many different concerns that arise in the course of a national security crisis as well as the chance to deal with externalities, the Tabletop focused on specific legal issues, even as it controlled for external chaos.

The opportunity to provide a more full experience for the students came with the creation of first a one-day, and then a multi-day simulation. The course design and simulation continues to evolve. It offers a model for achieving the pedagogical goals outlined above, in the process developing a rigorous training ground for the next generation of national security lawyers.166

A. Course Design

The central idea in structuring the NSL Sim 2.0 course **was to bridge the gap between theory and practice by conveying** doctrinal **material and** creating an alternative reality in which students would be forced to act upon legal concerns.167 The exercise itself is a form of problem-based learning, wherein students are given both agency and responsibility for the results. Towards this end, the structure must be at once bounded (directed and focused on certain areas of the law and legal education) and flexible (responsive to student input and decisionmaking).

Perhaps the most significant weakness in the use of any constructed universe is the problem of authenticity. Efforts to replicate reality will inevitably fall short. There is simply too much uncertainty, randomness, and complexity in the real world. One way to address this shortcoming, however, is through design and agency. The scenarios with which students grapple and the structural design of the simulation must reflect the national security realm, even as students themselves must make choices that carry consequences. Indeed, to some extent, student decisions themselves must drive the evolution of events within the simulation.168

Additionally, **while authenticity matters, it is worth noting that at some level the fact that the incident does not take place in a real-world setting can be a great advantage**. That is, the simulation creates an environment where students can make mistakes and learn from these mistakes – without what might otherwise be devastating consequences. It also allows instructors to develop multiple points of feedback to enrich student learning in a way that would be much more difficult to do in a regular practice setting.

NSL Sim 2.0 takes as its starting point the national security pedagogical goals discussed above. It works backwards to then engineer a classroom, cyber, and physical/simulation experience to delve into each of these areas. As a substantive matter, the course focuses on the constitutional, statutory, and regulatory authorities in national security law, placing particular focus on the interstices between black letter law and areas where the field is either unsettled or in flux.

A key aspect of the course design is that it retains both the doctrinal and experiential components of legal education. Divorcing simulations from the doctrinal environment risks falling short on the first and third national security pedagogical goals: (1) analytical skills and substantive knowledge, and (3) critical thought. A certain amount of both can be learned in the course of a simulation; however, the national security crisis environment is not well-suited to the more thoughtful and careful analytical discussion. What I am thus proposing is a course design in which doctrine is paired with the type of experiential learning more common in a clinical realm. The former precedes the latter, giving students the opportunity to develop depth and breadth prior to the exercise.

In order to capture problems related to adaptation and evolution, addressing goal [1(d)], the simulation itself takes place over a multi-day period. Because of the intensity involved in national security matters (and conflicting demands on student time), the model makes use of a multi-user virtual environment. The use of such technology is critical to creating more powerful, immersive simulations.169 It also allows for continual interaction between the players. Multi-user virtual environments have the further advantage of helping to transform the traditional teaching culture, predominantly concerned with manipulating textual and symbolic knowledge, into a culture where students learn and can then be assessed on the basis of their participation in changing practices.170 I thus worked with the Information Technology group at Georgetown Law to build the cyber portal used for NSL Sim 2.0.

The twin goals of adaptation and evolution require that students be given a significant amount of agency and responsibility for decisions taken in the course of the simulation. To further this aim, I constituted a Control Team, with six professors, four attorneys from practice, a media expert, six to eight former simulation students, and a number of technology experts. Four of the professors specialize in different areas of national security law and assume roles in the course of the exercise, with the aim of pushing students towards a deeper doctrinal understanding of shifting national security law authorities. One professor plays the role of President of the United States. The sixth professor focuses on questions of professional responsibility. The attorneys from practice help to build the simulation and then, along with all the professors, assume active roles during the simulation itself. Returning students assist in the execution of the play, further developing their understanding of national security law.

Throughout the simulation, the Control Team is constantly reacting to student choices. When unexpected decisions are made, professors may choose to pursue the evolution of the story to accomplish the pedagogical aims, or they may choose to cut off play in that area (there are various devices for doing so, such as denying requests, sending materials to labs to be analyzed, drawing the players back into the main storylines, and leaking information to the media).

A total immersion simulation involves a number of scenarios, as well as systemic noise, to give students experience in dealing with the second pedagogical goal: factual chaos and information overload. The driving aim here is to teach students how to manage information more effectively. Five to six storylines are thus developed, each with its own arc and evolution. To this are added multiple alterations of the situation, relating to background noise. Thus, unlike hypotheticals, doctrinal problems, single-experience exercises, or even Tabletop exercises, the goal is not to eliminate external conditions, but to embrace them as part of the challenge facing national security lawyers.

The simulation itself is problem-based, giving players agency in driving the evolution of the experience – thus addressing goal [2(c)]. This requires a realtime response from the professor(s) overseeing the simulation, pairing bounded storylines with flexibility to emphasize different areas of the law and the students’ practical skills. Indeed, each storyline is based on a problem facing the government, to which players must then respond, generating in turn a set of new issues that must be addressed.

The written and oral components of the simulation conform to the fourth pedagogical goal – the types of situations in which national security lawyers will find themselves. Particular emphasis is placed on nontraditional modes of communication, such as legal documents in advance of the crisis itself, meetings in the midst of breaking national security concerns, multiple informal interactions, media exchanges, telephone calls, Congressional testimony, and formal briefings to senior level officials in the course of the simulation as well as during the last class session. These oral components are paired with the preparation of formal legal instruments, such as applications to the Foreign Intelligence Surveillance Court, legal memos, applications for search warrants under Title III, and administrative subpoenas for NSLs. In addition, students are required to prepare a paper outlining their legal authorities prior to the simulation – and to deliver a 90 second oral briefing after the session.

To replicate the high-stakes political environment at issue in goals (1) and (5), students are divided into political and legal roles and assigned to different (and competing) institutions: the White House, DoD, DHS, HHS, DOJ, DOS, Congress, state offices, nongovernmental organizations, and the media. This requires students to acknowledge and work within the broader Washington context, even as they are cognizant of the policy implications of their decisions. They must get used to working with policymakers and to representing one of many different considerations that decisionmakers take into account in the national security domain.

Scenarios are selected with high consequence events in mind, to ensure that students recognize both the domestic and international dimensions of national security law. Further alterations to the simulation provide for the broader political context – for instance, whether it is an election year, which parties control different branches, and state and local issues in related but distinct areas. The media is given a particularly prominent role. One member of the Control Team runs an AP wire service, while two student players represent print and broadcast media, respectively. The Virtual News Network (“VNN”), which performs in the second capacity, runs continuously during the exercise, in the course of which players may at times be required to appear before the camera. This media component helps to emphasize the broader political context within which national security law is practiced.

Both anticipated and unanticipated decisions give rise to ethical questions and matters related to the fifth goal: professional responsibility. The way in which such issues arise stems from simulation design as well as spontaneous interjections from both the Control Team and the participants in the simulation itself. As aforementioned, professors on the Control Team, and practicing attorneys who have previously gone through a simulation, focus on raising decision points that encourage students to consider ethical and professional considerations. Throughout the simulation good judgment and leadership play a key role, determining the players’ effectiveness, with the exercise itself hitting the aim of the integration of the various pedagogical goals.

Finally, there are multiple layers of feedback that players receive prior to, during, and following the simulation to help them to gauge their effectiveness. The Socratic method in the course of doctrinal studies provides immediate assessment of the students’ grasp of the law. Written assignments focused on the contours of individual players’ authorities give professors an opportunity to assess students’ level of understanding prior to the simulation. And the simulation itself provides real-time feedback from both peers and professors. The Control Team provides data points for player reflection – for instance, the Control Team member playing President may make decisions based on player input, giving students an immediate impression of their level of persuasiveness, while another Control Team member may reject a FISC application as insufficient.

The simulation goes beyond this, however, focusing on teaching students how to develop (6) opportunities for learning in the future. Student meetings with mentors in the field, which take place before the simulation, allow students to work out the institutional and political relationships and the manner in which law operates in practice, even as they learn how to develop mentoring relationships. (Prior to these meetings we have a class discussion about mentoring, professionalism, and feedback). Students, assigned to simulation teams about one quarter of the way through the course, receive peer feedback in the lead-up to the simulation and during the exercise itself. Following the simulation the Control Team and observers provide comments. Judges, who are senior members of the bar in the field of national security law, observe player interactions and provide additional debriefing. The simulation, moreover, is recorded through both the cyber portal and through VNN, allowing students to go back to assess their performance. Individual meetings with the professors teaching the course similarly follow the event. Finally, students end the course with a paper reflecting on their performance and the issues that arose in the course of the simulation, develop frameworks for analyzing uncertainty, tension with colleagues, mistakes, and successes in the future.

B. Substantive Areas: Interstices and Threats

As a substantive matter, NSL Sim 2.0 is designed to take account of areas of the law central to national security. It focuses on specific authorities that may be brought to bear in the course of a crisis. The decision of which areas to explore is made well in advance of the course. It is particularly helpful here to think about national security authorities on a continuum, as a way to impress upon students that there are shifting standards depending upon the type of threat faced. One course, for instance, might center on the interstices between crime, drugs, terrorism and war. Another might address the intersection of pandemic disease and biological weapons. A third could examine cybercrime and cyberterrorism. **This is the most important determination, because the substance of the** doctrinal portion of the course and the **simulation follows from this decision**. For a course focused on the interstices between pandemic disease and biological weapons, for instance, preliminary inquiry would lay out which authorities apply, where the courts have weighed in on the question, and what matters are unsettled. Relevant areas might include public health law, biological weapons provisions, federal quarantine and isolation authorities, habeas corpus and due process, military enforcement and posse comitatus, eminent domain and appropriation of land/property, takings, contact tracing, thermal imaging and surveillance, electronic tagging, vaccination, and intelligence-gathering. The critical areas can then be divided according to the dominant constitutional authority, statutory authorities, regulations, key cases, general rules, and constitutional questions. **This**, then, **becomes a guide for the** doctrinal part of the **course, as well as the grounds on which the specific scenarios developed for the simulation** are based. The authorities, simultaneously, are included in an electronic resource library and embedded in the cyber portal (the Digital Archives) to act as a closed universe of the legal authorities needed by the students in the course of the simulation. Professional responsibility in the national security realm and the institutional relationships of those tasked with responding to biological weapons and pandemic disease also come within the doctrinal part of the course.

The simulation itself is based on five to six storylines reflecting the interstices between different areas of the law. The storylines are used to present a coherent, non-linear scenario that can adapt to student responses. Each scenario is mapped out in a three to seven page document, which is then checked with scientists, government officials, and area experts for consistency with how the scenario would likely unfold in real life.

For the biological weapons and pandemic disease emphasis, for example, one narrative might relate to the presentation of a patient suspected of carrying yersinia pestis at a hospital in the United States. The document would map out a daily progression of the disease consistent with epidemiological patterns and the central actors in the story: perhaps a U.S. citizen, potential connections to an international terrorist organization, intelligence on the individual’s actions overseas, etc. The scenario would be designed specifically to stress the intersection of public health and counterterrorism/biological weapons threats, and the associated (shifting) authorities, thus requiring the disease initially to look like an innocent presentation (for example, by someone who has traveled from overseas), but then for the storyline to move into the second realm (awareness that this was in fact a concerted attack). A second storyline might relate to a different disease outbreak in another part of the country, with the aim of introducing the Stafford Act/Insurrection Act line and raising federalism concerns. The role of the military here and Title 10/Title 32 questions would similarly arise – with the storyline designed to raise these questions. A third storyline might simply be well developed noise in the system: reports of suspicious activity potentially linked to radioactive material, with the actors linked to nuclear material. A fourth storyline would focus perhaps on container security concerns overseas, progressing through newspaper reports, about containers showing up in local police precincts. State politics would constitute the fifth storyline, raising question of the political pressures on the state officials in the exercise. Here, ethnic concerns, student issues, economic conditions, and community policing concerns might become the focus. The sixth storyline could be further noise in the system – loosely based on current events at the time. In addition to the storylines, a certain amount of noise is injected into the system through press releases, weather updates, private communications, and the like.

The five to six storylines, prepared by the Control Team in consultation with experts, become the basis for the preparation of scenario “injects:” i.e., newspaper articles, VNN broadcasts, reports from NGOs, private communications between officials, classified information, government leaks, etc., which, when put together, constitute a linear progression. These are all written and/or filmed prior to the exercise. The progression is then mapped in an hourly chart for the unfolding events over a multi-day period. All six scenarios are placed on the same chart, in six columns, giving the Control Team a birds-eye view of the progression.

C. How It Works

As for the nuts and bolts of the simulation itself, it traditionally begins outside of class, in the evening, on the grounds that national security crises often occur at inconvenient times and may well involve limited sleep and competing demands.171 Typically, a phone call from a Control Team member posing in a role integral to one of the main storylines, initiates play.

Students at this point have been assigned dedicated simulation email addresses and provided access to the cyber portal. The portal itself gives each team the opportunity to converse in a “classified” domain with other team members, as well as access to a public AP wire and broadcast channel, carrying the latest news and on which press releases or (for the media roles) news stories can be posted. The complete universe of legal authorities required for the simulation is located on the cyber portal in the Digital Archives, as are forms required for some of the legal instruments (saving students the time of developing these from scratch in the course of play). Additional “classified” material – both general and SCI – has been provided to the relevant student teams. The Control Team has access to the complete site.

For the next two (or three) days, outside of student initiatives (which, at their prompting, may include face-to-face meetings between the players), the entire simulation takes place through the cyber portal. The Control Team, immediately active, begins responding to player decisions as they become public (and occasionally, through monitoring the “classified” communications, before they are released). This time period provides a ramp-up to the third (or fourth) day of play, allowing for the adjustment of any substantive, student, or technology concerns, while setting the stage for the breaking crisis.

The third (or fourth) day of play takes place entirely at Georgetown Law. A special room is constructed for meetings between the President and principals, in the form of either the National Security Council or the Homeland Security Council, with breakout rooms assigned to each of the agencies involved in the NSC process. Congress is provided with its own physical space, in which meetings, committee hearings and legislative drafting can take place. State government officials are allotted their own area, separate from the federal domain, with the Media placed between the three major interests. The Control Team is sequestered in a different area, to which students are not admitted. At each of the major areas, the cyber portal is publicly displayed on large flat panel screens, allowing for the streaming of video updates from the media, AP wire injects, articles from the students assigned to represent leading newspapers, and press releases. Students use their own laptop computers for team decisions and communication.

As the storylines unfold, the Control Team takes on a variety of roles, such as that of the President, Vice President, President’s chief of staff, governor of a state, public health officials, and foreign dignitaries. Some of the roles are adopted on the fly, depending upon player responses and queries as the storylines progress. Judges, given full access to each player domain, determine how effectively the students accomplish the national security goals. The judges are themselves well-experienced in the practice of national security law, as well as in legal education. They thus can offer a unique perspective on the scenarios confronted by the students, the manner in which the simulation unfolded, and how the students performed in their various capacities.

At the end of the day, the exercise terminates and an immediate hotwash is held, in which players are first debriefed on what occurred during the simulation. Because of the players’ divergent experiences and the different roles assigned to them, the students at this point are often unaware of the complete picture. The judges and formal observers then offer reflections on the simulation and determine which teams performed most effectively.

Over the next few classes, more details about the simulation emerge, as students discuss it in more depth and consider limitations created by their knowledge or institutional position, questions that arose in regard to their grasp of the law, the types of decision-making processes that occurred, and the effectiveness of their – and other students’ – performances. Reflection papers, paired with oral briefings, focus on the substantive issues raised by the simulation and introduce the opportunity for students to reflect on how to create opportunities for learning in the future. The course then formally ends.172

Learning, however, continues beyond the temporal confines of the semester. Students who perform well and who would like to continue to participate in the simulations are invited back as members of the control team, giving them a chance to deepen their understanding of national security law. Following graduation, a few students who go in to the field are then invited to continue their affiliation as National Security Law fellows, becoming increasingly involved in the evolution of the exercise itself. This system of vertical integration helps to build a mentoring environment for the students while they are enrolled in law school and to create opportunities for learning and mentorship post-graduation. It helps to keep the exercise current and reflective of emerging national security concerns. And it builds a strong community of individuals with common interests.

CONCLUSION

The legal academy has, of late, been swept up in concern about the economic conditions that affect the placement of law school graduates. The image being conveyed, however, does not resonate in every legal field. It is particularly inapposite to the burgeoning opportunities presented to students in national security. That the conversation about legal education is taking place now should come as little surprise. Quite apart from economic concern is the traditional introspection that follows American military engagement. It makes sense: law overlaps substantially with political power, being at once both the expression of government authority and the effort to limit the same.

**The one-size fits all approach** currently **dominating the conversation in legal education, however, appears ill-suited to address the concerns raised** in the current conversation. **Instead of looking at law across the board, greater insight can be gleaned by looking at** the specific demands of the different fields themselves. This does not mean that the goals identified will be exclusive to, for instance, national security law, but it does suggest there will be greater nuance in the discussion of the adequacy of the current pedagogical approach.

With this approach in mind, I have here suggested six pedagogical goals for national security. For following graduation, students must be able to perform in each of the areas identified – (1) understanding the law as applied, (2) dealing with factual chaos and uncertainty, (3) obtaining critical distance, (4) developing nontraditional written and oral communication skills, (5) exhibiting leadership, integrity, and good judgment in a high-stakes, highly-charged environment, and (6) creating continued opportunities for self-learning. They also must learn how to integrate these different skills into one experience, to ensure that they will be most effective when they enter the field.

The problem with the current structures in legal education is that they fall short, in important ways, from helping students to meet these goals. Doctrinal courses may incorporate a range of experiential learning components, such as hypotheticals, doctrinal problems, single exercises, extended or continuing exercises, and tabletop exercises. These are important classroom devices. The amount of time required for each varies, as does the object of the exercise itself. But where they fall short is in providing a more holistic approach to national security law which will allow for the maximum conveyance of required skills. Total immersion **simulations**, which have not yet been addressed in the secondary literature for civilian education in national security law, may **provide an important way forward**. Such **simulations** also **cure shortcomings in other areas of experiential education**, such as clinics and moot court.

It is in an effort to address these concerns that I developed **the simulation model** above. NSL Sim 2.0 certainly is not the only solution, but it **does provide a** starting point for moving forward. The approach draws on the strengths of doctrinal courses and embeds a total immersion simulation within a course. **It makes use of technology and physical space to engage students in a multi-day exercise, in which** they are given agency and responsibility for their decision making, resulting in a steep learning curve. While further adaptation of this model is undoubtedly necessary, it suggests one potential direction for the years to come.

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

Steinberg and Freeley ‘13

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*Critical Thinking for Reasoned Decision Making*, Thirteen Edition

Debate is a means of settling differences, so there must be a controversy, a difference of opinion or a conflict of interest before there can be a debate. If everyone is in agreement on a feet or value or policy, there is no need or opportunity for debate; the matter can be settled by unanimous consent. Thus, for example, it would be pointless to attempt to debate "Resolved: That two plus two equals four,” because there is simply no controversy about this state­ment. Controversy is an essential prerequisite of debate. Where there is no clash of ideas, proposals, interests, or expressed positions of issues, there is no debate. Controversy invites decisive choice between competing positions. Debate cannot produce effective decisions without clear identification of a question or questions to be answered. For example, general argument may occur about the broad topic of illegal immigration. How many illegal immigrants live in the United States? What is the impact of illegal immigration and immigrants on our economy? What is their impact on our communities? Do they commit crimes? Do they take jobs from American workers? Do they pay taxes? Do they require social services? Is it a problem that some do not speak English? Is it the responsibility of employers to discourage illegal immigration by not hiring undocumented workers? Should they have the opportunity to gain citizenship? Does illegal immigration pose a security threat to our country? Do illegal immigrants do work that American workers are unwilling to do? Are their rights as workers and as human beings at risk due to their status? Are they abused by employers, law enforcement, housing, and businesses? How are their families impacted by their status? What is the moral and philosophical obligation of a nation state to maintain its borders? Should we build a wall on the Mexican border, establish a national identification card, or enforce existing laws against employers? Should we invite immigrants to become U.S. citizens? Surely you can think of many more concerns to be addressed by a conversation about the topic area of illegal immigration. Participation in this “debate” is likely to be emotional and intense. However, it is not likely to be productive or useful without focus on a particular question and identification of a line demarcating sides in the controversy. To be discussed and resolved effectively, controversies are best understood when seated clearly such that all parties to the debate share an understanding about the objec­tive of the debate. This enables focus on substantive and objectively identifiable issues facilitating comparison of competing argumentation leading to effective decisions. Vague understanding results in unfocused deliberation and poor deci­sions, general feelings of tension without opportunity for resolution, frustration, and emotional distress, as evidenced by the failure of the U.S. Congress to make substantial progress on the immigration debate. Of course, arguments may be presented without disagreement. For exam­ple, claims are presented and supported within speeches, editorials, and advertise­ments even without opposing or refutational response. Argumentation occurs in a range of settings from informal to formal, and may not call upon an audi­ence or judge to make a forced choice among competing claims. Informal dis­course occurs as conversation or panel discussion without demanding a decision about a dichotomous or yes/no question. However, by definition, debate requires "reasoned judgment on a proposition. The proposition is a statement about which competing advocates will offer alternative (pro or con) argumenta­tion calling upon their audience or adjudicator to decide. The proposition pro­vides focus for the discourse and guides the decision process. Even when a decision will be made through a process of compromise, it is important to iden­tify the beginning positions of competing advocates to begin negotiation and movement toward a center, or consensus position. It is frustrating and usually unproductive to attempt to make a decision when deciders are unclear as to what the decision is about. The proposition may be implicit in some applied debates (“Vote for me!”); however, when a vote or consequential decision is called for (as in the courtroom or in applied parliamentary debate) it is essential that the proposition be explicitly expressed (“the defendant is guilty!”). In aca­demic debate, the proposition provides essential guidance for the preparation of the debaters prior to the debate, the case building and discourse presented during the debate, and the decision to be made by the debate judge after the debate. Someone disturbed by the problem of a growing underclass of poorly educated, socially disenfranchised youths might observe, “Public schools are doing a terri­ble job! They' are overcrowded, and many teachers are poorly qualified in their subject areas. Even the best teachers can do little more than struggle to maintain order in their classrooms." That same concerned citizen, facing a complex range of issues, might arrive at an unhelpful decision, such as "We ought to do some­thing about this” or, worse, “It’s too complicated a problem to deal with." Groups of concerned citizens worried about the state of public education could join together to express their frustrations, anger, disillusionment, and emotions regarding the schools, but without a focus for their discussions, they could easily agree about the sorry state of education without finding points of clarity or potential solutions. A gripe session would follow. But if a precise question is posed—such as “What can be done to improve public education?”—then a more profitable area of discussion is opened up simply by placing a focus on the search for a concrete solution step. One or more judgments can be phrased in the form of debate propositions, motions for parliamentary debate, or bills for legislative assemblies, The statements "Resolved: That the federal government should implement a program of charter schools in at-risk communities” and “Resolved; That the state of Florida should adopt a school voucher program" more clearly identify specific ways of dealing with educational problems in a manageable form, suitable for debate. They provide specific policies to be investigated and aid discussants in identifying points of difference. This focus contributes to better and more informed decision making with the potential for better results. In aca­demic debate, it provides better depth of argumentation and enhanced opportu­nity for reaping the educational benefits of participation. In the next section, we will consider the challenge of framing the proposition for debate, and its role in the debate. To have a productive debate, which facilitates effective decision making by directing and placing limits on the decision to be made, the basis for argument should be clearly defined. If we merely talk about a topic, such as ‘"homeless­ness,” or “abortion,” Or “crime,” or “global warming,” we are likely to have an interesting discussion but not to establish a profitable basis for argument. For example, the statement “Resolved: That the pen is mightier than the sword” is debatable, yet by itself fails to provide much basis for dear argumen­tation. If we take this statement to mean *Iliad* the written word is more effec­tive than physical force for some purposes, we can identify a problem area: the comparative effectiveness of writing or physical force for a specific purpose, perhaps promoting positive social change. (Note that “loose” propositions, such as the example above, may be defined by their advocates in such a way as to facilitate a clear contrast of competing sides; through definitions and debate they “become” clearly understood statements even though they may not begin as such. There are formats for debate that often begin with this sort of proposition. However, in any debate, at some point, effective and meaningful discussion relies on identification of a clearly stated or understood proposition.) Back to the example of the written word versus physical force. Although we now have a general subject, we have not yet stated a problem. It is still too broad, too loosely worded to promote weII-organized argument. What sort of writing are we concerned with—poems, novels, government documents, web­site development, advertising, cyber-warfare, disinformation, or what? What does it mean to be “mightier" in this context? What kind of physical force is being compared—fists, dueling swords, bazookas, nuclear weapons, or what? A more specific question might be, “Would a mutual defense treaty or a visit by our fleet be more effective in assuring Laurania of our support in a certain crisis?” The basis for argument could be phrased in a debate proposition such as “Resolved: That the United States should enter into a mutual defense treaty with Laurania.” Negative advocates might oppose this proposition by arguing that fleet maneuvers would be a better solution. This is not to say that debates should completely avoid creative interpretation of the controversy by advo­cates, or that good debates cannot occur over competing interpretations of the controversy; in fact, these sorts of debates may be very engaging. The point is that debate is best facilitated by the guidance provided by focus on a particular point of difference, which will be outlined in the following discussion.

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

Steinberg and Freeley ‘13

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*Critical Thinking for Reasoned Decision Making*, Thirteen Edition

In the spring of 2011, facing a legacy of problematic U.S, military involvement in Bosnia, Iraq, and Afghanistan, and criticism for what some saw as slow sup­port of the United States for the people of Egypt and Tunisia as citizens of those nations ousted their formerly American-backed dictators, the administration of President Barack Obama considered its options in providing support for rebels seeking to overthrow the government of Muammar el-Qaddafi in Libya. Public debate was robust as the administration sought to determine its most appropriate action. The president ultimately decided to engage in an international coalition, enforcing United Nations Security Council Resolution 1973 through a number of measures including establishment of a no-fly zone through air and missile strikes to support rebels in Libya, but stopping short of direct U.S. intervention with ground forces or any occupation of Libya. While the action seemed to achieve its immediate objectives, most notably the defeat of Qaddafi and his regime, the American president received both criticism and praise for his mea­sured yet assertive decision. In fact, the past decade has challenged American leaders to make many difficult decisions in response to potentially catastrophic problems. Public debate has raged in chaotic environment of political division and apparent animosity, The process of public decision making may have never been so consequential or difficult. Beginning in the fall of 2008, Presidents Bush and Obama faced a growing eco­nomic crisis and responded in part with '’bailouts'' of certain Wall Street financial entities, additional bailouts of Detroit automakers, and a major economic stimu­lus package. All these actions generated substantial public discourse regarding the necessity, wisdom, and consequences of acting (or not acting). In the summer of 2011, the president and the Congress participated in heated debates (and attempted negotiations) to raise the nation's debt ceiling such that the U.S. Federal Govern­ment could pay its debts and continue government operations. This discussion was linked to a debate about the size of the exponentially growing national debt, gov­ernment spending, and taxation. Further, in the spring of 2012, U.S. leaders sought to prevent Iran from developing nuclear weapon capability while gas prices in the United States rose, The United States considered its ongoing military involvement in Afghanistan in the face of nationwide protests and violence in that country1 sparked by the alleged burning of Korans by American soldiers, and Americans observed the actions of President Bashir Al-Assad and Syrian forces as they killed Syrian citizens in response to a rebel uprising in that nation and considered the role of the United States in that action. Meanwhile, public discourse, in part generated and intensified by the cam­paigns of the GOP candidates for president and consequent media coverage, addressed issues dividing Americans, including health care, women's rights to reproductive health services, the freedom of churches and church-run organiza­tions to remain true to their beliefs in providing (or electing not to provide) health care services which they oppose, the growing gap between the wealthiest 1 percent of Americans and the rest of the American population, and continued high levels of unemployment. More division among the American public would be hard to imagine. Yet through all the tension, conflict was almost entirely ver­bal in nature, aimed at discovering or advocating solutions to growing problems. Individuals also faced daunting decisions. A young couple, underwater with their mortgage and struggling to make their monthly payments, considered walking away from their loan; elsewhere a college sophomore reconsidered his major and a senior her choice of law school, graduate school, or a job and a teenager decided between an iPhone and an iPad. Each of these situations called for decisions to be made. Each decision maker worked hard to make well-reasoned decisions. Decision making is a thoughtful process of choosing among a variety of options for acting or thinking. It requires that the decider make a choice. Life demands decision making. We make countless individual decisions every day. To make some of those decisions, we work hard to employ care and consider­ation: others scorn to just happen. Couples, families, groups of friends, and co­workers come together to make choices, and decision-making bodies from committees to juries to the U.S. Congress and the United Nations make deci­sions that impact us all. Every profession requires effective and ethical decision making, as do our school, community, and social organizations. We all engage in discourse surrounding our necessary decisions every day. To refinance or sell one’s home, to buy a high-performance SUV or an eco­nomical hybrid car, what major to select, what to have for dinner, what candi­date to vote for, paper or plastic, all present us with choices. Should the president deal with an international crisis through military invasion or diplomacy? How should the U.S. Congress act to address illegal immigration? Is the defendant guilty as accused? Should we watch The Daily Show or the ball game? And upon what information should I rely to make my decision? Certainly some of these decisions are more consequential than others. Which amendment to vote for, what television program to watch, what course to take, which phone plan to purchase, and which diet to pursue—all present unique challenges. At our best, we seek out research and data to inform our decisions. Yet even the choice of which information to attend to requires decision making. In 2006, Time magazine named YOU its "Person of the Year.” Congratulations! Its selection was based on the participation not of “great men” in the creation of his­tory, but rather on the contributions of a community of anonymous participants in the evolution of information. Through blogs, online networking, YouTube, Facebook, Twitter, Wikipedia, and many other “wikis," and social networking sites, knowledge and truth are created from the bottom up, bypassing the authoritarian control of newspeople, academics, and publishers. Through a quick keyword search, we have access to infinite quantities of information, but how do we sort through it and select the best information for our needs? Much of what suffices as information is not reliable, or even ethically motivated. The ability of every decision maker to make good, reasoned, and ethical deci­sions' relies heavily upon their ability to think critically. Critical thinking enables one to break argumentation down to its component parts in order to evaluate its relative validity and strength, And, critical thinking offers tools enabling the user to better understand the' nature and relative quality of the message under consider­ation. Critical thinkers are better users of information as well as better advocates. Colleges and universities expect their students to develop their critical thinking skills and may require students to take designated courses to that end. The importance and value of such study is widely recognized. The executive order establishing California's requirement states; Instruction in critical thinking is designed to achieve an understanding of the relationship of language to logic, which would lead to the ability to analyze, criticize and advocate ideas, to reason inductively and deductively, and to reach factual or judgmental conclusions based on sound inferences drawn from unambigu­ous statements of knowledge or belief. The minimal competence to be expected at the successful conclusion of instruction in critical thinking should be the ability to distinguish fact from judgment, belief from knowledge, and skills in elementary inductive arid deductive processes, including an under­standing of die formal and informal fallacies of language and thought. Competency in critical thinking is a prerequisite to participating effectively in human affairs, pursuing higher education, and succeeding in the highly com­petitive world of business and the professions. Michael Scriven and Richard Paul for the National Council for Excellence in Critical Thinking Instruction argued that the effective critical thinker: raises vital questions and problems, formulating them clearly and precisely; gathers and assesses relevant information, using abstract ideas to interpret it effectively; comes to well-reasoned conclusions and solutions, testing them against relevant criteria and standards; thinks open-mindedly within alternative systems of thought, recognizing, and assessing, as need be, their assumptions, implications, and practical con­sequences; and communicates effectively with others in figuring our solutions to complex problems. They also observed that critical thinking entails effective communication and problem solving abilities and a commitment to overcome our native egocentrism and sociocentrism,"1 Debate as a classroom exercise and as a mode of thinking and behaving uniquely promotes development of each of these skill sets. Since classical times, debate has been one of the best methods of learning and applying the principles of critical thinking. Contemporary research confirms the value of debate. One study concluded: The impact of public communication training on the critical thinking ability of the participants is demonstrably positive. This summary of existing research reaffirms what many ex-debaters and others in forensics, public speaking, mock trial, or argumentation would support: participation improves die thinking of those involved,2 In particular, debate education improves the ability to think critically. In a com­prehensive review of the relevant research, Kent Colbert concluded, "'The debate-critical thinking literature provides presumptive proof ■favoring a positive debate-critical thinking relationship.11'1 Much of the most significant communication of our lives is conducted in the form of debates, formal or informal, These take place in intrapersonal commu­nications, with which we weigh the pros and cons of an important decision in our own minds, and in interpersonal communications, in which we listen to argu­ments intended to influence our decision or participate in exchanges to influence the decisions of others. Our success or failure in life is largely determined by our ability to make wise decisions for ourselves and to influence the decisions of’ others in ways that are beneficial to us. Much of our significant, purposeful activity is concerned with making decisions. Whether to join a campus organization, go to graduate school, accept a job offer, buy a car or house, move to another city, invest in a certain stock, or vote for Garcia—these are just a few Of the thousands of deci­sions we may have to make. Often, intelligent self-interest or a sense of respon­sibility will require us to win the support of others. We may want a scholarship or a particular job for ourselves, a customer for our product, or a vote for our favored political candidate. Some people make decision by flipping a coin. Others act on a whim or respond unconsciously to “hidden persuaders.” If the problem is trivial—such as whether to go to a concert or a film—the particular method used is unimportant. For more crucial matters, however, mature adults require a reasoned methods of decision making. Decisions should be justified by good reasons based on accurate evidence and valid reasoning.

# K

Death and misfortune are inevitable. The joy of life comes in accepting things *as they are*. Plans to fix the world only destroy us spiritually

Slabbert, Taoist teacher and philosopher, ‘1

(Jos, “Tao Te Ching: How to Deal With Suffering,” http://www.taoism.net/theway/suffer.htm)

*If you open yourself to loss, you are at one with loss and you can accept it completely.*

This openness, a willingness and courage to face reality, is the only way to deal with suffering, particularly inescapable suffering. But the openness the poet is describing is more than just facing reality. It is facing reality in total harmony with the Tao:

*If you open yourself to the Tao, you are at one with the Tao and you can embody it completely.*

It is only when you "embody" the Tao that you can face suffering with true equanimity. You will then have the openness that insight into your own nature and the natural way of Tao brings you. The right approach to suffering is only possible when you have reduced your ego to a minimum. The less ego you have, the less you suffer. Facing death with unresolved agendas is a terrible form of suffering. You will have to let go of selfish interests and futile aims to concentrate on dealing with the moment.

It is the acceptance of the inevitable that makes suffering bearable.

*On his death bed,*

*his family mourning,*

*he is serene,*

*for he knows*

*Death,*

*like*

*Life,*

*is an illusion:*

*there is no beginning and no end.*

*There is only the endless flow of Tao.*

*The man of Tao has no fear,*

*for he walks with Tao.*

(The Tao is Tao, 154)

Agendas

*A good traveler has no fixed plans and is not intent upon arriving.*

(Chapter 27)

Plans, aims, objectives and agendas have become the routes of suffering for so many people, and not only the ambitious. Agendas often take spontaneity and joy out of life. In the process, many people have become bad travelers, concentrating only on their objectives, and arriving at their destinations only to find that even their destinations are not really worth the trouble.

Having no fixed plans? This does not sound like survival in a modern technological environment, does it? I mean, who but the extremely fortunate have the luxury of not having agendas running their lives? In most cases, one could justifiably point out, agendas are forced on you by your professional and familial obligations. You do not really have a choice, do you?

How could one then become a good traveler through life in this modern world? I think the key lies in the second line of the quotation. One should not be "intent upon arriving". You should adopt an attitude of detachment. The moment your aims become egocentric, your suffering increases. The less your own ego is involved, the less seriously you will take life, and the more you will enjoy the journey. It is easier said than done, though, particularly when the job you are doing seems to be devoid of meaning, and the activities on your agenda tedious. They might even go against what you truly believe.

It is clear. To become a good traveler in the modern world often entails more than just a change of attitude. It could also mean changing your life style, even your profession. It could mean taking risks in the process. But liberation has always been a risky undertaking, hasn’t it? People are willing to take risks for the most mundane things like profit and possession. Why not take a few risks when your spiritual progress is at stake? Truly good travelers often leave the beaten track and become masters of their own far more adventurous journeys.

Tampering with the world

*Do you want to improve the world? I don't think it can be done. The world is sacred. It can't be improved. If you tamper with it, you'll ruin it. If you treat it like an object, you'll lose it.*

(Chapter 29)

If anything, the Twentieth Century will be called the century of social engineering. Simplistic ideologies, like fascism, were used to try to change the world, with terrible consequences inducing suffering on a scale never seen before in the history of the human being. A savage economic system based on greed - capitalism - has ravaged the world.

Yet, the human being has not learnt from this. Still, politicians show their ignorance by tampering with the sacred. It is the age of management, that euphemistic word for manipulating society. It is still happening. What else are many political programs but tampering with the sacred and ruining it in the process? It is the source of endless suffering.

Forcing issues

*Whoever relies on the Tao in governing men doesn't try to force issues or defeat enemies by force of arms. For every force there is a counterforce. Violence, even well intentioned, always rebounds upon oneself. The Master does his job and then stops. He understands that the universe is forever out of control, and that trying to dominate events goes against the current of the Tao.*

(Chapter 30)

Understanding that the universe is out of control is the key to wisdom and patience. No amount of tampering with the universe will change this. In fact, the more we tamper with it, the more damage we will do.

No one knows what is good and bad. Reject the aff’s judgments, even if we lose all life on earth

Kirkland, professor of Asian religions and Taoism at the University of Georgia, ‘1

(Russell, “'Responsible Non-Action' in a Natural World: Perspectives from the Neiye, Zhuangzi, and Daode jing,” *Daoism and Ecology: Ways within a Cosmic Landscape*, http://kirkland.myweb.uga.edu/rk/pdf/pubs/ECO.pdf)

In the Taoist classic Huai-nan-tzu, one finds a famous story of a man who suddenly finds himself the unexpected owner of a new horse. His neighbors congratulate him on his good fortune, until his son falls from the horse and breaks his leg. The man's neighbors then act to console him on his bad fortune, until army conscriptors arrive and carry off all the able-bodied young men, leaving the injured young man behind as worthless. The lesson of the story is that when an event occurs, we are quick to judge it as fortunate or unfortunate, but our judgments are often mistaken, as later events often prove.6 And one of the most heavily stressed lessons of the Chuang-tzu is that humans quickly judge events on the basis of what we accept on the basis of simplistic assumptions — e.g., that life is inherently better than death — and that the wise person learns to question and discard such assumptions, and forego such judgments regarding events. When Chuang-tzu's wife died, Chuang-tzu does not argue that the world is a better place for her absence, or that his life is improved by his sudden new freedom. In fact, there is no issue in the passage of whether the world is better off with Chuang-tzu's wife alive or dead. The only issue in the passage is that people are born and that people later die, and to ignore that basic fact would display culpable stupidity. The very same lesson is impressed upon the reader of the previous passage, regarding the sudden transformation of a character's elbow. What we are taught in that passage is that life is a process of ineluctable change and transformation, and that humans would be profoundly wrong and clearly silly to object to such change. Another element of the lesson is that the nature of human life is not separate from, or other than, the nature of nonhuman life. When one says that "life is ineluctable change, and we must accept such change with serenity," one is speaking about "life" in such a way that it clearly involves the lives of individual humans just as fully as it involves the events that occur in the broader world, and vice versa. Imagine the story of the death of Chuang-tzu's wife involving, instead, the death of the species we call whooping cranes: Chuang-tzu would, in that case, patiently point out to his deeply caring but deeply shallow friend that he had indeed felt grief to see such beautiful birds come to their end, but had gone on to engage in appropriate rational reflection upon the nature of life, and had come to accept the transitory nature of all such creatures, just as in the present story Chuang-tzu had come to accept the transitory nature of his own spouse. If one must learn to accept with serenity the death of someone we love, someone without whose life our own life would have never been what it is, wouldn't the author urge us to accept that the death of some birds, birds that have never played a role in our lives the way that one's deceased spouse had done, is an event that we should accept with equanimity? If change catches up with us, even to the extent that the planet that we live on should become permanently devoid of all forms of life, the response of the author of these passages would logically be that such is the nature of things, and that crying over such a sudden turn of events would be very silly indeed, like a child crying over a spilt glass of milk, or the death of some easily replaceable goldfish. The only reason that a child cries over the death of a goldfish is that he or she has become irrationally attached to that creature as it exists in its present form, and has formed an immature sentimental bond to it. As adults, we appreciate the color and motion of fish in our aquaria, but seldom cry over the death of one of its inmates: we know very well that to cry over the death of such a fish would be silly and a sign of juvenile behavior. As our children grow, we teach them, likewise, never to follow their raw emotional responses, but rather to govern their emotions, and to learn to behave in a responsible manner, according to principles that are morally correct, whether or not they are emotionally satisfying. If, for instance, one were to see a driver accidentally run run over one's child or beloved, one's first instinct might be to attack the driver with a righteous fury, falsely equating emotional intensity and violent action with the responsible exercise of moral judgment. In general, we work to teach ourselves and each other not to respond in that way, to take a course of self-restraint, curbing emotion, lest it propel us into actions that will later, upon calm reflection, be revealed to have been emotionally satisfying but morally wrong. If I saw my child run down by a car, it might give me great emotional satisfaction to drag the driver from her car and beat her to death. But it might well turn out that she had in fact done nothing wrong, and had been driving legally and quite responsibly when a careless child suddenly ran into her path, giving her no time to stop or to evade the child. Because we have all learned that the truth of events is often not apparent to the parties that are experiencing them, we generally work to learn some degree of self-control, so that our immediate emotional reaction to events does not mislead us into a foolish course of action. Now if we take these facts and transfer them into our consideration of Chuang-tzu and Mencius on the riverbank, that episode should, logically, be read as follows. If Mencius feels an emotional urge to jump into the river to save the baby, his emotional response to the baby's presence there must be seen as immature and irresponsible. After all, one might muse, one never knows, any more than the man with the horse, when an event that seems fortunate is actually unfortunate, or vice versa. What if the baby in the water had been the ancient Chinese equivalent of Adolf Hitler, and the saving of young Adolf — though occasioned by the deepest feelings of compassion, and a deep-felt veneration for "life" — led to the systematic extermination of millionsof innocent men, women, and children? If one knew, in retrospect, that Hitler's atrocities could have been totally prevented by the simple moral act of refraining from leaping to save an endangered child, would one not conclude, by sound moral reasoning, that letting that particular baby drown would have represented a supremely moral act? How, Chuang-tzu constantly challenges us, how can we possibly know what course of action is truly justfied? What if, just for the sake of argument, a dreadful plague soon wipes out millions of innocent people, and the pathogen involved is soon traced back to an organism that had once dwelt harmlessly in the system of a certain species of bird, such as, for instance, the whooping crane? In retrospect, one can imagine, the afflicted people of the next century — bereft of their wives or husbands, parents or children — might curse the day when simple-minded do-gooders of the twentieth-century had brazenly intervened with the natural course of events and preserved the cursed specied of crane, thereby damning millions of innocents to suffering and death. We assume that such could never happen, that all living things are somehow inherently good to have on the planet, that saving the earthly existence of any life-form is somehow inherently a virtuous action. But our motivations in such cases are clearly, from a Taoist point of view, so shallow and foolish as to warrant no respect. If Mencius, or a sentimental modern lover of "life," were to leap into the river and save a floating baby, he or she would doubtless exult in his or her selfless act of moral heroism, deriving a sense of satisfaction from having done a good deed, and having prevented a terrible tragedy. But who can really know when a given event is truly a tragedy, or perhaps, like the horse that breaks a boy's leg, really a blessing in disguise. Since human wisdom, Chuang-tzu suggests, is inherently incapable of successfully comprehending the true meaning of events as they are happening, when can we ever truly know that our emotional urge to save babies, pretty birds, and entertaining sea-mammals is really an urge that is morally sound. The Taoist answer seems to be that we can never be sure, and even if the extinction of Chuangtzu's wife or of the whooping crane really brought no actual blessing to the world, such events are natural and proper in the way of life itself, and to bemoan such events is to show that one is no more insightful about life than a child who sentimentally cries over the loss of a toy, a glass of milk, a beloved pet, or even her mommy, run over by a drunken driver. The Taoist lesson seems, in this regard, to be the same in each case: things happen, and some things cause us distress because we attach ourselves sentimentally to certain people, objects, and patterns of life; when those people, objects, or patterns of life take a sudden or drastic turn into a very different direction, a mature and responsible person calms his or her irrational emotions, and takes the morally responsible course of simply accepting the new state of things.’

Alternative: Say yes

Kirkland, professor of Asian religions and Taoism at the University of Georgia, ‘96

(Russell, “The Book of the Way,” *Great Literature of the Eastern World*, http://kirkland.myweb.uga.edu/rk/pdf/pubs/DAODE.pdf)

Specifically, the Tao is humble, yielding, and non-assertive. Like a mother, it benefits others selflessly: it gives us all life and guides us safely through it, asking nothing in return. This altruistic emphasis of the Daode jing has seldom been noticed, but it is one of the most important lessons that it draws from the observation of the natural world. Water, for instance, is the gentlest and most yielding of all things, yet it can overcome the strongest substances, and cannot itself be destroyed. More importantly, however, water lives for others: it provides the basis of life for all things, and asks nothing in return. If we learn to live like water does, we will be living in accord with the Tao, and its Power (De) will carry us safely through life. Such a way of life is called wuwei, usually translated as "non-action." Wuwei means foregoing all activity intended to effect desired ends. Instead, one should follow one's natural course and allow all other things to do likewise, lest our willful interference disrupt things' proper flow. Few modern readers have ever grasped the full radicality of the ideal of wuwei. Many of us today (like the ancient Chinese Confucians and Mohists) look at the world and see things that we think need correcting. The Daode jing would actually have us do nothing whatsoever about them. The repeated phrase "do nothing, and nothing will be undone" admonishes us to trust the Tao -- the natural working of things -- and never to do anything about anything. Actually, such is the most that anyone can do, because the Tao -- as imperceptible as it is -- is the most powerful force in existence, and nothing can thwart its unceasing operation.

# Case Offense

## --War Powers DA

Executive war power primacy now—the plan flips that

Eric Posner, 9/3/13, Obama Is Only Making His War Powers Mightier, www.slate.com/articles/news\_and\_politics/view\_from\_chicago/2013/09/obama\_going\_to\_congress\_on\_syria\_he\_s\_actually\_strengthening\_the\_war\_powers.html

President Obama’s surprise announcement that he will ask Congress for approval of a military attack on Syria is being hailed as a vindication of the rule of law and a revival of the central role of Congress in war-making, even by critics. But all of this is wrong. Far from breaking new legal ground, President **Obama has reaffirmed the primacy of the executive** in matters of war and peace. The war powers of the presidency remain as mighty as ever. It would have been different if the president had announced that only Congress can authorize the use of military force, as dictated by the Constitution, which gives Congress alone the power to declare war. **That would have been** worthy of notice, **a reversal of the ascendance of executive power over Congress**. But the president said no such thing. He said: “I believe I have the authority to carry out this military action without specific congressional authorization.” Secretary of State John Kerry confirmed that the president “has the right to do that”—launch a military strike—“no matter what Congress does.” Thus, the president believes that the law gives him the option to seek a congressional yes or to act on his own. He does not believe that he is bound to do the first. He has merely stated the law as countless other presidents and their lawyers have described it before him. The president’s announcement should be understood as a political move, not a legal one. His motive is both self-serving and easy to understand, and it has been all but acknowledged by the administration. If Congress now approves the war, it must share blame with the president if what happens next in Syria goes badly. If Congress rejects the war, it must share blame with the president if Bashar al-Assad gases more Syrian children. The big problem for Obama arises if Congress says no and he decides he must go ahead anyway, and then the war goes badly. He won’t have broken the law as he understands it, but he will look bad. He would be the first president ever to ask Congress for the power to make war and then to go to war after Congress said no. (In the past, presidents who expected dissent did not ask Congress for permission.) People who celebrate the president for humbly begging Congress for approval also apparently don’t realize that his understanding of the law—that it gives him the option to go to Congress—maximizes executive power vis-à-vis Congress. If the president were required to act alone, without Congress, then he would have to take the blame for failing to use force when he should and using force when he shouldn’t. If he were required to obtain congressional authorization, then Congress would be able to block him. But if he can have it either way, he can force Congress to share responsibility when he wants to and avoid it when he knows that it will stand in his way.

That authority is key to prevent nuclear war

**Li ‘9**

Zheyao, J.D. candidate, Georgetown University Law Center, 2009; B.A., political science and history, Yale University, 2006. This paper is the culmination of work begun in the "Constitutional Interpretation in the Legislative and Executive Branches" seminar, led by Judge Brett Kavanaugh, “War Powers for the Fourth Generation: Constitutional Interpretation in the Age of Asymmetric Warfare,” 7 Geo. J.L. & Pub. Pol'y 373 2009 WAR POWERS IN THE FOURTH GENERATION OF WARFARE

A. The Emergence of Non-State Actors

Even as the quantity of nation-states in the world has increased dramatically since the end of World War II, the institution of the nation-state has been in decline over the past few decades. Much of this decline is the direct result of the waning of major interstate war, which primarily resulted from the introduction of nuclear weapons.122 The proliferation of nuclear weapons, and their immense capacity for absolute destruction, has ensured that conventional wars remain limited in scope and duration. Hence, "both the size of the armed forces and the quantity of weapons at their disposal has declined quite sharply" since 1945.123 At the same time, concurrent with the decline of the nation-state in the second half of the twentieth century, non-state actors have increasingly been willing and able to use force to advance their causes. In contrast to nation-states, who adhere to the Clausewitzian distinction between the ends of policy and the means of war to achieve those ends, non-state actors do not necessarily fight as a mere means of advancing any coherent policy. Rather, they see their fight as a life-and-death struggle, wherein the ordinary terminology of war as an instrument of policy breaks down because of this blending of means and ends.124 It is the existential nature of this struggle and the disappearance of the Clausewitzian distinction between war and policy that has given rise to a new generation of warfare. The concept of fourth-generational warfare was first articulated in an influential article in the Marine Corps Gazette in 1989, which has proven highly prescient. In describing what they saw as the modem trend toward a new phase of warfighting, the authors argued that: In broad terms, fourth generation warfare seems likely to be widely dispersed and largely undefined; the distinction between war and peace will be blurred to the vanishing point. It will be nonlinear, possibly to the point of having no definable battlefields or fronts. The distinction between "civilian" and "military" may disappear. Actions will occur concurrently throughout all participants' depth, including their society as a cultural, not just a physical, entity. Major military facilities, such as airfields, fixed communications sites, and large headquarters will become rarities because of their vulnerability; the same may be true of civilian equivalents, such as seats of government, power plants, and industrial sites (including knowledge as well as manufacturing industries). 125 It is precisely this blurring of peace and war and the demise of traditionally definable battlefields that provides the impetus for the formulation of a new. theory of war powers. As evidenced by Part M, supra, the constitutional allocation of war powers, and the Framers' commitment of the war power to two co-equal branches, was not designed to cope with the current international system, one that is characterized by the persistent machinations of international terrorist organizations, the rise of multilateral alliances, the emergence of rogue states, and the potentially wide proliferation of easily deployable weapons of mass destruction, nuclear and otherwise. B. The Framers' World vs. Today's World The Framers crafted the Constitution, and the people ratified it, in a time when everyone understood that the state controlled both the raising of armies and their use. Today, however, the threat of terrorism is bringing an end to the era of the nation-state's legal monopoly on violence, and the kind of war that existed before-based on a clear division between government, armed forces, and the people-is on the decline. 126 As states are caught between their decreasing ability to fight each other due to the existence of nuclear weapons and the increasing threat from non-state actors, it is clear that the Westphalian system of nation-states that informed the Framers' allocation of war powers is no longer the order of the day. 127 As seen in Part III, supra, the rise of the modem nation-state occurred as a result of its military effectiveness and ability to defend its citizens. If nation-states such as the United States are unable to adapt to the changing circumstances of fourth-generational warfare-that is, if they are unable to adequately defend against low-intensity conflict conducted by non-state actors-"then clearly [the modem state] does not have a future in front of it.' 128 The challenge in formulating a new theory of war powers for fourthgenerational warfare that remains legally justifiable lies in the difficulty of adapting to changed circumstances while remaining faithful to the constitutional text and the original meaning. 29 To that end, it is crucial to remember that the Framers crafted the Constitution in the context of the Westphalian system of nation-states. The three centuries following the Peace of Westphalia of 1648 witnessed an international system characterized by wars, which, "through the efforts of governments, assumed a more regular, interconnected character."' 130 That period saw the rise of an independent military class and the stabilization of military institutions. Consequently, "warfare became more regular, better organized, and more attuned to the purpose of war-that is, to its political objective."' 1 3' That era is now over. Today, the stability of the long-existing Westphalian international order has been greatly eroded in recent years with the advent of international terrorist organizations, which care nothing for the traditional norms of the laws of war. This new global environment exposes the limitations inherent in the interpretational methods of originalism and textualism and necessitates the adoption of a new method of constitutional interpretation. While one must always be aware of the text of the Constitution and the original understanding of that text, that very awareness identifies the extent to which fourth-generational warfare epitomizes a phenomenon unforeseen by the Framers, a problem the constitutional resolution of which must rely on the good judgment of the present generation. 13 Now, to adapt the constitutional warmarking scheme to the new international order characterized by fourth-generational warfare, one must understand the threat it is being adapted to confront. C. The Jihadist Threat The erosion of the Westphalian and Clausewitzian model of warfare and the blurring of the distinction between the means of warfare and the ends of policy, which is one characteristic of fourth-generational warfare, apply to al-Qaeda and other adherents of jihadist ideology who view the United States as an enemy. An excellent analysis of jihadist ideology and its implications for the rest of the world are presented by Professor Mary Habeck. 133 Professor Habeck identifies the centrality of the Qur'an, specifically a particular reading of the Qur'an and hadith (traditions about the life of Muhammad), to the jihadist terrorists. 134 The jihadis believe that the scope of the Qur'an is universal, and "that their interpretation of Islam is also intended for the entire world, which must be brought to recognize this fact peacefully if possible and through violence if not."' 135 Along these lines, the jihadis view the United States and her allies as among the greatest enemies of Islam: they believe "that every element of modern Western liberalism is flawed, wrong, and evil" because the basis of liberalism is secularism. 136 The jihadis emphasize the superiority of Islam to all other religions, and they believe that "God does not want differing belief systems to coexist."' 37 For this reason, jihadist groups such as al-Qaeda "recognize that the West will not submit without a fight and believe in fact that the Christians, Jews, and liberals have united against Islam in a war that will end in the complete destruction of the unbelievers.' 138 Thus, the adherents of this jihadist ideology, be it al-Qaeda or other groups, will continue to target the United States until she is destroyed. Their ideology demands it. 139 To effectively combat terrorist groups such as al-Qaeda, it is necessary to understand not only how they think, but also how they operate. Al-Qaeda is a transnational organization capable of simultaneously managing multiple operations all over the world."14 It is both centralized and decentralized: al-Qaeda is centralized in the sense that Osama bin Laden is the unquestioned leader, but it is decentralized in that its operations are carried out locally, by distinct cells."4 AI-Qaeda benefits immensely from this arrangement because it can exercise direct control over high-probability operations, while maintaining a distance from low-probability attacks, only taking the credit for those that succeed. The local terrorist cells benefit by gaining access to al-Qaeda's "worldwide network of assets, people, and expertise."' 42 Post-September 11 events have highlighted al-Qaeda's resilience. Even as the United States and her allies fought back, inflicting heavy casualties on al-Qaeda in Afghanistan and destroying dozens of cells worldwide, "al-Qaeda's networked nature allowed it to absorb the damage and remain a threat." 14 3 This is a far cry from earlier generations of warfare, where the decimation of the enemy's military forces would generally bring an end to the conflict. D. The Need for Rapid Reaction and Expanded Presidential War Power By now it should be clear just how different this conflict against the extremist terrorists is from the type of warfare that occupied the minds of the Framers at the time of the Founding. Rather than maintaining the geographical and political isolation desired by the Framers for the new country, today's United States is an international power targeted by individuals and groups that will not rest until seeing her demise. The Global War on Terrorism is not truly a war within the Framers' eighteenth-century conception of the term, and the normal constitutional provisions regulating the division of war powers between Congress and the President do not apply. Instead, this "war" is a struggle for survival and dominance against forces that threaten to destroy the United States and her allies, and the fourth-generational nature of the conflict, highlighted by an indiscernible distinction between wartime and peacetime, necessitates an evolution of America's traditional constitutional warmaking scheme. As first illustrated by the military strategist Colonel John Boyd, constitutional decision-making in the realm of war powers in the fourth generation should consider the implications of the OODA Loop: Observe, Orient, Decide, and Act. 44 In the era of fourth-generational warfare, quick reactions, proceeding through the OODA Loop rapidly, and disrupting the enemy's OODA loop are the keys to victory. "In order to win," Colonel Boyd suggested, "we should operate at a faster tempo or rhythm than our adversaries." 145 In the words of Professor Creveld, "[b]oth organizationally and in terms of the equipment at their disposal, the armed forces of the world will have to adjust themselves to this situation by changing their doctrine, doing away with much of their heavy equipment and becoming more like police."1 46 Unfortunately, the existing constitutional understanding, which diffuses war power between two branches of government, necessarily (by the Framers' design) slows down decision- making. In circumstances where war is undesirable (which is, admittedly, most of the time, especially against other nation-states), the deliberativeness of the existing decision-making process is a positive attribute. In America's current situation, however, in the midst of the conflict with al-Qaeda and other international terrorist organizations, the existing process of constitutional decision-making in warfare may prove a fatal hindrance to achieving the initiative necessary for victory. As a slow-acting, deliberative body, Congress does not have the ability to adequately deal with fast-emerging situations in fourth-generational warfare. Thus, in order to combat transnational threats such as al-Qaeda, the executive branch must have the ability to operate by taking offensive military action even without congressional authorization, because only the executive branch is capable of the swift decision-making and action necessary to prevail in fourth-generational conflicts against fourthgenerational opponents.

Bioterror causes extinction

Mhyrvold ‘13

Nathan, Began college at age 14, BS and Masters from UCLA, Masters and PhD, Princeton “Strategic Terrorism: A Call to Action,” Working Draft, The Lawfare Research Paper Series

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As horrible as this would be, such a pandemic is by no means the worst attack one can imagine, for several reasons. First, most of the classic bioweapons are based on 1960s and 1970s technology because the 1972 treaty halted bioweapons development efforts in the United States and most other Western countries. Second, the Russians, although solidly committed to biological weapons long after the treaty deadline, were never on the cutting edge of biological research. Third and most important, the science and technology of molecular biology have made enormous advances, utterly transforming the field in the last few decades. High school biology students routinely perform molecular-biology manipulations that would have been impossible even for the best superpower-funded program back in the heyday of biological-weapons research. The biowarfare methods of the 1960s and 1970s are now as antiquated as the lumbering mainframe computers of that era. Tomorrow’s terrorists will have vastly more deadly bugs to choose from. Consider this sobering development: in 2001, Australian researchers working on mousepox, a nonlethal virus that infects mice (as chickenpox does in humans), accidentally discovered that a simple genetic modification transformed the virus.10, 11 Instead of producing mild symptoms, the new virus killed 60% of even those mice already immune to the naturally occurring strains of mousepox. The new virus, moreover, was unaffected by any existing vaccine or antiviral drug. A team of researchers at Saint Louis University led by Mark Buller picked up on that work and, by late 2003, found a way to improve on it: Buller’s variation on mousepox was 100% lethal, although his team of investigators also devised combination vaccine and antiviral therapies that were partially effective in protecting animals from the engineered strain.12, 13 Another saving grace is that the genetically altered virus is no longer contagious. Of course, it is quite possible that future tinkering with the virus will change that property, too. Strong reasons exist to believe that the genetic modifications Buller made to mousepox would work for other poxviruses and possibly for other classes of viruses as well. Might the same techniques allow chickenpox or another poxvirus that infects humans to be turned into a 100% lethal bioweapon, perhaps one that is resistant to any known antiviral therapy? I’ve asked this question of experts many times, and no one has yet replied that such a manipulation couldn’t be done. This case is just one example. Many more are pouring out of scientific journals and conferences every year. Just last year, the journal Nature published a controversial study done at the University of Wisconsin–Madison in which virologists enumerated the changes one would need to make to a highly lethal strain of bird flu to make it easily transmitted from one mammal to another.14 Biotechnology is advancing so rapidly that it is hard to keep track of all the new potential threats. Nor is it clear that anyone is even trying. In addition to lethality and drug resistance, many other parameters can be played with, given that the infectious power of an epidemic depends on many properties, including the length of the latency period during which a person is contagious but asymptomatic. Delaying the onset of serious symptoms allows each new case to spread to more people and thus makes the virus harder to stop. This dynamic is perhaps best illustrated by HIV , which is very difficult to transmit compared with smallpox and many other viruses. Intimate contact is needed, and even then, the infection rate is low. The balancing factor is that HIV can take years to progress to AIDS , which can then take many more years to kill the victim. What makes HIV so dangerous is that infected people have lots of opportunities to infect others. This property has allowed HIV to claim more than 30 million lives so far, and approximately 34 million people are now living with this virus and facing a highly uncertain future.15 A virus genetically engineered to infect its host quickly, to generate symptoms slowly—say, only after weeks or months—and to spread easily through the air or by casual contact would be vastly more devastating than HIV . It could silently penetrate the population to unleash its deadly effects suddenly. This type of epidemic would be almost impossible to combat because most of the infections would occur before the epidemic became obvious. A technologically sophisticated terrorist group could develop such a virus and kill a large part of humanity with it. Indeed, terrorists may not have to develop it themselves: some scientist may do so first and publish the details. Given the rate at which biologists are making discoveries about viruses and the immune system, at some point in the near future, someone may create artificial pathogens that could drive the human race to extinction. Indeed, a detailed species-elimination plan of this nature was openly proposed in a scientific journal. The ostensible purpose of that particular research was to suggest a way to extirpate the malaria mosquito, but similar techniques could be directed toward humans.16 When I’ve talked to molecular biologists about this method, they are quick to point out that it is slow and easily detectable and could be fought with biotech remedies. If you challenge them to come up with improvements to the suggested attack plan, however, they have plenty of ideas. Modern biotechnology will soon be capable, if it is not already, of bringing about the demise of the human race— or at least of killing a sufficient number of people to end high-tech civilization and set humanity back 1,000 years or more. That terrorist groups could achieve this level of technological sophistication may seem far-fetched, but keep in mind that it takes only a handful of individuals to accomplish these tasks. Never has lethal power of this potency been accessible to so few, so easily. Even more dramatically than nuclear proliferation, modern biological science has frighteningly undermined the correlation between the lethality of a weapon and its cost, a fundamentally stabilizing mechanism throughout history. Access to extremely lethal agents—lethal enough to exterminate Homo sapiens—will be available to anybody with a solid background in biology, terrorists included.

# Case Defense

## --Ethics

They won’t be able to find the correct morality because their approach is too totalizing

**Badiou, 98** (Alain, Professor of Philosophy at the European Graduate School in Saas-Fee, Switzerland, *Ethics: An Essay on the Understanding of Evil,* 30-34)

The very idea of a consensual 'ethics', stemming from the general feeling provoked by the sight of atrocities, which replaces the 'old ideological divisions', is a powerful contributor to subjective resignation and acceptance of the status quo. For what every emancipatory project does, what every emergence of hitherto unknown possibilities does, is to put an end to consensus. How, indeed, could the incalculable novelty of a truth, and the hole that it bores in established knowledges, be inscribed in a situation without encountering resolute opposition? Precisely because a truth, in its invention, is the only thing that is for all, so it can actually be achieved only against dominant opinions, since these always work for the benefit of some rather than all. These privileged few certainly benefit from their position, their capital, their control of the media, and so on. But in particular, they wield the inert power of reality and time [de la realite et du temps] against that which is only, like every truth, the hazardous, precarious advent of a possibility of the Intemporal. As Mao Tse-tung used to say, with his customary simplicity: 'If you have an idea, one will have to split into two.' Yet ethics explicitly presents itself as the spiritual supplement of the consensus. The 'splitting into two' horrifies it (it smacks of ideology, it's passe . ..). Ethics is thus part of what prohibits any idea, any coherent project of thought, settling instead for overlaying unthought and anonymous situations with mere humanitarian prattle (which, as we have said, does not itself contain any positive idea of humanity). And in the same way, the 'concern for the other' signifies that it is not a matter -that it is never a matter -of prescribing hitherto unexplored possibilities for our situation, and ultimately for ourselves. The Law (human rights, etc.) is always already there. It regulates judgements and opinions concerning the evil that happens in some variable elsewhere. But there is no question of reconsidering the foundation of this 'Law', of going right back to the conservative identity that sustains it. As everyone knows, France -which, under Vichy, approved a law regulating the status of the Jews, and which at this very moment is voting to approve laws for the racial identification of an alleged internal enemy that goes by the name of 'illegal immigrant' [immigre clandestin]; France which is subjectively dominated by fear and impotence -is an 'island of law and liberty'. Ethics is the ideology of this insularity, and this is why it valorizes -throughout the world, and with the complacency of 'intervention' -the gunboats of Law. But by doing this, by everywhere promoting a domestic haughtiness and cowardly self-satisfaction, it sterilizes every collective gathering around a vigorous conception [pensee] of what can (and thus must) be done here and now. And in this, once again, it is nothing more than a variant of the conservative consensus. But what must be understood is that this resignation in the face of (economic) necessities is neither the only nor the worst component of the public spirit held together by ethics. For Nietzsche's maxim forces us to consider that every non-willing (every impotence) is shaped by a will to nothingness, whose other name is: death drive.

They result in guilty nihilism – not ethical solutions

**Murphy, 04** (Ann, Postdoctoral Fellow in the School of philosophy at the university of New South Wales, “The Political Significance of Shame,” Borderlands E-Journal, volume 3 Number 1, 2004)

2. The insistence on the ahistorical nature of responsibility is particularly obvious when one takes note of Shame is of interest as a political phenomenon to the degree that it signals cognisance of individual and collective responsibility. Knowing this, one should take note of the dangerous dismissal of guilt and shame in contemporary politics by both the right and the left. The right’s attack on guilt has frequently been couched in terms of the "bleeding heart liberal," whose attempts to be empathetic to others is condemned as a delusional and wrong-headed approach to issues of cultural difference. In an attempt to publicly undermine the efficacy of social policies such as welfare, the right has persisted in labelling the advocates of such policies "bleeding hearts," whose rational capacity for judgment has been clouded by their emotions. Allegedly, "bleeding hearts" cannot be trusted to rationally deliberate issues of politics. This line of argumentation is likely grounded in the belief that we inherit from Kant, and those who work in his wake, that justice in its proper sense is to be rendered via the avenues of reason, and not those of the heart. In this context, shame and guilt become problematic insofar as they hamper political rationality. 3. It would be disingenuous, however, to assign blame wholly to the political right. To be fair – and admittedly with a few notable exceptions – the discourse on shame has arguably suffered equal abuse at the hands of the left. While there is no disputing the claim that the right has frequently coopted the discourse on empathy in order to shirk certain social responsibilities, it is also the case that the left has demonstrated a marked reluctance to delve into the politics of collective guilt. Particularly amidst a theoretical landscape – inherited from Levinas and Derrida – that privileges the stranger, the foreigner, and the radically other, the worry surrounding guilt and shame is that there is something in the experience of these emotions that is perhaps narcissistic, indulgent, and even patronizing. In short, the fear of addressing shame and guilt is grounded in the worry that these emotions in the end only recuperate certain privileges. Shame and guilt are self-regarding emotions, and so one worries that they may detract from the genuine consideration of others and that at heart they are egoistic. Add to this the worry that guilt in and of its own right does not necessarily motivate concrete action, and one sees why even those with progressive political agendas express reticence regarding the issue of guilt, not simply in regard to the danger of appearing patronizing, but likewise out of suspicion regarding its efficacy in motivating action.

**1) Focus on extinction is ethical –** extinction would be enormously painful

**3) All lives infinitely valuable—only ethical option is maximizing number saved**

**Cummisky, 96** (David, professor of philosophy at Bates, Kantian Consequentialism, p. 131)

Finally, even if one grants that saving two persons with dignity cannot outweigh and compensate for killing one—because dignity cannot be added and summed this way—this point still does not justify deontological constraints. On the extreme interpretation, why would not killing one person be a stronger obligation than saving two persons? If I am concerned with the priceless dignity of each, it would seem that I *may* still save two; it is just that my reason cannot be that the two compensate for the loss of one. Consider Hill’s example of a priceless object: If I can save two of three priceless statutes only by destroying one, then I cannot claim that saving two is not outweighed by the one that was not destroyed. Indeed, even if dignity cannot be simply summed up, how is the extreme interpretation inconsistent with the idea that I should save as many priceless objects as possible? Even if two do not simply outweigh and thus compensate for the loss of one, each is priceless; thus, I have good reason to save as many as I can. In short, it is not clear how the extreme interpretation justifies the ordinary killing/letting-die distinction or even how it conflicts with the conclusion that the more persons with dignity who are saved, the better.

**4) Ethics focus turns the K - Focus on guilt-based pancea politics leads to compassion fatigue that results in a net-decrease in ethical acts**

**Moeller, 99** Dr. Susan Moeller is the director of the International Center for Media and the Public Agenda (ICMPA), an academic center that forms a bridge between the College of Journalism and the School of Public Policy at the University of Maryland, College Park. She is Professor of Media and International Affairs in the Philip Merrill College of Journalism at the University of Maryland and an affiliated faculty member at the School of Public Policy. “Compassion Fatigue : How the Media Sells Disease, Famine, War and Death” http://site.ebrary.com.proxy.lib.umich.edu/lib/umich/docDetail.action?docID=10054625 pg. 9-12 BJM

It all started with an advertising campaign. We have all been cued by that famous series of ads by Save the Children. You can help this child or you can turn the page. The first time a reader sees the advertisement he is arrested by guilt. He may come close to actually sending money to the organization. The second time the reader sees the ad he may linger over the photograph, read the short paragraphs of copy and only then turn the page. The third time the reader sees the ad he typically turns the page without hesitation. The fourth time the reader sees the ad he may pause again over the photo and text, not to wallow in guilt, but to acknowledge with cynicism how the advertisement is crafted to manipulate readers like him— even if it is in a “good” cause. As the Chicago Tribunes 1998 series investigating four international charities bluntly stated, “Child sponsorship is one of the most powerful and seductive philanthropic devices ever conceived.” 7 Most media consumers eventually get to the point where they turn the page. Because most of us do pass the advertisement by, its curse is on our heads. “Either you help or you turn away,” stated one ad. “Whether she lives or dies, depends on what you do next.” Turning away kills this child. We are responsible. “Because without your help, death will be this child’s only relief.” 8 In turning away we become culpable. But we can’t respond to every appeal. And so we’ve come to believe that we don’t care. If we turn the page originally because we don’t want to respond to what is in actuality a fund-raising appeal, although in the guise of a direct humanitarian plea, it becomes routine to thumb past the pages of news images showing wide-eyed children in distress. We’ve got compassion fatigue, we say, as if we have involuntarily contracted some kind of disease that we’re stuck with no matter what we might do. But it’s not just the tactics of the advocacy industry which are at fault in our succumbing to this affliction. After all, how often do we see one of their ads, anyway?…unless it’s Christmastime and we’re opening all our unsolicited mail. It’s the media that are at fault. How they typically cover crises helps us to feel overstimulated and bored all at once. Conventional wisdom says Americans have a short attention span. A parent would not accept that pronouncement on a child; she would step in to try to teach patience and the rewards of sticktoitiveness. But the media are not parents. In this case they are more like the neighborhood kid who is the bad influence on the block. Is your attention span short? Well then, let the media give you even more staccato bursts of news, hyped and wired to feed your addiction. It is not that there’s not good, comprehensive, responsible reporting out there. There is. “Sometimes,” said the late Jim Yuenger, former foreign editor with the Chicago Tribune, “you put the news in and people just aren’t going to read it and you have to say the hell with it.” 9 But that type of coverage is expensive as well as spaceand time-consuming. It rarely shows enough bang for the buck. So only a few elite media outlets emphasize such coverage, and even they frequently lapse into quick once-over reporting. “We give you the world,” yes, but in 15-second news briefs. The print and broadcast media are part of the entertainment industry— an industry that knows how to capture and hold the attention of its audience. “The more bizarre the story,” admitted UPI foreign editor Bob Martin, “the more it’s going to get played.” 10 With but a few exceptions, the media pay their way through selling advertising, not selling the news. So the operating principle behind much of the news business is to appeal to an audience— especially a large audience— with attractive demographics for advertisers. Those relatively few news outlets that consider international news to be of even remote interest to their target audiences try to make the world accessible. The point in covering international affairs is to make the world fascinating— or at least acceptably convenient: “News you can use.” “When we do the readership surveys, foreign news always scores high,” said Robert Kaiser, former managing editor of The Washington Post. “People say they’re interested and appreciate it, and I know they’re lying but I don’t mind. It’s fine. But I think it’s an opportunity for people to claim to be somewhat better citizens than they are.” 11 But in reality, they’re bored. When problems in the news can’t be easily or quickly solved— famine in Somalia, war in Bosnia, mass murder of the Kurds— attention wanders off to the next news fashion. “What’s hardest,” said Yuenger, “is to sustain interest in a story like Bosnia, which a lot of people just don’t want to hear about.” The media are alert to the first signs in their audience of the compassion fatigue “signal,” that sign that the short attention span of the public is up. “If we’ve just been in Africa for three months,” said CBS News foreign editor Allen Alter, “and somebody says, ‘You think that’s bad? You should see what’s down in Niger,’ well, it’s going to be hard for me to go back. Everybody’s Africa’d out for the moment.” As Milan Kundera wrote in The Book of Laughter and Forgetting, “The bloody massacre in Bangladesh quickly covered over the memory of the Russian invasion of Czechoslovakia, the assassination of Allende drowned out the groans of Bangladesh, the war in the Sinai Desert made people forget Allende, the Cambodian massacre made people forget Sinai and so on and so forth, until ultimately everyone lets everything be forgotten.” 12 The causes of compassion fatigue are multiple. Sometimes there are just too many catastrophes happening at once. “I think it was the editor Harold Evans,” said Bill Small, former president of NBC News and UPI, “who noted that a single copy of the [London] Sunday Times covers more happenings than an Englishman just a few hundred years ago could be expected to be exposed to in his entire lifetime.” 13 In 1991, for instance, it was hard not to be overwhelmed by the plethora of disasters. So compassion fatigue may simply work to pre-empt attention of “competing” events. Americans seem to have an appetite for only one crisis at a time. The phenomenon is so well-known that even political cartoonists make jokes about it, such as the frame drawn by Jeff Danziger of a newsroom with one old hack saying to someone on the phone: “Tajikistan? Sorry, we’ve already got an ethnic war story,” and another old warhorse saying on another phone: “Sudan? Sorry we’ve already got a famine story.” 14 Even during “slower” disaster seasons, there is always a long laundry list of countries and peoples in upheaval. Many and perhaps most of the problems are not of the quick-fix variety—

 the send-in-the-blankets-and-vaccination-suppliesand-all-will-be-well emergencies. Most global problems are entrenched and longlasting, rarely yielding to easy solutions available to individuals or even NGO and governmental authorities. “The same theme just dulls the psyche. For the reader, for the reporter writing it, for the editor reading it,” said Bernard Gwertzman, former foreign editor at The New York Times. 15 Tom Kent, international editor at the Associated Press, noted the same problem in covering ongoing crises. “Basically, in our coverage we cover things until there’s not much new to say. And then we back off daily coverage and come back a week or a month later, but not day-to-day.” He could tell, he said, when the sameness of the situation was drugging an audience into somnolence. We can certainly get a sense for the degree that people care about a story in the public. For example, when Bosnia started, people were calling up all the time for addresses of relief organizations and how we can help and all that. We did lists, and then requests dropped off. And in the first part of the Somalia story we heard “How can we help?” “How can we get money to these people?” We sent out the lists, then those calls dropped off Either the people who wanted to contribute had all the information they needed, or there just wasn’t anybody else who was interested. In Rwanda, we got practically no inquiries about how to help, although our stories certainly suggested there’s as much misery in Rwanda as anywhere else. 16 Sometimes to Americans, international problems just seem too permanent to yield to resolution. Sometimes even when problems flare out into crisis— by which point it is too late for the patch-’em-up response— the public is justified in believing that outside intervention will do little good…so what’s the use in caring? It’s difficult for the media and their audience to sustain concern about individual crises over a period of months and maybe even years. Other more decisive— and short-term— events intervene, usurping attention, and meanwhile, little seems to change in the original scenario. There is a reciprocal circularity in the treatment of low-intensity crises: the droning “same-as-it-ever-was” coverage in the media causes the public to lose interest, and the media’s perception that their audience has lost interest causes them to downscale their coverage, which causes the public to believe that the crisis is either over or is a lesser emergency and so on and so on. Another, especially pernicious form of compassion fatigue can set in when a crisis seems too remote, not sufficiently connected to Americans’ lives. Unless Americans are involved, unless a crisis comes close to home— either literally or figuratively— unless compelling images are available, preferably on TV, crises don’t get attention, either from the media or their audience. Some of the public may turn the television off when they see sad reports from around the world, but unless the news is covered by the media, no one has an opportunity to decide whether to watch or not. “Thanks to the news media,” noted Newsweek, “the face of grieving Kurdish refugees replaced the beaming smiles of victorious GIs.” Publicity, Newsweek argued, “galvanized the public and forced the president’s hand.” In just two weeks, the Bush administration sent $188 million in relief to the Kurds. 17 It’s a bit like that tree falling in the middle of the forest. If it falls and no one hears, it’s like it never happened. The tree may lie on the forest floor for years, finally to rot away, without anyone ever realizing it once stood tall.

## --life junk

Inevitability doesn’t justify extinction in the short term – future generations are intrinsically valuable and might solve the impacts anyway

Jason **Matheny**, Department of Health Policy and Management at Johns Hopkins. **‘7**. Risk Analysis, Volume 27, Number 5, “Reducing the Risk of Human Extinction.” http://www.upmc-biosecurity.org/website/resources/publications/2007\_orig-articles/2007-10-15-reducingrisk.html

An extinction event today could cause the loss of thousands of generations. This matters to the extent we value future lives. Society places some value on future lives when it accepts the costs of long-term environmental policies or hazardous waste storage. Individuals place some value on future lives when they adopt measures, such as screening for genetic diseases, to ensure the health of children who do not yet exist. Disagreement, then, does not center on whether future lives matter, but on how much they matter.6 Valuing future lives less than current ones (“intergenerational discounting”) has been justified by arguments about time preference, growth in consumption, uncertainty about future existence, and opportunity costs. I will argue that none of these justifications applies to the benefits of delaying human extinction. Under time preference, a good enjoyed in the future is worth less, intrinsically, than a good enjoyed now. The typical justification for time preference is descriptive—most people make decisions that suggest that they value current goods more than future ones. However, it may be that people’s time preference applies only to instrumental goods, like money, whose value predictably decreases in time. In fact, it would be difficult to design an experiment in which time preference for an intrinsic good (like happiness), rather than an instrumental good (like money), is separated from the other forms of discounting discussed below. But even supposing individuals exhibit time preference within their own lives, it is not clear how this would ethically justify discounting across different lives and generations (Frederick, 2006; Schelling, 2000). In practice, discounting the value of future lives would lead to results few of us would accept as being ethical. For instance, if we discounted lives at a 5% annual rate, a life today would have greater intrinsic value than a billion lives 400 years hence (Cowen & Parfit, 1992). Broome (1994) suggests most economists and philosophers recognize that this preference for ourselves over our descendents is unjustifiable and agree that ethical impartiality requires setting the intergenerational discount rate to zero. After all, if we reject spatial discounting and assign equal value to contemporary human lives, whatever their physical distance from us, we have similar reasons to reject temporal discounting, and assign equal value to human lives, whatever their temporal distance from us. I Parfit (1984), Cowen (1992), and Blackorby et al. (1995) have similarly argued that time preference across generations is not ethically defensible.7 There could still be other reasons to discount future generations. A common justification for discounting economic goods is that their abundance generally increases with time. Because there is diminishing marginal utility from consumption, future generations may gain less satisfaction from a dollar than we will (Schelling, 2000). This principle makes sense for intergenerational transfers of most economic goods but not for intergenerational transfers of existence. There is no diminishing marginal utility from having ever existed. There is no reason to believe existence matters less to a person 1,000 years hence than it does to a person 10 years hence. Discounting could be justified by our uncertainty about future generations’ existence. If we knew for certain that we would all die in 10 years, it would not make sense for us to spend money on asteroid defense. It would make more sense to live it up, until we become extinct. A discount scheme would be justified that devalued (to zero) anything beyond 10 years. Dasgupta and Heal (1979, pp. 261–262) defend discounting on these grounds—we are uncertain about humanity’s long-term survival, so planning too far ahead is imprudent.8 Discounting is an approximate way to account for our uncertainty about survival (Ponthiere, 2003). But it is unnecessary—an analysis of extinction risk should equate the value of averting extinction at any given time with the expected value of humanity’s future from that moment forward, which includes the probabilities of extinction in all subsequent periods (Ng, 2005). If we discounted the expected value of humanity’s future, we would count future extinction risks twice—once in the discount rate and once in the undiscounted expected value—and underestimate the value of reducing current risks. In any case, Dasgupta and Heal’s argument does not justify traditional discounting at a constant rate, as the probability of human extinction is unlikely to be uniform in time.9 Because of nuclear and biological weapons, the probability of human extinction could be higher today than it was a century ago; and if humanity colonizes other planets, the probability of human extinction could be lower then than it is today. Even Rees’s (2003) pessimistic 50-50 odds on human extinction by 2100 would be equivalent to an annual discount rate under 1% for this century. (If we are 100% certain of a good’s existence in 2007 but only 50% certain of a good’s existence in 2100, then the expected value of the good decreases by 50% over 94 years, which corresponds to an annual discount rate of 0.75%.) As Ng (1989) has pointed out, a constant annual discount rate of 1% implies that we are more than 99.99% certain of not surviving the next 1,000 years. Such pessimism seems unwarranted. A last argument for intergenerational discounting is from opportunity costs: without discounting, we would always invest our money rather than spend it now on important projects (Broome, 1994). For instance, if we invest our money now in a stock market with an average5%real annual return, in a century we will have 130 times more money to spend on extinction countermeasures (assuming we survive the century). This reasoning could be extended indefinitely (as long as we survive). This could be an argument for investing in stocks rather than extinction countermeasures if: the rate of return on capital is exogenous to the rate of social savings, the average rate of return on capital is higher than the rate of technological change in extinction countermeasures, and the marginal cost effectiveness of extinction countermeasures does not decrease at a rate equal to or greater than the return on capital. First, the assumption of exogeneity can be rejected. Funding extinction countermeasures would require spending large sums; if, instead, we invested those sums in the stock market, they would affect the average market rate of return (Cowen & Parfit, 1992). Second, some spending on countermeasures, such as research on biodefense, has its own rate of return, since learning tends to accelerate as a knowledge base expands. This rate could be higher than the average rate of return on capital. Third, if the probability of human extinction significantly decreases after space colonization, there may be a small window of reducible risk: the period of maximum marginal cost effectiveness may be limited to the next few centuries. Discounting would be a crude way of accounting for opportunity costs, as cost effectiveness is probably not constant. A more precise approach would identify the optimal invest-and-spend path based on estimates of current and future extinction risks, the cost effectiveness of countermeasures, and market returns. In summary, there are good reasons not to discount the benefits of extinction countermeasures. Time preference is not justifiable in intergenerational problems, there is no diminishing marginal utility from having ever existed, and uncertainties about human existence should be represented by expected values. I thus assume that the value of future lives cannot be discounted. Since this position is controversial, I later show how acceptance of discounting would affect our conclusions.

# \*\*\*2NC\*\*\*

## 2nc ov

 We link turn the whole case—only decision-making allows for effective engagement and advocacy outside of debate

Carolan, professor of sociology – Colorado State University, ‘6

(Michael S., “Ecological Representation in Deliberation: the Contribution of Tactile Spaces,” Environmental Politics, Vol. 15, No. 3, p. 345 – 361, June)

Mark Warren (1996: 242) once wrote, speaking of the value of a deliberative political process:

Democracy works poorly when individuals hold preferences and make judgments **in isolation** from one another, as they often do in today’s liberal democracies. When individuals lack the opportunities, incentives, and necessities to test, articulate, defend, and ultimately act on their judgments, they will also be lacking in empathy for others, poor in information, and unlikely to have the critical skills necessary to articulate, defend, and revise their views. [my emphasis]

While much has been written on forming processes of open, empathetic and reasoned talk (what Habermas (1984) calls ‘communicative action’) within the deliberative sphere, attention has yet to centre on the non-communicative aspects of such spaces. Yet, as Warren notes above, deliberation involves more than simply articulating and defending one’s values and knowledge claims. Also important is the testing of those claims and thus allowing individuals to ‘see for themselves’ what works (for the situation at hand) and what does not. As argued earlier, **this could prove particularly important when seeking to resolve environmental conflicts**, as many of them involve entities and processes that have little meaning to peoples’ everyday lives. In this paper, I provide an example of a space that works to make more intimate and local phenomena that are for many individuals removed from their lived worlds. As illustrated, Seed Savers Exchange creates this tactile space by translating things such as ‘genes’ and ‘biodiversity’ within agriculture into tangible arraignments that people can walk through, touch, smell, hear and even (in some cases) taste. In so doing, it exposes its visitors to a much richer form of knowing than if they were simply to read or be told about such phenomena in a non-tactile, passive way.

Within such a space, individuals could thus ‘see’ and ‘test’ for themselves competing knowledge claims, actions that, in the end, further enrich the deliberative processes. Such a space would also generate grounds for a more legitimate and trustworthy decision-making structure, for as individuals come to experience the phenomena under debate as having meaning to their everyday lives they will also more probably feel a greater embeddedness in the decision-making process itself.

##  2nc link debate---michigan

## at: resolved before colon

Only after the colon matters

Webster’s Guide to Grammar and Writing 2k

Use of a colon before a list or an explanation that is preceded by a clause that can stand by itself. Think of the colon as a gate, inviting one to go one…If the introductory phrase preceding the colon is very brief and the clause following the colon represents the real business of the sentence, beginning the clause after the colon with a capital letter.

Resolved means enact policy

Words and Phrases 1964Permanent Edition

Definition of the word “resolve,” given by Webster is “to express an opinion or determination by resolution or vote; as ‘it was resolved by the legislature;” It is of similar force to the word “enact,” which is defined by Bouvier as meaning “to establish by law”.

## at: counter-interpretations

Should denotes an expectation the aff will be enacted

American Heritage Dictionary 2K

Used to express probability or expectation

Means the USFG should take action

Steinberg and Freeley ‘8

David Director of Debate at U Miami, Former President of CEDA, officer, American Forensic Association and National Communication Association. Lecturer in Communication studies and rhetoric. Advisor to Miami Urban Debate League, Masters in Communication, and Austin, JD, Suffolk University, attorney who focuses on criminal, personal injury and civil rights law, Argumentation and Debate Critical Thinking for Reasoned Decision Making, TWELFTH EDITION

Most propositions on matters of policy contain the word should (or ought)—for example, “Resolved: That such-and-such should be done.” In a debate on a policy proposition, should means that intelligent self-interest, social welfare, or the national interest prompts this action **and that it is both desirable and workable. When the affirmative claims a policy “should” be adopted, it must show that the policy is practical—but it is under no obligation to show that it would be adopted**. The affirmative must give enough detail to show that if implemented, it would work. It may be impossible, within the time limitations of the debate, for the affirmative to give all the details, but it must at least show the outline of its policy and indicate how the details could be worked out. For example, in a debate on federal funding for education, the affirmative could not reasonably be expected to indicate how much money each state would receive under its plan, but it would be obliged to indicate the method by which the amount of the grants would be determined. It would be pointless for the negative to seek to show that the affirmative’s plan could not be adopted by demonstrating that public opinion is against it or that the supporters of the plan lack sufficient voting strength in Congress.

## 2nc at: case DA

Topical version of the aff solves: [ ]

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**.

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 construed 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)

## at: limits bad

Refusing limits is totalitarian – endless criticism will crowd out diversity and radical change

Feldman, Assoc Prof Management Policy – Case Western U, ‘98

(Steven P, “Playing with the Pieces: Deconstruction and the Loss of Moral Culture,” *Journal of Management Studies* Vol. 35 Iss. 1, p. 59-79)

Cultural authority imposes upon its members the awesome dichotomy between a meaningful and a meaningless life (Rieff, 1987). Postmodernists, in scorning cultural authority, are opposing the dynamics of culture. Culture opposes the primacy of possibility -- that is, the ability of man/woman to express everything and therefore nothing. Culture acts through authority to narrow possible meanings. Narrowing meaning is the dynamic of culture. Without this dynamic, culture cannot exist. This is not totalitarian oppression. Totalitarianism operates to destroy meaning in order to annihilate even the possibility of principled resistance. That is what is totalizing about totalitarianism (Arendt, 1950).

Authority, on the contrary, is always given, or it is fraudulent (Rieff, 1985). Authority is given not because people are dupes, tricked into controlling themselves for some systemic conspiracy, but because through the hierarchical ordering of culture they find their way to purposeful behaviour (Durkheim, [1925] 1973) and a feeling of self-respect that makes life meaningful and worthwhile(Cooley, 1922; Rieff, 1985; Sullivan, 1950).

Authority, then, is essential to culture. It protects social life from the primacy of possibility that surrounds every culture. Possibility is the opposite of cultural authority. Cultural diversity cannot be an unlimited goal; its limitation is the central problem of culture (Plato, 1968). No culture can tolerate unlimited diversity without being destroyed. Diversity can only exist inside a culture as a limited range of possibility. Without this 'imaginary wall', individual and social purpose is impossible (Durkheim, [1925] 1973). Deprivation must be the first and final function of culture. Likewise, a culture composed of continuous criticism cannot possibly carry out its meaning--defining function. To exist, culture must in some respects remain beyond criticism. The notion of being beyond criticism is unthinkable to the modern mind, with its depthless distrust of authority. This is why faith is not even conceived of as a possibility in the modern--postmodern debate between realism and relativism. The repression of faith evidences not only the endless transitional condition of modern social life, but precisely the fallacy of postmodern 'openness'. Complete openness, like complete individuality, is impossible.

Postmodernism is, ironically, an example of cultural repression. To be meaningful, culture must repress what it is not. Postmodernism must repress the idea of faith, because the mere idea of being beyond doubt is contradictory to the postmodern vision of cultural openness. This is why the postmodern discussion stops at belief: belief can be doubted, faith cannot. Herein lies the problem of management ethics. Without a collective capacity for enduring commitment, management ethics becomes vulnerable to the endless rationalizations of the critical intellect. Parker's (1995b) ambivalent search for truth (faith) was intolerable to the critical intellects of his colleagues. Where Parker sought truth, they could only feel/see power: '[W]here, oh where, is some recognition of the role of power?' (Carter, 1995, p. 574). Power is to criticism what truth is to faith. Only truth can stabilize a management ethics.

The assumption that limiting is always bad destroys their ability to create change

Feldman, Assoc Prof Management Policy – Case Western U, ‘98

(Steven P, “Playing with the Pieces: Deconstruction and the Loss of Moral Culture,” *Journal of Management Studies* Vol. 35 Iss. 1, p. 59-79)

Language thus becomes the key villain in an implicit, undemocratic plot hidden deep within organizational culture. Potential voices have been repressed, and the repression is not even recognized. Cooper (1989,p. 483) refers to this use of language by the cultural process as a 'mystification' carried out by a 'violent hierarchy'. The 'violent hierarchy' has little to do with top management; it is the repressiveness of language that silences potential voices in organizations. Cooper (1989) follows Derrida in a wish to 'overturn' this hierarchy.

I will make four points concerning the process of deconstruction. First, Cooper's belief that organization always harbours its opposite, disorganization, within itself is misleading. The idea of antithetical meanings being active in words is Freud's (1957). The crucial concept here is repression. Derrida's removal of the process of repression from social reality and positing it solely in language is indeed questionable. Language takes on a life of its own independent of the people who use it. This reification of language loses the driving force of repression in the Freudian sense, that is, the socialization process by which the individual is narrowed into a member of a culture. As John O'Neill (1988) points out, in this view language never has a local value. But this is exactly what language does have in everyday life. This can be clearly seen in the use of deconstruction in the field of organization theory. Joanne Martin (1990), for example, uses a single paragraph from a speech to make far-ranging assertions about the suppression of feminism in an organization and organizations in general without any attempt to demonstrate the assertions empirically. Deconstruction thus licenses generalization independent of empirical evidence, making it impossible to evaluate the logic and coherence of the argument.

Second, Cooper's view that the will to organize originates in an inherent ambivalence in language is reductionistic. Clearly, as Gellner (1979) states, social reality is complex and there are many factors that lead to organizational activities. Postmodernism's reification of language ignores, for example, the influences of economic scarcity, geographical conditions, and demographic influences. Even some animal groups organize for hunting and/or safety. Certainly they are not motivated by existential ambivalences in language.

Third, Stephen Linstead does not ask the question why semantic closure is needed as a 'heuristic device' in human life. If he did, he would realize that communities as well as organizations require the 'inertial force' of tradition to hold together in a given form over time (Shils, 1981, p. 25). Without this force, trust and depth of experience would become difficult to say the least. In any case, Linstead's acceptance of semantic closure for learning but rejection of it as a way of life is contradictory, because learning assumes a way of fife. Thus, here too, the presumption of a world of openness cannot be a world at all.

Fourth, Cooper's characterization of cultural authority as a 'violent hierarchy' is obviously a condemnation of authority. The condemnation is based on the assumption that language is 'undecidable' and thus any hierarchy is repressive. Repression is seen unfavourably because some meanings are 'privileged' while others are denied expression. This argument is misleading because without repression, no meaning is possible. Linstead (1993b, p. 111), for example, wants to reconceptualize the oppositional nature of culture as a 'mutually supportive pivotal point around which meaning turns'. This will perhaps have no detrimental effect on organizations, since its practical absurdity will be ignored by everyone 'except academics. In the area of business ethics, however, Linstead and Grafton-Small's (1992,p. 341) goal of reconceptualizing cultural opposition as 'cohabitation', 'joining', and 'both/and' is more dangerous because it attacks precisely the dividing line between right and wrong. It is an attack on moral authority and the capacity of organizations to define and enforce moral limits. Limits exist not fundamentally to oppress the weak, but to define the good. Deconstructionists, by pushing the democratization of meaning to the extreme because of their inability to distinguish between power and authority, forget the lesson of the French Revolution: democracy requires limits, too. This can also be seen in collegial organization, which, without a moral consensus, can easily break down to destructive levels of envy and self-interest (Hirschhorn, 1993).

Causes mass violence

Feldman, Assoc Prof Management Policy – Case Western U, ‘98

(Steven P, “Playing with the Pieces: Deconstruction and the Loss of Moral Culture,” *Journal of Management Studies* Vol. 35 Iss. 1, p. 59-79)

Nothingness, or the 'search for instabilities' advocated by postmodern writers leads to a dangerous loss of limits on human behaviour. Without some type of cultural constraint, the infinite potential of human behaviour is unleashed. This is exactly what postmodern writers want (Burrell, 1993). They appear to have already forgotten that the atrocities that have been committed in this century are also a sample of human potential (Arendt, 1950). Indeed, in postmodernism, the idea of individual moral responsibility is theoretically precluded from consideration because self-consciousness is considered a myth (Linstead, 1993a). On the contrary, as has been noted, they are sensitive to the controlling nature of systems of meaning. Thus, in postmodernism, control is equated with oppression. It is exactly this destruction of the ancient dichotomy between the individual and the group and of the attempt from Plato to Machiavelli to Durkheim and Freud to balance individual needs with collective requirements that I find most dangerous in the postmodern literature.

And, ensures cooptation

Feldman, Assoc Prof Management Policy – Case Western U, ‘98

(Steven P, “Playing with the Pieces: Deconstruction and the Loss of Moral Culture,” *Journal of Management Studies* Vol. 35 Iss. 1, p. 59-79)

Pluralization, or self-centredness, can be a problem too, however. In organizational terms, as an end in itself, it can lead to miscommunication and conflict (Barnard, 1938; Schein, 1992). The postmodern preference for agonistics, or contest (e.g. Martin and Frost, 1996), seems to suggest some sort of radical pluralism with no shared past, no continuity in organizational existence.[3] Kenneth Gergen (1992), for example, is optimistic that an open attitude toward language will enhance an organization's survival. On the contrary, however, contest must be carefully limited or it can encourage irrational behaviour and become destructive to an organization (Baum, 1993). And even if contest calls forth the most noble motivations, the process itself can easily be manipulated by a clever top management (McSwite, 1995). Thus, 'agonistics', or contest, is a one-sided attempt at decentralization that will break down civility or be reversed through corporate manipulation.

## 2nc at: law bad

Simulating government action on foreign policy enables understanding and empathy—critical to effective activism

Esberg, special assistant to the director – Center on International Cooperation @ NYU, and Sagan, professor of political science – Stanford University, ‘12

(Jane and Scott, “NEGOTIATING NONPROLIFERATION: Scholarship, Pedagogy, and Nuclear Weapons Policy,” The Nonproliferation Review, Vol. 19, Issue 1, p. 95-108)

In Charles Dickens's novel Hard Times, Mr. Gradgrind—the headmaster of a school in Coketown—proclaims: “Teach these boys and girls nothing but Facts. Facts alone are wanted in life. Plant nothing else, and root out everything else. You can only form the minds of reasoning animals upon Facts: nothing else will ever be of any service to them… . Stick to Facts, sir!”1 As scholars, we are often encouraged to “stick to Facts” in our research, to make sure that our findings are fully supported by empirical data. As educators, however, it would be wrong to present “nothing but Facts,” for we need to encourage students to develop the necessary empathy and imagination to understand how and why political leaders in their own countries, and especially leaders in other countries, act as they do in international politics.

In the field of nonproliferation studies, students are taught facts about which states acquired nuclear weapons and when, facts about the various articles of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), and facts about highly enriched uranium and plutonium and how these materials can be used to produce a nuclear weapon. But knowing such facts does not help one understand why a government might want to develop nuclear weapons or why a government might accept constraints on its nuclear capabilities. Instead, one needs both empathy and imagination to understand historical proliferation decisions or to predict future ones. Empathy is needed to put oneself in another's shoes; imagination is needed to be able to predict what someone else values and how they might behave given their specific interests and constraints. Such personality characteristics cannot be acquired through rote memorization of facts. But students’ empathy and imagination can be developed through the use of simulation in teaching.

Simulations are particularly suited to the teaching of nuclear nonproliferation because the “facts” of the field frequently are ambiguous or change rapidly. Given that nuclear proliferation is characterized by “opacity,” “ambiguity,” and “ambivalence,” hard facts and details can be difficult to come by.2 Specifics like the number of states that are capable of building nuclear weapons or the number of signatories to the NPT can change quickly with new information, technological developments, or political shifts.3 Furthermore, nuclear nonproliferation decisions are influenced by a range of other factors, such as domestic politics, the quest for energy security, and legal concerns about fairness and sovereign rights—and such decisions therefore simply cannot be understood by focusing only on the facts about military capabilities or international alliances. These features of nonproliferation make it all the more important that students and scholars alike examine not just facts about nuclear power and nuclear weapons, but also study domestic political trends, bureaucratic politics, and international negotiation dynamics in order to understand why some states develop nuclear weapons and other states do not.4

Although arms control and nonproliferation simulations have been used inside governments and at many universities, this article focuses on one innovative program at Stanford University. In the nonproliferation simulations discussed in this article—started at Stanford and successfully “exported” to the University of California at Berkeley, Cornell, Duke, Dartmouth, Reed, the University of Virginia, and Yaroslavl University in Russia—students are assigned roles to play in national delegations to an international arms control treaty negotiation, NPT review conference, or UN Security Council meeting. The assignment forces the students to learn about and channel attitudes and perspectives that are often foreign (in both senses of the word) to their own. The student delegates must determine what policies their assigned character would think was in his or her bureaucratic interests and what he or she would deem in the state's national interests, then brief higher political authorities on the proposed strategies for the meeting, and then negotiate among themselves and with members of other delegations. This process requires that the students learn about bureaucratic haggling and complex decision making within their delegations, as well as the need for coordination and compromise within international negotiations. By asking students to approach an issue from a different national perspective and by creating a dynamic environment in which they must respond to others’ demands, students are encouraged to develop empathy (though not necessarily sympathy) with different national and institutional perspectives on nuclear weapons and foreign policy.

This article both examines the role of simulation in teaching about nuclear proliferation and nonproliferation and demonstrates how teaching and scholarship can interact to improve our understanding of complex decisions and negotiations. It consists of five parts: first, it explains the benefits of simulations and exercises as both a policy development tool in Washington and as a teaching tool in universities; second, it describes the pedagogical strategy and simulation process in the Stanford program; third, it shows how the simulations have identified and highlighted theoretical and substantive insights that are often neglected in scholarly studies of nonproliferation; and fourth, it describes how students are tested to enhance the learning experience from the simulation. Throughout the body of the article, we will draw on specific examples from the annual NPT review conference and UN Security Council simulations held at Stanford University. Fifth and finally, we provide concluding observations about how using simulations in the classroom can help scholars develop insights that improve our understanding of real-world nuclear negotiation dynamics and outcomes.

The Use of Exercises and Simulations

Governments have long used simulations and war game exercises to anticipate the behavior of other nations and to practice strategic and tactical plans for crises and conflicts. Politico-military games were common during World Wars I and II and during the Cold War in both the United States and the Soviet Union, and they remain a useful tool today with respect to military planning against potential enemy governments and with respect to counterterrorism.5 Such exercises range from simulated crisis decision-making games, to “tabletop” exercises, to full-scale military exercises involving actual armed forces or domestic homeland security organizations.

These government or quasi-government think tank simulations often provide very similar lessons for high-level players as are learned by students in educational simulations. Government participants learn about the importance of understanding foreign perspectives, the need to practice internal coordination, and the necessity to compromise and coordinate with other governments in negotiations and crises. During the Cold War, political scientist Robert Mandel noted how crisis exercises and war games forced government officials to overcome “bureaucratic myopia,” moving beyond their normal organizational roles and thinking more creatively about how others might react in a crisis or conflict.6 The skills of imagination and the subsequent ability to predict foreign interests and reactions remain critical for real-world foreign policy makers. For example, simulations of the Iranian nuclear crisis—held in 2009 and 2010 at the Brookings Institution's Saban Center and at Harvard University's Belfer Center, and involving former US senior officials and regional experts—highlighted the dangers of misunderstanding foreign governments’ preferences and misinterpreting their subsequent behavior. In both simulations, the primary criticism of the US negotiating team lay in a failure to predict accurately how other states, both allies and adversaries, would behave in response to US policy initiatives.7

By university age, students often have a pre-defined view of international affairs, and the literature on simulations in education has long emphasized how such exercises force students to challenge their assumptions about how other governments behave and how their own government works.8 Since simulations became more common as a teaching tool in the late 1950s, educational literature has expounded on their benefits, from encouraging engagement by breaking from the typical lecture format, to improving communication skills, to promoting teamwork.9 More broadly, simulations can deepen understanding by asking students to link fact and theory, providing a context for facts while bringing theory into the realm of practice.10 These exercises are particularly valuable in teaching international affairs for many of the same reasons they are useful for policy makers: they force participants to “grapple with the issues arising from a world in flux.”11 Simulations have been used successfully to teach students about such disparate topics as European politics, the Kashmir crisis, and US response to the mass killings in Darfur.12 Role-playing exercises certainly encourage students to learn political and technical facts—but they learn them in a more active style. Rather than sitting in a classroom and merely receiving knowledge, students actively research “their” government's positions and actively argue, brief, and negotiate with others.13 Facts can change quickly; simulations teach students how to contextualize and act on information.14

## at: creativity

Constraints make creativity possible—eliminating rules makes their form of opposition to structure meaningless

Armstrong 2000

Paul B. Armstrong, Professor of English and Dean of the College of Arts and Sciences at the State University of New York at Stony Brook, Winter 2000, “The Politics of Play: The Social Implications of Iser's Aesthetic Theory,” New Literary History, Vol. 31, No. 1, p. 211-223

Such a play-space also opposes the notion that the only alternative to the coerciveness of consensus must be to advocate the sublime powers of rule-breaking. 8 Iser shares Lyotard's concern that to privilege harmony and agreement in a world of heterogeneous language games is to limit their play and to inhibit semantic innovation and the creation of new games. Lyotard's endorsement of the "sublime"--the pursuit of the "unpresentable" by rebelling against restrictions, defying norms, and smashing the limits of existing paradigms--is undermined by contradictions, however, which Iser's explication of play recognizes and addresses. The paradox of the unpresentable, as Lyotard acknowledges, is that it can only be manifested through a game of representation. The sublime is, consequently, in Iser's sense, an instance of doubling. If violating norms creates new games, this crossing of boundaries depends on and carries in its wake the conventions and structures it oversteps. The sublime may be uncompromising, asocial, and unwilling to be bound by limits, but its pursuit of what is not contained in any order or system makes it dependent on the forms it opposes. [End Page 220]

The radical presumption of the sublime is not only terroristic in refusing to recognize the claims of other games whose rules it declines to limit itself by. It is also naive and self-destructive in its impossible imagining that it can do without the others it opposes. As a structure of doubling, the sublime pursuit of the unpresentable requires a play-space that includes other, less radical games with which it can interact. Such conditions of exchange would be provided by the nonconsensual reciprocity of Iserian play.

Iser's notion of play offers a way of conceptualizing power which acknowledges the necessity and force of disciplinary constraints without seeing them as unequivocally coercive and determining. The contradictory combination of restriction and openness in how play deploys power is evident in Iser's analysis of "regulatory" and "aleatory" rules. Even the regulatory rules, which set down the conditions participants submit to in order to play a game, "permit a certain range of combinations while also establishing a code of possible play. . . . Since these rules limit the text game without producing it, they are regulatory but not prescriptive. They do no more than set the aleatory in motion, and the aleatory rule differs from the regulatory in that it has no code of its own" (FI 273). Submitting to the discipline of regulatory restrictions is both constraining and enabling because it makes possible certain kinds of interaction that the rules cannot completely predict or prescribe in advance. Hence the existence of aleatory rules that are not codified as part of the game itself but are the variable customs, procedures, and practices for playing it. Expert facility with aleatory rules marks the difference, for example, between someone who just knows the rules of a game and another who really knows how to play it. Aleatory rules are more flexible and open-ended and more susceptible to variation than regulatory rules, but they too are characterized by a contradictory combination of constraint and possibility, limitation and unpredictability, discipline and spontaneity.

# \*\*\*1NR\*\*\*

## 2nc ov

Also causes rollback/circumvention

Laura Young, Ph.D., Purdue University Associate Fellow, June 2013, Unilateral Presidential Policy Making and the Impact of Crises, Presidential Studies Quarterly, Volume 43, Issue 2

A president looks for chances to increase his power (Moe and Howell 1999). Windows of opportunity provide those occasions. These **openings create an environment where the president faces little backlash from Congress, the judicial branch, or even the public**. Though institutional and behavioral conditions matter, domestic and international crises play a pivotal role in aiding a president who wishes to increase his power (Howell and Kriner 2008, 475). These events overcome the obstacles faced by the institutional make-up of government. They also allow a president lacking in skill and will or popular support the opportunity to shape the policy formation process. In short, focusing events increase presidential unilateral power.

## Hope

The executive is our best hope for contraining detention

Gonzales 10 [Alberto R. Gonzales (Prof @ Texas Tech U, Fmr. Counsel to the President and United States Attorney General under the George W. Bush Administration, Fmr. Judge of the Texas Supreme Court); “WAGING WAR WITHIN THE CONSTITUTION”; Texas Tech Law Review: Summer, 2010]

Despite the care exercised in correctly identifying enemy combatants, our government made mistakes. In this new unconventional conflict, our enemies wage war in our neighborhoods and over the Internet. They fight wearing civilian clothes. They do not wear a uniform or openly carry a weapon. Difficulties exist in telling the bad guys from the good guys. Any mistake is regrettable, but mistakes here are magnified because of the possible lengthy duration of hostilities with al Qaeda, creating the danger that an innocent person is mistakenly detained for a long period of time. While no one knew with certainty when previous conflicts would end, the age of terrorism appears to be with us for the foreseeable future. The battlefield will likely resurface here within our borders, and it will involve American citizens acting either alone or in concert with others overseas. Under these circumstances, perhaps some judges feel the judiciary has an added responsibility to ensure that only the guilty are detained. Some scholars believe President Bush's blanket determination that all members of the Taliban are not entitled to prisoner of war protections has added to the possibility of mistaken identity.369 In essence, this decision dispensed with the need to make battlefield status determinations by a competent tribunal as required under Article 5 of the Geneva Conventions whenever there is any question about the appropriate status of a detainee.37°

Such criticism fails to recognize the **enormous efforts**, some of which are discussed above, undertaken by the Bush Administration-and **continued now by the Obama Administration**-to properly **identify and detain** only enemy combatants**.37** ' Scholarly criticism also **fails to recognize** that, when mistakes have been identified, **corrective action was taken as soon as possible**.372 Hundreds **of captured individuals have been released from Guantanamo and** thousands **more released from detention facilities in Afghanistan.**373 President **Bush often said that he** did not **want the United States to be the world's jailer**.374 **Nor did they want to detain innocent people. These are the reasons why the U.S. government has taken such** extraordinary steps to protect the innocent**.**

## -- xt: compassion fatigue

**The more times people vote for them – the less likely they are to solve their 1AC harms – only external impact in the round**

**Tester 2001** (Keith Tester, Prof. University of Portsmouth, UK, Publication 2001, “An Account of Journalistic Compassion Fatigue” Compassion, Morality, and the Media, Open University Press, pg.20-21)

Second, it was concluded that, 'compassion fatigue is an individual, multidimensional phenomenon'. What this means is that individuals will respond to pervasive coverage of an issue or a problem in a variety of ways. There is no monolithic cause or pattern to compassion fatigue. It varies. It is in this context that Kinnick et al. report that, 'for those who are initially disinterested or biased against victims of a social problem, pervasive media coverage likely serves to entrench negative feelings towards victims and foster desensitization' (a kind of 'oh, them again' factor). Meanwhile, those who are initially sympathetic will tend to have a number of responses as the media coverage continues. It 'may foster disinterest based on it may foster frustration and emotional desensitization when it appears that nothing can be done, or that the victims' own behavior is to blame for their situations'. And yet, 'for others, it may increase sensitivity toward the issue in an optimal way that encourages empathy with victims. And for a final group coverage of some social problems may contribute to empathic distress at a level sufficient to motivate avoidance of topics which are emotionally draining' (Kinnick et al. 1996: 702-3). Third, Kinnick, Krugman and Cameron concluded somewhat un-controversially that, 'The media play a primary role in the development of compassion fatigue'. They go on to state that the media have this impact in two ways: 'by providing content that serves as aversive stimuli, prompting avoidance strategies; and by fostering desensitization to social problems through redundant and predominantly negative messages which reach the point of saturation' (Kinnick et al. 1996: 703). In other words, the media enhance and stimulate feelings of compassion fatigue because they make the audience seek to avoid certain issues and, moreover, because they lead the audience to reach the conclusion that nothing can be done about this problem and, quite possibly, about any other problem as well. Interestingly, these empirical findings seem to bear out some of the themes which Michael Ignatieff developed in his more speculative essay about the moral significance of television. Ignatieff argues that by themselves television pictures of suffering cannot enforce a definite meaning, rather they can only 'instantiate' a moral claim (that is, they only press a moral meaning) to the extent that, 'those who watch understand themselves to be potentially under obligation to those they see' (Ignatieff 1998: 12). He believes that this obligation is rooted in the historical ideal of moral universalism. Yet, even as television can be read as an agent of the propagation of a rather lofty ideal of moral universalism, it also manages to depoliticize suffering. Consequently, the suffering of others tends to become more like a natural event to which we need to respond rather than a political event about which something preemptive might have been done. It might be said that media coverage means that we become aware of the killers only after they have killed, since the absence of suffering is not news.

## --a2: Not real

Extinction actually is the end of all human consciousness---no transcendence or life after death---this arg could not be dumber

Stenger 92 – Victor J. Stenger, Adjunct Professor of Philosophy, University of Colorado, 1992, “The Myth of Quantum Consciousness,” online: <http://www.colorado.edu/philosophy/vstenger/Quantum/QuantumConsciousness.pdf>

Quantum mechanics is called on further to argue that the cosmic field, like Newton’s aether, couples to the human mind itself. In Robert Lanza’s view, that field is the universal mind of all humanity - living, dead, and unborn. Ironically, this seemingly profound association between quantum and mind is an artifact, the consequence of unfortunate language used by Bohr, Heisenberg and the others who originally formulated quantum mechanics. In describing the necessary interaction between the observer and what is being observed, and how the state of a system is determined by the act of its measurement, they inadvertently left the impression that human consciousness enters the picture to cause that state come into being. This led many who did not understand the physics, but liked the sound of the words used to describe it, to infer a fundamental human role in what was previously a universe that seemed to have need for neither gods nor humanity. If Bohr and Heisenberg had spoken of measurements made by inanimate instruments rather than “observers,” perhaps this strained relationship between quantum and mind would not have been drawn. For, nothing in quantum mechanics requires human involvement. Quantum mechanics does not violate the Copernican principle that the universe cares not a whit about the human race. Long after humanity has disappeared from the scene, matter will still undergo the transitions that we call quantum events. The atoms in stars will radiate photons, and these photons will be absorbed by materials that react to them. Perhaps, after we are gone, some of our machines will remain to analyze these photons. If so, they will do so under the same rules of quantum mechanics that operate today.

## --a2: bare life

Bare life is a bad theory because it can’t account for the effect of legal interventions

Jef Huysmans 8, Senior Lecturer in the Department of Politics and International Studies (POLIS) at the Open University, UK, The Jargon of Exception—On Schmitt, Agamben and the Absence of Political Society, International Political Sociology (2008) 2, 165–183

Even if one would argue that Agamben’s framing of the current political conditions are valuable for understanding important changes that have taken place in the twentieth century and that are continuing in the twenty ﬁrst, they also are to a considerable extent depoliticizing. Agamben’s work tends to guide the analysis to unmediated, factual life. For example, some draw on Agamben to highlight the importance of bodily strategies of resistance. One of the key examples is individual refugees protesting against their detention by sewing up lips and eyes. They exemplify how individualized naked life resists by deploying their bodily, biological condition against sovereign biopolitical powers (for example, Edkins and Pin-Fat 2004:15–17). I follow Adorno and others, however, that such a conception of bodily, naked life is not political. It ignores how this life only exists and takes on political form through various socioeconomic, technological, scientiﬁc, legal, and other mediations. For example, the images of the sewed-up eyelids and lips of the individualized and biologized refugees have no political signiﬁcance without being mediated by public media, intense mobilizations on refugee and asylum questions, contestations of human rights in the courts, etc. It is these mediations that are the object and structuring devices of political struggle. Reading the politics of exception as the central lens onto modern conceptions of politics, as both Agamben and Schmitt do, erases from the concept of politics a rich and constitutive history of sociopolitical struggles, traditions of thought linked to this history, and key sites and temporalities of politics as well as the central processes through which individualized bodily resistances gain their sociopolitical signiﬁcance.

The affs demand for a pure rejection of sovereignty results in scagegoating – the impact is massive violence

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(Alberto, *CR: The New Centennial Review*, 4.3)

But Rasch remains a Schmittian, not a Benjaminian. For him, no interruption of the political principle of reason—the ultimate principle of political order, the nomos of the nomos, the principle of sovereign exception, which he persuasively shows to be a case of the logical law of the excluded middle (Rasch 2002, 38–42)—is possible **without** risking the collapse of the political into an eschatology of the end of the world, which is the same as an eschatology of radical origin: “to be liberated from the structure of sovereignty is to be returned to a natural state of innocence” (48). Rasch is suspicious of Benjamin’s—and Agamben’s—pure violence as the harbinger of a “completely new politics” that might in fact **accomplish** **nothing** but an exclusion of the political (38). As he says in a different essay, “the political does not exist to usher in the good life by eliminating social antagonism; rather, it exists to serve as the medium for an acceptably limited and therefore productive conflict in the inevitable absence of any final, universally accepted vision of the good life” (Rasch n.d., 30–31). Rasch opposes a politics of the katechon—a properly Schmittian politics of the containment of evil—to the **messianic** **politics** of the reestablishment of natural innocence that he detects in Agamben’s Homo Sacer.12 Is there, in fact, in Agamben’s State of Exception, an “appeal to the ontological hope” of “infinite perfectibility” (Rasch n.d., 29)? And, a fortiori, is that also what is behind Derrida’s Voyous? The crucial question here concerns the determination of a **practical** understanding of the political beyond every messianic delusion. Messianic delusion turns everypoliticsinto a kind of **ultrapolitics** whose political effectivity then **wavers between the inane and the catastrophic**. An alternative question is: are onto-theological politics the only possible politics for our age? R E A S O N B E YOND R E A S O N Autoimmunity is said to refer to “this strange illogical logic through which a living being can spontaneously destroy, in an autonomous fashion, that which, in it, is destined to protect it against the other, to immunize it against the intrusive aggression of the other” (Derrida 2003, 173). Autoimmunity is therefore a kind of “death drive” (215) that can be related to the structure of betrayal as self-betrayal, which, as we saw, Lacan considers a radical structure of the human relationship to being. For Lacan, the abandonment of the ethical imperative not to give ground on one’s desire is ultimately an accommodation to the real from which there is no return; the path back of the “ordinary man” into his own business is blocked once he has paid the price of accommodation to the service of goods and has betrayed the structure of his desire: “once one has crossed that boundary . . . there is no way back. It might be possible to do some repair work, but not to undo it” (Lacan 1992, 321). This betrayal formalizes politics—just as it formalizes religion—for Lacan. Lacanian politics, to the extent that they are understood to be a politics of the subject, are framed by a postrevolutionary service of goods, in which a sublimated jouissance waits infinitely, and uselessly, for the formation of the universal State. Is an alternative frame for contemporary politics available? Both Derrida and Agamben radicalize Schmitt’s intuition regarding the necessity of a transformation in the concept of the political given the exhaustion of the political order of modernity. The political order of modernity has exhausted itself through autoimmunitary developments— something that Schmitt anticipated both in his partisan theory, through the projection of the figure of the total counterpartisan that follows “the inevitability of a moral compulsion,” and in his investigation of the notion of a nomos of the earth, which reaches an unexpected arrest in the notion of the Kantian unjust enemy. If both Derrida and Agamben can be said to be Schmittian to a certain extent, in spite of their fundamental antagonism to the German thinker, it is precisely insofar as both of them take as point of departure for their investigations of political sovereignty some of Schmitt’s crucial theories. Derrida makes it very clear through a sort of disavowing avowal: “One did not have to wait for Schmitt to know that the sovereign is he who decides exceptionally and performatively on the exception, he who guards or gives himself the right to suspend the law; or to know that this juridico-political concept, like all the others, secularizes a theological heritage” (2003, 211–12). And Agamben of course makes Schmitt a crucial reference in both Homo Sacer and State of Exception.13 Both of them are interested, not, like Rasch, in a reassertion of sovereignty as the only possible pragmatic framing for a conceptualization of the political today, but rather in a dismantling of the claims of sovereignty as ultimate political claims, or as the ultimate claims of the political. They want to explore the contemporary troubles of sovereignty, troubles in sovereignty—what Derrida can and does call in French mal de souveraineté (196). These troubles are autoimmunity troubles: sovereignty ultimately suffers from itself, as it is its action that ultimately dooms it to face, in a certain far-from-reassuring impotence, the absolute threat or the anomic terror of the real. Can we then think of politics not beyond sovereignty, but rather as not exhausted by the sovereign frame? Is there a position—a properly political position—that can establish a distance from sovereignty without dreaming, like the Lacanian ordinary man, of the messianic fulfillment of the universal State, when desire will coincide absolutely with itself (and when, therefore, there will be nothing but the sovereign, as sovereign desire)? If there is a position, if it is possible to work out a position that can think of sovereignty without being absolutely circumscribed by sovereignty, that position will have accomplished a derangement of onto-theology. It will not have gotten rid of it, just as it will not have gotten rid of sovereignty, but it will have displaced onto-theology, and its political translation as sovereignty theory, from the horizon of the political. Derrida uses the shorthand “nonsovereign god” for this possibility, echoing Heidegger but also displacing Heidegger.14 And Agamben talks about the liberation of anomy, as a solicitation of the deep historical compromise of violence and the law. If violence becomes the “thing” of politics for Agamben, this is so to the extent that “human action” must “rescind the link between violence and the law” in order to expose the violence of the law, rather than the lawfulness of violence (which is the Schmittian project). But the reference to human action is already revealing of a limit in Agamben’s project. Certainly human action is an unavoidable referent for politics. But Agamben is still under the Lacanian determination, if on the side of the hero. His project, a liberation of pure violence, is a tragic project to the extent that it leads the hero towards what Sophocles calls até. Of até Lacan says: “It is an irreplaceable little word. It designates the limit that human life can only briefly cross. The text of the Chorus is significant and insistent—ektos atas. Beyond this até, one can only spend a brief period of time, and that’s where Antigone wants to go. . . . One learns from Antigone’s own mouth testimony on the point she has reached: she literally cannot stand it any more. . . . She lives with the memory of the intolerable drama of the one whose descendence has just been destroyed in the figure of her two brothers. She lives in the house of Creon; she is subject to his law; and that is something she cannot bear” (Lacan 1992, 262–63). Agamben, like the tragic hero, situates himself “with relation to the goal of desire” (265), namely, in the relentless pursuit of a liberation from the sovereign law that has created a permanent state of exception: the ineluctable violence of the state as the house of Creon. **To liberate pure violence in order to destroy the law**: of this one could say what Lacan says of the tragic hero, namely, “he knows what he is doing. He always manages to cause things to come crashing down on his head” (275). Agamben defines the contemporary state as one in which “the norm rules, but it is not applied (it does not have force) and . . . acts that have no legal value acquire the force. . . . The state of exception is an anomic space, where what is set in place is a force of law without law . . . , where act and power are radically separated” (52). If the contemporary state, the contemporary embodiment of the law, is absolute exception, understood as absolute oppression, and if only a liberation of violence from its lawful capture can release an appropriate politics, this politics’ human action, like Antigone, stands in “as a pure and simple relationship of the human being to that of which he miraculously happens to be the bearer, namely, the signifying cut that confers on him the indomitable power of being what he is in the face of everything that may oppose him. Anything at all may be invoked in connection with this, and that’s what the Chorus does in the fifth act when it evokes the god that saves. Dionysos is this god; otherwise why would he appear here? There is nothing Dionysiac about the act and the countenance of Antigone. Yet she pushes to the limit the realization of something that might be called the pure and simple desire of death as such. She incarnates that desire” (282). A politics of heroic desire, in the ineluctable fulfillment of the ethical imperative, might be conceived to be an antisovereign politics, but it is still a subjective politics of catastrophe. At the limit, the hero does not abandon the horizon of sovereignty: **the hero simply inverts i**t, and puts it at the service of an intensely mystical jouissance, “the passage that allows access to the justice that one of Benjamin’s posthumous fragments defines as a state of the world in which it appears as an absolutely inappropriatable and unjuridifiable good” (Agamben 2003, 83).