# 1NC

### case

#### Radical opposition to the system affirms its existence. Opposing discourses allow the system to simulate its own death and delay its collapse.

**Baudrillard, 81** [Jean, “Simulacra and Simulation” p. 18-19]

Conjunction of the system and of its extreme alternative like the two sides of a curved mirror, a "vicious" curvature of a political space that is henceforth magnetized, circularized, reversibilized from the right to the left, a torsion that is like that of the evil spirit of commutation, the whole system, the infinity of capital folded back on its own surface: transfinite? And is it not the same for desire and the libidinal space? Conjunction of desire and value, of desire and capital. Conjunction of desire and the law, the final pleasure as the metamorphosis of the law (which is why it is so widely the order of the day): only capital takes pleasure, said Lyotard, before thinking that we now take pleasure in capital. Overwhelming versatility of desire in Deleuze, an enigmatic reversal that brings desire "revolutionary in itself, and as if involuntarily, wanting what it wants," to desire its own repression and to invest in paranoid and fascist systems? A malign torsion that returns this revolution of desire to the same fundamental ambiguity as the other, the historical revolution. All the referentials combine their discourses in a circular, Mobian compulsion. Not so long ago, sex and work were fiercely opposed terms; today both are dissolved in the same type of demand. Formerly the discourse on history derived its power from violently opposing itself to that of nature, the discourse of desire to that of power-today they exchange their signifiers and their scenarios. It would take too long to traverse the entire range of the operational negativity of all those scenarios of deterrence, which, like Watergate, try to regenerate a moribund principle through simulated scandal, phantasm, and murder-a sort of hormonal treatment through negativity and crisis. It is always a question of moving the real through the imaginary, proving truth through scandal, proving the law through transgression, proving work through striking, proving the system through crisis, and capital through revolution, as it is elsewhere (the Tasaday) of proving ethnology through the dispossession of its object-without taking into account: the proof of theater through antitheater; the proof of art through antiart; the proof of pedagogy through antipedagogy; the proof of psychiatry through antipsychiatry, etc. Everything is metamorphosed into its opposite to perpetuate itself in its expurgated form. All the powers, all the institutions speak of themselves through denial, in order to attempt, by simulating death, to escape their real death throes. Power can stage its own murder to rediscover a glimmer of existence and legitimacy Such was the case with some American presidents: the Kennedys were murdered because they still had a political dimension. The others, Johnson, Nixon, Ford, only had the right to phantom attempts, to simulated murders. But this aura of an artificial menace was still necessary to conceal that they were no longer anything but the mannequins of power. Formerly, the king (also the god) had to die, therein lay his power. Today, he is miserably forced to feign death, in order to preserve the blessing of power. But it is lost. To seek new blood in its own death, to renew the cycle through the mirror of crisis, negativity; and antipower: this is the only solution-alibi of every power, of every institution attempting to break the vicious circle of its irresponsibility and of its fundamental nonexistence, of its already seen and of its already dead.

#### The 1AC's drive towards eradicating suffering is an example of becoming enslaved to a totalizing system of morals for the sake of preserving value- this is inherently life negating and turns case

Scott 98(Jacqueline, Associate Professor Philosophy Department Loyola University Chicago, “Nietzsche and Decadence: The Revaluation of Morality,” 1998.)

For Nietzsche then, the best type of rationale is one whose goal is self-enhancement by way of an afﬁrmation of one’s life, and it is only the healthiest individuals who will be able create and live by such a rationale. It is their opposites, those who are distressed and weak, who have traditionally created rationales for preservation which they labeled systems of morality. According to Nietzsche, the philosopher was “the man of the most comprehensive responsibility who has the conscience of the over-all development of man”, and he “will make use of religions for his project of cultivation and education”. The philosopher, then, is responsible for creating the rationales for existence which are necessary for the “over-all development of man”. Nietzsche claimed that modern morality, as opposed to creating the conditions for both the enhancement of the species and for the production of people of great deeds, was [leads] to stagnation and even the decay of the species. This diminution was the greatest danger for everyone because it signaled the inability to carry out our most fundamental, distinctly human task. Our moralities no longer served to provide us with rationales for existence. Instead, modern moralities only [make] us feel a certain weariness for this world and for the species in general. The worst type of decadent, though, is one, like the Christian, who teaches that one must blame oneself – this choice of being harmful to oneself is the “formula for decadence”. It teaches hatred of oneself, particularly hatred of one’s instincts. One is taught that in order to do penance for the past sins of other humans, one must selﬂessly devote one’s life to serving others and to having pity for them, because one is not worthy of one’s own attention. Nietzsche referred to this as “un-selﬁng” or self-denial and contended that such an approach was unhealthy because the priestly leaders who created it made self-destruction a sign of value and duty. A symptom of this type of decadence is assigning the unegoistic an absolute value, and considering the egoistic abhorrent.

### Gates 1NC

#### The affirmative stands at the gates of debate. The gates are wide open but they are incapable of entering. So insistent upon finding acceptance in debate’s symbolic order, they miss the forest for the trees

#### It’s not enough to perform: it has to be interpreted, confirmed by the big Other of debate and legitimized through the ballot. To prove what? Inclusion in an activity that none of us believe is revolutionary? They ignore that politics is dead – your movement is inevitably coopted as soon as it becomes visible – tanks solvency

**Invisible Committee, 07** [an anonymous group of French professors, phd candidates, and intellectuals, in the book “The Coming Insurrection” published by Semiotext(e) (attributed to the Tarnac Nine by the French police), <http://tarnac9.noblogs.org/gallery/5188/insurrection_english.pdf>]

Whatever angle you look at it from, there's no escape from the present. That's not the least of its virtues. For those who want absolutely to have hope, it knocks down every support. Those who claim to have solutions are proven wrong almost immediately. It's understood that now everything can only go from bad to worse. "There's no future for the future" is the wisdom behind an era that for all its appearances of extreme normalcy has come to have about the consciousness level of the first punks. The sphere of political representation is closed. From left to right, it's the same nothingness acting by turns either as the big shots or the virgins, the same sales shelf heads, changing up their discourse according to the latest dispatches from the information service. Those who still vote give one the impression that their only intention is to knock out the polling booths by voting as a pure act of protest. And we've started to understand that in fact it’s only against the vote itself that people go on voting. Nothing we've seen can come up to the heights of the present situation; not by far. By its very silence, the populace seems infinitely more 'grown up' than all those squabbling amongst themselves to govern it do. Any Belleville chibani 1 is wiser in his chats than in all of those puppets’ grand declarations put together. The lid of the social kettle is triple-tight, and the pressure inside won’t stop building. The ghost of Argentina’s Que Se Vayan Todos 2 is seriously starting to haunt the ruling heads. The fires of November 2005 will never cease to cast their shadow on all consciences. Those first joyous fires were the baptism of a whole decade full of promises. The media’s “suburbs vs. the Republic” myth, if it’s not inefficient, is certainly not true. The fatherland was ablaze all the way to downtown everywhere, with fires that were methodically snuffed out. Whole streets went up in flames of solidarity in Barcelona and no one but the people who lived there even found out about it. And the country hasn’t stopped burning since. Among the accused we find diverse profiles, without much in common besides a hatred for existing society; not united by class, race, or even by neighborhood. What was new wasn’t the “suburban revolt,” since that was already happening in the 80s, but the rupture with its established forms. The assailants weren’t listening to anybody at all anymore, not their big brothers, not the local associations assigned to help return things to normal. No “SOS Racism which only fatigue, falsification, and media omertà 4 could feign putting an end. The whole series of nocturnal strikes, anonymous attacks, wordless destruction, had the merit of busting wide open the split between politics and the political. No one can honestly deny the obvious weight of this assault which made no demands, and had no message other than a threat which had nothing to do with politics. But you’d have to be blind not to see what is purely political about this resolute negation of politics, and you’d certainly have to know absolutely nothing about the autonomous youth movements of the last 30 years. Like abandoned children we burned the first baby toys of a society that deserves no more respect than the monuments of Paris did at the end of Bloody Week 5 -- and knows it. There’s no social solution to the present situation. First off because the vague aggregate of social groupings, institutions, and individual bubbles that we designate by the anti-phrase “society” has no substance, because there’s no language left to express common experiences with. It took a half-century of fighting by the Lumières to thaw out the possibility of a French Revolution, and a century of fighting by work to give birth to the fearful “Welfare State.” Struggles creating the language in which the new order expresses itself. Nothing like today. Europe is now a de-monied continent that sneaks off to make a run to the Lidl 6 and has to fly with the low-cost airlines to be able to keep on flying. None of the “problems” formulated in the social language are resolvable. The “retirement pensions issue,” the issues of “precariousness,” the “youth” and their “violence” can only be kept in suspense as long as the ever more surprising “acting out” they thinly cover gets managed away police-like. No one’s going to be happy to see old people being wiped out at a knockdown price, abandoned by their own and with nothing to say. And those who’ve found less humiliation and more benefit in a life of crime than in sweeping floors will not give up their weapons, and prison won’t make them love society. The rage to enjoy of the hordes of the retired will not take the somber cuts to their monthly income on an empty stomach, and will get only too excited about the refusal to work among a large sector of the youth. And to conclude, no guaranteed income granted the day after a quasi-uprising will lay the foundations for a new New Deal, a new pact, and a new peace. The social sentiment is rather too evaporated for all that. As their solution, they’ll just never stop putting on the pressure, to make sure nothing happens, and with it we’ll have more and more police chases all over the neighborhood. The drone that even according to the police indeed did fly over Seine-Saint-Denis 7 last July 14 th is a picture of the future in much more straightforward colors than all the hazy images we get from the humanists. That they took the time to clarify that it was not armed shows pretty clearly the kind of road we’re headed down. The country is going to be cut up into ever more air-tight zones. Highways built along the border of the “sensitive neighborhoods” already form walls that are invisible and yet able to cut them off from the private subdivisions. Whatever good patriotic souls may think about it, the management of neighborhoods “by community” is most effective just by its notoriety. The purely metropolitan portions of the country, the main downtowns, lead their luxurious lives in an ever more calculating, ever more sophisticated, ever more shimmering deconstruction. They light up the whole planet with their whorehouse red lights, while the BAC 8 and the private security companies’ -- read: militias’ -- patrols multiply infinitely, all the while benefiting from being able to hide behind an ever more disrespectful judicial front. The catch-22 of the present, though perceptible everywhere, is denied everywhere. Never have so many psychologists, sociologists, and literary people devoted themselves to it, each with their own special jargon, and each with their own specially missing solution. It’s enough just to listen to the songs that come out these days, the trifling “new French music,” where the petty-bourgeoisie dissects the states of its soul and the K’1Fry mafia 9 makes its declarations of war, to know that this coexistence will come to an end soon and that a decision is about to be made.

#### The Alternative is to reject the call to action and the Affirmative Manifesto of change. Disappearance provides the secrecy and anonymity that avoids giving opportunities to be coopted. To make micropolitics visible is to coopt it – only an embrace of imperceptible politics can solve

**Tsianos et. al, 08** – Vassilis, teaches sociology at the University of Hamburg, Germany, Dimitris Papadopoulos teaches social theory at Cardiff University, Niamh Stephenson teaches social science at the University of New South Wales. “Escape Routes: Control and Subversion in the 21st Century” Pluto Press

In this sense imperceptible politics does not necessarily differ from or oppose other prevalent forms of politics, such as state-oriented politics, micropolitics, identity politics, cultural and gender politics, civil rights movements, etc. And indeed imperceptible politics connects with all these various forms of political engagement and intervention in an opportunistic way: it deploys them to the extent that they allow the establishment of spaces outside representation; that is, spaces which do not primarily focus on the transformation of the conditions of the double-R axiom (rights and representation) but on the insertion of new social forces into a given political terrain. In the previous chapter we called this form of politics outside politics: the politics which opposes the representational regime of policing. Imperceptibility is the everyday strategy which allows us to move and to act below the overcoding regime of representation. This everyday strategy is inherently anti-theoretical; that is, it resists any ultimate theorisation, it cannot be reduced to one successful and necessary form of politics (such as state-oriented politics or micropolitics, for example). Rather, imperceptible politics is genuinely empiricist, that is it is always enacted as ad hoc practices which allow the decomposition of the representational strategies in a particular field and the composition of events which cannot be left unanswered by the existing regime of control. If imperceptible politics resists theorisation and is ultimately empiricist, what then are the criteria for doing imperceptible politics? There are three dimensions which characterise imperceptible politics: objectlessness, totality, trust. Firstly, imperceptible politics is objectless, that is it performs political transformation without primarily targeting a specific political aim (such as transformation of a law or institution, or a particular claim for inclusion, etc). Instead imperceptible politics proceeds by materialising its own political actions through contagious and affective transformations. The object of its political practice is its own practices. In this sense, imperceptible politics is non-intentional - and therein lies its difference from state-oriented politics or the politics of civil rights movements, for example - it instigates change through a series of everyday transformations which can only be codified as having a central political aim or function in retrospect. Secondly, imperceptible politics addresses the totality of an existing field of power. This seems to be the difference between imperceptible politics and micropolitics or other alternative social movements: imperceptible politics is not concerned with containing itself to a molecular level of action; it addresses the totality of power through the social changes which it puts to work in a particular field of action. The distinction between molar and molecular (Deleuze and Guattari, 1987, p. 275) has only analytical significance from the perspective of imperceptible politics. In fact imperceptible politics is both molar and molecular, because by being local situated action it addresses the whole order of control in a certain field. Imperceptible politics is located at the heart of a field of power and at the same time it opens a way to move outside this field by forcing the transformation of all these elements which are constitutive of this field. In this sense, imperceptible politics is a driving force which is simul­taneously both present and absent. We described this in the previous chapter by exploring the importance of speculative figurations for the practice of escape. On the everyday level of escape (a level we called in this chapter imperceptible politics) speculative figuration can be translated into trust. This is the third characteristic of imperceptible politics; it is driven by a firm belief in the importance and truthfulness of its actions, without seeking any evidence for, or conducting any investigation into its practices. This is trust. Imperceptible politics is driven by trust in something which seems to be absent from a particular situation. Imperceptible politics operates around a void, and it is exactly the conversion of this void into everyday politics that becomes the vital force for imperceptible politics.

### FW 1NC

#### Our interpretation is that the aff has to defend a world where the USFG increases restrictions on the war powers authority of the President in one of the following: targeted killing, indefinite detention, offensive cyber operations, and introduction of US armed forces in hostilities

#### The resolution should limit the parameter of the discussion

#### A) “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.

#### B) “United States Federal Government should” means the debate is solely about the outcome of 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.

#### Voting issue –

#### Limits – it’s impossible to be negative in their world – they get to just speak in general about the horrors of anything or interpret the resolution any way they see fit. That explodes neg research burden and clash

#### The opening of infinite frameworks destroys stasis – agreement on the topic as the starting point for debate creates a platform of argumentative stability that is the crucial foundation for deliberation and makes debate meaningful

O’Donnell 4 (Dr. Tim, Director of Debate – Mary Washington U., “And the Twain Shall Meet: Affirmative Framework Choice and the Future of Debate”, Debater’s Research Guide, http://groups.wfu.edu/debate/MiscSites/ DRGArticles/Framework%20article%20for%20the%20DRG%20final2.doc)

According to the *Oxford English Dictionary,* a framework consists of “a set of standards, beliefs, or assumptions” that govern behavior. When we speak of frameworks in competitive academic debate we are talking about the set of standards, beliefs, or assumptions that generate the question that the judge ought to answer at the end of the debate. Given that there is no agreement among participants about which standards, beliefs, or assumptions ought to be universally accepted, it seems that we will never be able to arrive at an agreeable normative assumption about what the question ought to be. So the issue before us is how we preserve community while agreeing to disagree about the question in a way that recognizes that there is richness in answering many different questions that would not otherwise exist if we all adhered to a “rule” which stated that there is one and only one question to be answered. More importantly, how do we stop talking past each other so that we can have a genuine conversation about the substantive merits of any one question? The answer, I believe, resides deep in the rhetorical tradition in the often overlooked notion of stasis.[[1]](#endnote-1) Although the concept can be traced to Aristotle’s *Rhetoric*, it was later expanded by Hermagoras whose thinking has come down to us through the Roman rhetoricians Cicero and Quintillian. Stasis is a Greek word meaning to “stand still.” It has generally been considered by argumentation scholars to be the point of clash where two opposing sides meet in argument. Stasis recognizes the fact that interlocutors engaged in a conversation, discussion, or debate need to have some level of expectation regarding what the focus of their encounter ought to be. To reach stasis, participants need to arrive at a decision about what the issue is prior to the start of their conversation. Put another way, they need to mutually acknowledge the point about which they disagree. What happens when participants fail to reach agreement about what it is that they are arguing about? They talk past each other with little or no awareness of what the other is saying. The oft used cliché of two ships passing in the night, where both are in the dark about what the other is doing and neither stands still long enough to call out to the other, is the image most commonly used to describe what happens when participants in an argument fail to achieve stasis. In such situations, genuine engagement is not possible because participants have not reached agreement about what is in dispute. For example, when one advocate says that the United States should increase international involvement in the reconstruction of Iraq and their opponent replies that the United States should abandon its policy of preemptive military engagement, they are talking past each other. When such a situation prevails, it is hard to see how a productive conversation can ensue. I do not mean to suggest that dialogic engagement always unfolds along an ideal plain where participants always can or even ought to agree on a mutual starting point. The reality is that many do not. In fact, refusing to acknowledge an adversary’s starting point is itself a powerful strategic move. However, it must be acknowledged that when such situations arise, and participants cannot agree on the issue about which they disagree, the chances that their exchange will result in a productive outcome are diminished significantly. In an enterprise like academic debate, where the goals of the encounter are cast along both educational and competitive lines, the need to reach accommodation on the starting point is urgent. This is especially the case when time is limited and there is no possibility of extending the clock. The sooner such agreement is achieved, the better. Stasis helps us understand that we stand to lose a great deal when we refuse a genuine starting point.[[2]](#endnote-2) How can stasis inform the issue before us regarding contemporary debate practice? Whether we recognize it or not, it already has. The idea that the affirmative begins the debate by using the resolution as a starting point for their opening speech act is nearly universally accepted by all members of the debate community. This is born out by the fact that affirmative teams that have ignored the resolution altogether have not gotten very far. Even teams that use the resolution as a metaphorical condensation or that “affirm the resolution as such” use the resolution as their starting point. The significance of this insight warrants repeating. Despite the numerous differences about what types of arguments ought to have a place in competitive debate we all seemingly agree on at least one point – the vital necessity of a starting point. This common starting point, or topic, is what separates debate from other forms of communication and gives the exchange a directed focus.[[3]](#endnote-3)

#### Effective decision-making outweighs – it’s the lynchpin of solving all existential global problems – being relevantly informed is key

Lundberg 10 (Christian O. Lundberg 10 Professor of Communications @ University of North Carolina, Chapel Hill, “Tradition of Debate in North Carolina” in Navigating Opportunity: Policy Debate in the 21st Century By Allan D. Louden, p311)

The second major problem with the critique that identifies a naivety in articulating debate and democracy is that it presumes that the primary pedagogical outcome of debate is speech capacities. But the democratic capacities built by debate are not limited to speech—as indicated earlier, debate builds capacity for critical thinking, analysis of public claims, informed decision making, and better public judgment. If the picture of modem political life that underwrites this critique of debate is a pessimistic view of increasingly labyrinthine and bureaucratic administrative politics, rapid scientific and technological change outpacing the capacities of the citizenry to comprehend them, and ever-expanding insular special-interest- and money-driven politics, it is a puzzling solution, at best, to argue that these conditions warrant giving up on debate. If democracy is open to rearticulation, it is open to rearticulation precisely because as the challenges of modern political life proliferate, the citizenry's capacities can change, which is one of the primary reasons that theorists of democracy such as Ocwey in The Public awl Its Problems place such a high premium on education (Dewey 1988,63, 154). Debate provides an indispensible form of education in the modem articulation of democracy because it builds precisely the skills that allow the citizenry to research and be informed about policy decisions that impact them, to son rhroueh and evaluate the evidence for and relative merits of arguments for and against a policy in an increasingly infonnation-rich environment, and to prioritize their time and political energies toward policies that matter the most to them. The merits of debate as a tool for building democratic capacity-building take on a special significance in the context of information literacy. John Larkin (2005, HO) argues that one of the primary failings of modern colleges and universities is that they have not changed curriculum to match with the challenges of a new information environment. This is a problem for the course of academic study in our current context, but perhaps more important, argues Larkin, for the future of a citizenry that will need to make evaluative choices against an increasingly complex and multimediatcd information environment (ibid-). Larkin's study tested the benefits of debate participation on information-literacy skills and concluded that in-class debate participants reported significantly higher self-efficacy ratings of their ability to navigate academic search databases and to effectively search and use other Web resources: To analyze the self-report ratings of the instructional and control group students, we first conducted a multivariate analysis of variance on all of the ratings, looking jointly at the effect of instmction/no instruction and debate topic . . . that it did not matter which topic students had been assigned . . . students in the Instnictional [debate) group were significantly more confident in their ability to access information and less likely to feel that they needed help to do so----These findings clearly indicate greater self-efficacy for online searching among students who participated in (debate).... These results constitute strong support for the effectiveness of the project on students' self-efficacy for online searching in the academic databases. There was an unintended effect, however: After doing ... the project, instructional group students also felt more confident than the other students in their ability to get good information from Yahoo and Google. It may be that the library research experience increased self-efficacy for any searching, not just in academic databases. (Larkin 2005, 144) Larkin's study substantiates Thomas Worthcn and Gaylcn Pack's (1992, 3) claim that debate in the college classroom plays a critical role in fostering the kind of problem-solving skills demanded by the increasingly rich media and information environment of modernity. Though their essay was written in 1992 on the cusp of the eventual explosion of the Internet as a medium, Worthcn and Pack's framing of the issue was prescient: the primary question facing today's student has changed from how to best research a topic to the crucial question of learning how to best evaluate which arguments to cite and rely upon from an easily accessible and veritable cornucopia of materials. There are, without a doubt, a number of important criticisms of employing debate as a model for democratic deliberation. But cumulatively, the evidence presented here warrants strong support for expanding debate practice in the classroom as a technology for enhancing democratic deliberative capacities. The unique combination of critical thinking skills, research and information processing skills, oral communication skills, and capacities for listening and thoughtful, open engagement with hotly contested issues argues for debate as a crucial component of a rich and vital democratic life. In-class debate practice both aids students in achieving the best goals of college and university education, and serves as an unmatched practice for creating thoughtful, engaged, open-minded and self-critical students who are open to the possibilities of meaningful political engagement and new articulations of democratic life. Expanding this practice is crucial, if only because the more we produce citizens that can actively and effectively engage the political process, the more likely we are to produce revisions of democratic life that are necessary if democracy is not only to survive, but to thrive. Democracy faces a myriad of challenges, including: domestic and international issues of class, gender, and racial justice; wholesale environmental destruction and the potential for rapid climate change; emerging threats to international stability in the form of terrorism, intervention and new possibilities for great power conflict; and increasing challenges of rapid globalization including an increasingly volatile global economic structure. More than any specific policy or proposal, an informed and active citizenry that deliberates with greater skill and sensitivity provides one of the best hopes for responsive and effective democratic governance, and by extension, one of the last best hopes for dealing with the existential challenges to democracy [in an] increasingly complex world.

#### 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 (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*, 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.

#### Simulated national security law debates preserve agency, enables activism, enhances decision-making, and avoids cooption – only legal deliberative action solves

Donohue 13 (Laura K. Donohue, Associate Professor of Law, Georgetown Law, 4/11, “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.

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

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Each decision maker worked hard to make well-reasoned decisions. Decision making is a thoughtful process of choosing among a variety of options for acting or thinking. It requires that the decider make a choice. Life demands decision making. We make countless individual decisions every day. To make some of those decisions, we work hard to employ care and consideration; others seem to just happen. Couples, families, groups of friends, and coworkers come together to make choices, and decision-making homes from committees to juries to the U.S. Congress and the United Nations make decisions that impact us all. Every profession requires effective and ethical decision making, as do our school, community, and social organizations. We all make many decisions even- 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 CO vote for. paper or plastic, all present lis 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? Tlie 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, TIMI: magazine named YOU its "Person of the Year." Congratulations! Its selection was based on the participation not of ''great men" in the creation of history, but rather on the contributions of a community of anonymous participants in the evolution of information. Through blogs. online networking. You Tube. Facebook, MySpace, Wikipedia, and many other "wikis," knowledge and "truth" are created from the bottom up, bypassing the authoritarian control of newspeople. academics, and publishers. We have access to infinite quantities of information, but how do we sort through it and select the best information for our needs? The ability of every decision maker to make good, reasoned, and ethical decisions relies heavily upon their ability to think critically. Critical thinking enables one to break argumentation down to its component parts in order to evaluate its relative validity and strength. Critical thinkers are better users of information, as well as better advocates. Colleges and universities expect their students to develop their critical thinking skills and may require students to take designated courses to that end. The importance and value of such study is widely recognized. Much of the most significant communication of our lives is conducted in the form of debates. These may take place in intrapersonal communications, in which we weigh the pros and cons of an important decision in our own minds, or they may take place in interpersonal communications, in which we listen to arguments intended to influence our decision or participate in exchanges to influence the decisions of others. Our success or failure in life is largely determined by our ability to make wise decisions for ourselves and to influence the decisions of others in ways that are beneficial to us. Much of our significant, purposeful activity is concerned with making decisions. Whether to join a campus organization, go to graduate school, accept a job oiler, buy a car or house, move to another city, invest in a certain stock, or vote for Garcia—these are just a few of the thousands of decisions we may have to make. Often, intelligent self-interest or a sense of responsibility will require us to win the support of others. We may want a scholarship or a particular job for ourselves, a customer for out product, or a vote for our favored political candidate.

#### Roleplaying---- linking the ballot to a should question in combination with USFG simulation teaches the skills to organize pragmatic consequences and philosophical values into a course of action

**Hanghoj, 08** – Thorkild Hanghøj, Copenhagen, Since this PhD project began in 2004, the present author has been affiliated with DREAM (Danish Research Centre on Education and Advanced Media Materials), which is located at the Institute of Literature, Media and Cultural Studies at the University of Southern Denmark. Research visits have taken place at the Centre for Learning, Knowledge, and Interactive Technologies (L-KIT), the Institute of Education at the University of Bristol and the institute formerly known as Learning Lab Denmark at the School of Education, University of Aarhus, where I currently work as an assistant professor. http://static.sdu.dk/mediafiles/Files/Information\_til/Studerende\_ved\_SDU/Din\_uddannelse/phd\_hum/afhandlinger/2009/ThorkilHanghoej.pdf

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

#### Counter interp – read it on the neg or by a topical policy proposal – solves your offense

#### Competing interpretations are good – force the aff to prove their interpretation of the topic is the best interpretation.

# 2NC

## Visibility

### 2NC Overview

#### The aff stands at the gates of debate with a manifesto asking for you to affirm their revolutionary act, but with every affirmation their act no longer becomes revolutionary it simply becomes the norm –

#### Their call for the ballot is self – defeating – a few impacts

#### 1. Death of product – they hang their project up in the gallery of debate to be criticized and torn apart by negative teams – turns the case – that’s Tsianos

#### 2. The demand for a voice against oppression becomes a rejection of silence. Their rhetoric of success turns this to bitter resentment

Mann 94 (Paul, philosopher, Masocriticism, page 5, 1994)

Perhaps the strangeness of this situation, the absurdity of this silence, demands further reflection, I have in mind a logo representing militancy against the public management of the AIDS crisis, a design in which the notorious pink triangle by which the Nazis designated homosexuals is linked with this equation Silence = Death. We are thereby enjoined not to be silent but to speak out, to state the truth about AIDS and demand that the nation listen and act only through an organization of voices can those under sentence of death be saved. Silence here is a form of suppression, or a form of complicity with oppression. A form of moral cowardice, Of murder, One finds the same sort of equation in those hitherto marginalized or suppressed discourses of women and ethnic minorities who, after silent centuries, now explode into voice and struggle to make themselves heard, Silence here is "unnatural," as Tillie Olsen writes, a thwarting of everything vital and creative in the human spirit 3 Indeed, nothing could be closer to the heart of our moral and political thinking than the necessity to speak out, to bear witness, to give voice to the truth, And nothing said here will contradict such a necessity for those who must claim it, But at the same time, as the death of the avant- garde makes manifest, in this culture one can also die by speaking, One can also play into the hands of a generalized violence against secrecy. It is here that one begins to imagine another monstrous order in which the equation of silence and death is not rejected but embraced, in which the deepest necessity to seek this silence and death.One imagines such a silence so that one's own writing will become untenable Under the sign of silence and death, writing turns against itself wit.h enonnots fury; it becomes a kind of masocriticism, if you will, subjecting itself to the laws of the discursive economy it loathes in order to inflict upon itself an unprecedented suffering that will make writing, as long as it continues, impossible.

#### 3. Demanding the ballot for endorsing a movement that promotes “change” is a morality of calculation --- it uses ethical challenge they pretend to advocate as a means to win the ballot --- this reduces us to mere pawns on their chessboard and controls the root cause of the 1AC’s harms and destroys the value to life

**Dillon, 99** (Michael Dillon, University of Lancaster, “Another Justice,” Political Theory, 1999, http://ptx.sagepub.com/cgi/reprint/27/2/155)

Economies of evaluation necessarily require calculability.35 Thus no valuation without mensuration and no mensuration without indexation. Once rendered **calculable**, however, **units** of account **are** necessarily submissible not only to valuation but also, of course, to devaluation. Devaluation, logically, can extend to the point of counting as nothing. Hence, no mensuration without demensuration either. There is nothing abstract about this: the declension of economies of value leads to the zero point of holocaust. However liberating and emancipating systems of value—rights—may claim to be, for example, they run the risk of counting out the invaluable. Counted out, the invaluable may then lose its purchase on life. Herewith, then, the necessity of championing the invaluable itself. For we must never forget that, “we are dealing always with whatever exceeds measure.”36 But how does that necessity present itself? Another Justice answers: as the surplus of the duty to answer to the claim of Justice over rights. That duty, as with the advent of another Justice, is integral to the lack constitutive of the humanway of being.

#### 4. The aff’s demands against the system are empty gestures to fulfill their psychological desires. They don’t want the system to change because without it, there would be nothing to complain about – the aff therefore is a smokescreen to give the illusion of change while keeping the same system in place. Ultimately the 1AC changes nothing

**Zizek, 02** Slavoj Žižek, Senior Researcher dept. of philosophy @ Univ. of Ljubljana, 2002 (Welcome To the Desert of the Real, p. 60-2)

In both cases, the gesture is that of calling the other’s bluff, counting on the fact that what the other really fears is that one will fully comply with his or her demand. And would not the same gesture also throw our radical academics into a panic? Here the old ’68 motto *‘Soyons realists, demandons l’impossible!’* acquires a new cynical and sinister meaning which, perhaps reveals its truth: ‘Let’s be realists: we, the academic Left, want to appear critical, while fully enjoying the privileges the system offers us. So let’s bombard the system with impossible demands: we all know that these demands won’t be met, so we can be sure that nothing will actually change, and we’ll maintain our privileged status!’ If someone accuses a big corporation of particular financial crimes, he or she is exposed to risks which can go right up to murder attempts; if he or she asks the same corporation to finance a research project into the link between global capitalism and the emergence of hybrid postcolonial identities, he or she stands a good chance of getting hundreds of thousands of dollars.

### 2NC Link Wall

#### 1. Visibility – once the state knows your plan of attack cooption is an inevitability. The only successful attacks against the state require invisible and unknowable challenges to state hegemony. The Barcelona revolutions prove that your movement gets coopted once it becomes overt. The visibility of the plan negates revolutionary potential as the state will copy any strategy aimed at challenging it and conform accordingly

**Invisible Committee, 07** [an anonymous group of French professors, phd candidates, and intellectuals, in the book “The Coming Insurrection” published by Semiotext(e) (attributed to the [Tarnac Nine](http://en.wikipedia.org/wiki/Tarnac_Nine) by the French police), http://tarnac9.noblogs.org/gallery/5188/insurrection\_english.pdf]

Stay invisible. Put anonymity on the offense. In a demonstration, a unionist pulls the mask off an anonymous protester who had just broken a window: “Assume responsibility for what you’re doing instead of hiding yourself.” To be visible is to be out in the open – that is, above all to be vulnerable. When the leftists of all nations continually make their cause more “visible” – whether that of the homeless, of women, or of immigrants – in the hope that it will get taken care of, they’re doing exactly the opposite of what they ought to. To not be visible, but rather to turn to our advantage the anonymity we’ve been relegated to, and with conspiracies, nocturnal and/or masked actions, to make it into an unassailable attack-position. The fires of November 2005 offer a model. No leader, no demands, no organization, but words, gestures, complicities. To be nothing socially is not a humiliating condition, the source of some tragic lack of recognition (to be recognized: but by who?), but on the contrary is the precondition for maximum freedom of action. Not signing your name to your crimes, but only attaching some imaginary acronym – people still remember the ephemeral BAFT (Tarterets AntiCop Brigade) – is a way to preserve that freedom. Obviously, one of the regime’s first defensive maneuvers was to create a “suburban slum” subject to treat as the author of the “riots of November 2005.” Just take a look at the ugly mugs of those who are someone in this society if you want help understanding the joy of being no one.

#### 2. You commodify the suffering of \_\_\_ in exchange for your ballot in the debate economy---playing a game where we move scenarios of suffering around like chesspieces for our own personal enjoyment is the most unethical form of intellectual imperialism

**Baudrillard, 94** [Jean, “The Illusion of the End” p. 66-71]

We have long denounced the capitalistic, economic exploitation of the poverty of the 'other half of the world' [['autre monde]. We must today denounce the moral and sentimental exploitation of that poverty - charity cannibalism being worse than oppressive violence. The extraction and humanitarian reprocessing of a destitution which has become the equivalent of oil deposits and gold mines. The extortion of the spectacle of poverty and, at the same time, of our charitable condescension: a worldwide appreciated surplus of fine sentiments and bad conscience. We should, in fact, see this not as the extraction of raw materials, but as a waste-reprocessing enterprise. Their destitution and our bad conscience are, in effect, all part of the waste-products of history- the main thing is to recycle them to produce a new energy source.¶ We have here an escalation in the psychological balance of terror. World capitalist oppression is now merely the vehicle and alibi for this other, much more ferocious, form of moral predation. One might almost say, contrary to the Marxist analysis, that material exploitation is only there to extract that spiritual raw material that is the misery of peoples, which serves as psychological nourishment for the rich countries and media nourishment for our daily lives. The 'Fourth World' (we are no longer dealing with a 'developing' Third World) is once again beleaguered, this time as a catastrophe-bearing stratum. The West is whitewashed in the reprocessing of the rest of the world as waste and residue. And the white world repents and seeks absolution - it, too, the waste-product of its own history.¶ The South is a natural producer of raw materials, the latest of which is catastrophe. The North, for its part, specializes in the reprocessing of raw materials and hence also in the reprocessing of catastrophe. Bloodsucking protection, humanitarian interference, Medecins sans frontieres, international solidarity, etc. The last phase of colonialism: the New Sentimental Order is merely the latest form of the New World Order. Other people's destitution becomes our adventure playground . Thus, the humanitarian offensive aimed at the Kurds - a show of repentance on the part of the Western powers after allowing Saddam Hussein to crush them - is in reality merely the second phase of the war, a phase in which charitable intervention finishes off the work of extermination. We are the consumers of the ever delightful spectacle of poverty and catastrophe, and of the moving spectacle of our own efforts to alleviate it (which, in fact, merely function to secure the conditions of reproduction of the catastrophe market ); there, at least, in the order of moral profits, the Marxist analysis is wholly applicable: we see to it that extreme poverty is reproduced as a symbolic deposit, as a fuel essential to the moral and sentimental equilibrium of the West.¶

#### 3. There is NO forum – every act of rebellion becomes symbolically reconginzed and the gate shuts itself off. The affirmative isn’t some “Coalition” – they are pawns, selling a product to an into the institution of the law – the NDT and CEDA proves – emporia won but Elijah was locked out of the Kentucky RR – proves the institution will always oppress – even if there are movements in the community

#### 4. The LAST thing you should do if you’re going to revolt is TELL everyone that you are revolting – that causes identity conflict

**Jones, 10** (Appropriating the One-Drop Rule: Family Guy on Reparations Jason Jones, University of Washington Enculturation 7 (2010): <http://enculturation.gmu.edu/appropriating-the-one-drop-rule>)

If, as Farrell and McPhail claimed, the reparations debate is a matter of identification and division, the identification they and their opponents demand is problematic. Pointing out a significant communicative setback in Burke’s notion of identification, Ratcliffe argues that “divisions,” despite Burke’s recognition of the equality between identification and division, “are posited as differences that must be bridged in order to construct a place of identification” (59). Through this understanding of identification, the purpose of a communicative act is to conquer, not to cooperate, with another perspective. As Wayne Booth would likely have described the reparations debate, the “emphasis [is] on win-rhetoric rather than on listening-rhetoric: how to persuade better than how to join and thus progress together” (149). To move beyond identification’s denial of difference, Ratcliffe posits four strategies of rhetorical listening:

#### 5. There’s no spillover claim – the ballot can’t create change – few people see them; fewer remember the specifics of the round; and the lack of documentation means that the results of one round can’t have the effect they want

**Atchinson 05** Jarrod Atchison, Ph.D. Candidate Speech Communication University of Georgia, (“Activism in Debate: Parody, Promise, and Problems” presented at the 2005 National Communication Association Convention in Boston, MA, email jarrod.atchison@trinity.edu)

As the debate community has become more self-reflexive, we have begun to recognize that there are problems. The degrees to which things are considered problems and the appropriateness of different solutions to the problems have been hotly contested. In this section, we want to address the perspective that argues that the appropriate site for discussing community problems is individual debates. In contrast to the view that debate is an isolated game with educational benefits, proponents of this perspective argue that individual debates have the potential to create change in the debate community and sometimes society at large. If the first approach assumed that debate was completely insulated, this worldview assumes that there is no insulation between individual debates and the community at large. We believe that using individual debates to create community change is an insufficient strategy for three reasons. First, individual debates are insulated from the community at large. Second, individual debates limit the conversation to the immediate participants and the judge while the debate community is made up of many more people than that. Third, competition diminishes the potential for consensus. We believe that an analysis of these three concerns will help direct the conversation toward the need for a site for community wide dialogue. The first problem is the difficulty of any individual debate to generate community change. Although any debate has the potential to create problems for the community (videotapes of objectionable behavior, etc…), rarely does any one debate have the power to create community wide change. We attribute this ineffectiveness to the structural problems inherent in individual debates and the collective forgetfulness of the debate community. The structural problems are clear. Debaters engage in preliminary debates in rooms that are rarely populated by anyone other than the judge or a few scouts. Judges are instructed to vote for the team that does the best debating, but the ballot is rarely seen by anyone outside the tabulation room. Given the limited number of debates in which a judge actually writes meaningful comments, there is little documentation available for use in many cases. During the period when judges interact with the debaters there are often external pressures (filing evidence, preparing for the next debate, etc…) that restrict the ability for anyone outside the debate to pay attention to why a judge voting a particular way. Elimination debates do not provide for a much better audience because debates still occur simultaneously and travel schedules dictate that most of the tournament has left by the later elimination rounds. We find it difficult for anyone to substantiate the claim that asking a judge to vote to solve a community problem in an individual debate with so few participants is the best strategy for addressing important problems. In addition to the structural problems, the collective forgetfulness of the debate community reduces the impact that individual debates have on the community. The debate community has a high turnover rate. Despite the fact that some debaters make their best effort to debate for more than four years, the debate community is largely made up of participants who debate and then move on. The coaches and directors that make up the backbone of the community are the people with the longest cultural memory, but they are also a small minority of the community when considering the number of debaters involved in the activity. We do not mean to suggest that the activity is reinvented every year—certainly there are conventions that are passed down from coaches to debaters and from debaters to debaters. However, given the fact that there are virtually no transcriptions available for everyone to read, it is difficult to assume that the debate community would remember any individual debate. Additionally, given the focus on competition and individual skill, the community is more likely to remember the accomplishments and talents of debaters rather than what argument they won a particular round on. The debate community does not have the necessary components in place for a strong collective memory of individual debates. We believe that the combination of the structures of debate and the collective forgetfulness means that any strategy for creating community change that is premised on winning individual debates is less effective than seeking a larger community dialogue that is recorded and/or transcribed.

#### 4. Crowdout – their arguments about the view from nowhere bites back against every single identity category that they didn't mention -- by their logic, the fact that the 1AC didn't mention ableist privilege or nonveteran privilege or other heteronormative privilege ACTIVELY renders each of those groups invisible and enacts a discursive violence against them -- this cannot be a contest to see who can acknowledge MORE marginalized groups and the search for a discursive starting point in race is violent

#### 5. Their activist stance commodifies their act and creates a destructive model of dissent that depends upon authoritarian institutions and imprisons the rhetorical value of the aff

**James, 03** Joy, Professor of Africana Studies @ Brown “Academia, activism, and imprisoned intellectuals.” http://www.thefreelibrary.com/Academia,+activism,+and+imprisoned+intellectuals.-a0133368005

Activism is as multidimensional in its appearances as the academy; as academia's alter ego, or problematic twin, it also reflects the best and worst tendencies of the marketplace. When structured by the market, activism is not inherently infused with responsible behavior or compassion. In its push for productivity--more rallies, demos, conferences, meetings--it can lose sight of effective strategies, community, and the importance of young activists exercising decision-making power. To value one's presence, i.e., just showing up for work, class, or demonstrations, over one's preparedness to fully participate in transformational acts is a feature of the crass market (where volume or quantity of a product register more than quality or utility). Likewise, expectations for unquestioning obedience to managerial elites--whether radical instructor or organizer--are also features of the market found in activism and academia. Thus, beyond confronting the social crises and military and ideological wars enacted by the state, we are disturbed, destabilized, and therefore challenged by the commodification of our own educational sites and political movements. The marketplace--as the dominant metaphor and construct--influences our consciousness and regulates our lives to shape both academia and activism. Conformity and compliance, rebellion and resistance, are often channeled through and structured by markets that turn intellect and action into objects for trade and barter in competition for status and acquisition, while making our ideals (freedom and justice) and their representatives (prisoners of resistance) into commodities. Through books, videos, and CDs, political representations are purchased and circulated with the intent of creating greater demand not only for the "product," but also for social justice, release campaigns, opposition to expanding police and military powers, and executions and state violence. For the imprisoned, the possibility of release, or at least remembrance, mitigates their social death in prison (or physical death, as in the cases of MOVE's Merle Africa and former Black Panther Albert Nuh Washington). Academics and activists use the market to highlight the human rights abuses and conditions of the imprisoned, the 2.5 million people locked in U.S. penal institutions, and the perpetuation of torture and slavery through the Thirteenth Amendment. The irony is that commodification is another form of containment. Although Harlow advocates the "activist counterapproach" to consumption, not all activism provides an alternative. Some of it re-inscribes the competition, opportunism, disciplinary mechanisms, and demands for institutional loyalty that characterize the marketplace. Activism or activists, like academia and academics, have their own forms of commerce. At their weakest and most problematic points, they share, in their respective sites, [**careerism**](http://www.thefreedictionary.com/careerism), appropriation, and the assertion of "authoritative" voices. For instance, the "political prisoner-as-icon" can be deployed to minimize or silence external and internal critiques. Editors, translators, and advocates can wield iconic power as surrogates (and in surreal fashion use that proxy against the incarcerated themselves). The structural position that the non-incarcerated possess, a quite valuable commodity, permits the appropriation of voice and new forms of dependencies. Perhaps, the imprisoned use self-censorship not only as a shield against their guards (as Marilyn Buck describes in On Self-Censorship), but also as armor against their allies. Political prisoners have strategies to counter "free" progressives, given that in the social death of the prisoner rebel, the state is not the only entity that has the ability to capitalize on or cannibalize captive bodies. If indeed the political prisoner or imprisoned intellectual can be either "freed" or frozen in academic and/or activist discourse and productivity, then it is essential that academics-activists, students-scholars, directly communicate with political prisoners, as openly as possible given the structural disparities.

#### 6. The question of the degree to which each team experiences identitarian privilege in debate IS OUR LINK ARGUMENT -- forcing a disclosure of intersecting privilege and disempowerment feeds into the represenational logic that seeks to reduce the tactical possibility for struggle into endlessy atomized divisions. The endless debates between race and class as starting points show how the framing of the affirmative prevents productive engagement and ensures that pedagogical activists are subdued by endless infighting and distraction and fractures solidarity.

### AT: Permutation

#### WE ARE POLITICS YOU ARE POLICING – the logic of your system is broken, and we must escape it lest we fall back into the same traps of reinforcing the minoritization of the Muslim Brotherhood within a majoritarian framework that forces them to consent to the democratic will of a xenophobic US policy community who will appropriate their consent for oppression. ONLY a politics which refuses the trap of political representation has the possibility of emancipation -- this is a prior question and STARTING POINT is key – that’s Invisible Committee

#### Attempting to combine discursive interrogation with the concrete historical example of the plan fails- it always collapses back into reinforcing dominant themes

**Mann, 91** (Paul, Philosopher, “The Theory-Death of the Avant-Garde,” Book, 1991, page 28)

Perhaps Althusser's nonexistent generality is the sign of a desire to have it both ways. The concrete historical situation of any discourse cannot be fully explained by accounting for its ideological content. There is always at the very least some operational common ground on which contending discourses must agree, or they would not be able to come into contention at all. Then what is the historical mode of this commonality? Discursive practices are marked by their ideological specificity and concrete material conditions, but in the historical course of their interaction they also begin to manifest a generalized system (even a style) of relation and begin therefore to be related to a metasystem as well as to each other. The meta might very well arise and assert itself within particular institutions and works, but it hooks them to a systemic function that their specificity or immanence can no longer entirely exceed**.** It becomes increasingly apparent that distinct and contending discursive practices tend to function according to a coordinated economic mechanism and that eventually the mechanism rises to the surface and must itself become the object of discourse. In time and precisely by means of contention, discourses begin to demonstrate and communicate on the level of the device that structures their contentions. They begin to manifest themselves not only at the level of their ideology but also at the level of their economy**.** If nonexistent generality is generally necessary for understanding, then it must come to assert itself as such and make itself known.

### 2NC Alternative

#### The alternative is the invisibility and imperceptible politics of anti-pedagogy – solves the K best – only by disidentifying yourself with the politics of the group can take yourself outside of the traditional power structure. The idea that there is a minority group is what enables the idea of the majoritarian. By refusing to participate within the structure of group identity you disempower the current system of oppression and policing.

#### Their arguments about personal agency are ultimately conservative and de-politicizing – arguments for localizing activism within the purview of social location are the equivalent of privatizing social change, creating us as dependent on the necessity of their advocacy. The more successful their strategy is the more damage it does by making institutions necessary to our understanding of social change

**Hershock, 99** East-West Center, 1999.  [“Changing the way society changes”, Journal of Buddhist Ethics, 6, 154; <http://jbe.gold.ac.uk/6/hershock991.html>]

The trouble is that, like other technologies biased toward control, the more successful legislation becomes, the more it renders itself necessary. Because it aims at rigorous definition -- at establishing hard boundaries or limits -- crossing the threshold of legislative utility means creating conditions under which the definition of freedom becomes so complex as to be self-defeating. Taken to its logical end, legally-biased social activism is thus liable to effect an infinite density of protocols for maintaining autonomy, generating a matrix of limits on discrimination that would finally be conducive to what might be called "axiological entropy" -- a state in which movement in any direction is equally unobstructed and empty of dramatic potential. Contrary to expectations, complete "freedom of choice" would not mean the elimination of all impediments to meaningful improvisation, but rather an erasure of the latter's conditions of possibility. The effectiveness and efficiency of "hard," control-biased technologies depend on our using natural laws -- horizons of possibility -- as fulcrums for leveraging or dictating changes in the structure of our circumstances. Unlike improvised contributions to changes taking place in our situation, dictating the terms of change effectively silences our situational partners. Technological authority thus renders our circumstances mute and justifies ignoring the contributions that might be made by the seasons or the spiritual force of the mountains to the meaning -- the direction of movement -- of our ongoing patterns of interdependence. With the "perfection" of technically-mediated control, our wills would know no limit. We would be as gods, existing with no imperatives, no external compulsions, and no priorities. We would have no reason to do one thing first or hold one thing, and not another, as most sacred or dear. Such "perfection" is, perhaps, as fabulous and unattainable as it is finally depressing. Yet the vast energies of global capital are committed to moving in its direction, for the most part quite uncritically. The consequences -- as revealed in the desecration and impoverishing of both 'external' and 'internal' wilderness (for instance, the rainforests and our imaginations) -- are every day more evident. The critical question we must answer is whether the "soft" technologies of legally-biased and controlled social change commit us to an equivalent impoverishment and desecration. The analogy between the dependence of technological progress on natural laws and that of social activism on societal laws is by no means perfect. Except among a scattering of philosophers and historians of science, for example, the laws of nature are not viewed as changeable artifacts of human culture. But for present purposes, the analogy need only focus our attention on the way legal institutions -- like natural laws -- do not prescriptively determine the shape of all things to come, but rather establish generic limits for what relationships or states of affairs are factually admissible. Laws that guarantee certain "freedoms" necessarily also prohibit others. Without the fulcrums of *unallowable* acts, the work of changing a society would remain as purely idealistic as using wishful thinking to move mountains. Changing legal institutions at once forces and enforces societal reform. By affirming and safeguarding those freedoms or modes of autonomy that have come to be seen as generically essential to 'being human', a legally-biased social activism cannot avoid selectively limiting the ways we engage with one another. The absence of coercion may be a basic aim of social activism, but if our autonomy is to be guaranteed both fair and just, its basic strategy must be one of establishing non-negotiable constraints on how we co-exist. Social activism is thus in the business of striking structural compromises between its ends and its means -- between particular freedoms and general equality, and between practical autonomy and legal anonymity. By shifting the locus of freedoms from unique persons to generic citizens -- and in substantial sympathy with both the Platonic renunciation of particularity and the scientific discounting of the exceptional and extraordinary -- social activist methodology promotes dramatic anonymity in order to universally realize the operation of 'blind justice'. Much as hard technologies of control silence the contributions of wilderness and turn us away from the rewards of a truly joint improvisation of order, the process of social activism reduces the relevance of the always unique and unprecedented terrain of our interdependence. This is no small loss. The institutions that guarantee our generic independence effectively pave over those vernacular relationships through which our own contributory virtuosity might be developed and shared -- relationships out of which the exceptional meaning of our immediate situation might be continuously realized. In contrast with Buddhist emptiness -- a practice that entails attending to the mutual relevance of all things -- both the aims and strategies of social activism are conducive to an evacuation of the conditions of dramatic virtuosity, a societal depletion of our resources for meaningfully improvised and liberating intimacy with all things.

### AT: Coalitions

#### Radically rejecting the system fetishizes it and makes resistance the obverse of the same project it tries to escape

Rella, 94 Franco Rella, The Myth of the Other, trans. Nelson Moe, Maisonneuve Press: Washington, DC, 1994, p. 19

3. The idealization of the negative that is also within our space, the constellation that we have sketched out above, becomes the struggle for those margins “incomprehensible” to the dominant regime of reason to affirm themselves qua spaces of marginalization and exclusion. The ill that this society expels can only be our good, our value. Yet however much struggle and violence are organized around this “value,” it ends up positing itself as the confirmation of that regime of exclusive reason and power; the desert of marginalization is the desert of a violence without a name or, better, of a violence that can only speak through the “names” offered it by the mythology of the dominant. This, then, is not only one of the most extreme developments of “neo—classical,” “plural” reason; it is also the “site” in which it seeks to reconvert itself into “truth,” to refound itself on “true" values. Dispersion becomes a kind of "guarantee" of a complete word which lies elsewhere, of a natural subjectivity that is other from the society and the contradictions which traverse and produce it. In a field quite opposed to this constellation, yet curiously convergent with it, seems to me the appeal (precisely contra Marx and Freud) to the certainty of facts that one finds in the epistemology of Lakatos18 or in Kuhn’s attempt to establish a “normality” of science even within its revolutions.19

## Framework

### 2NC Overview

#### The Affirmative must endorse a topical plan and can only claim advantages stemming from the hypothetical enactment of a policy enacted by the United States Federal Government dictating that it increases statutory and/or judicial restrictions on presidential authority

#### They’ve conceded a few definitions in the 1NC –

#### A. Should – in the context of the resolution, it means to put a policy into action via the USFG – this is what the debate should be about – that’s Ericson –

#### B. Resolved before the colon must reflect a legislative forum, not an intellectual one – that’s Army School

#### This is a prior question – it’s a prerequisite to any debate – that’s Steinberg – productive debate cannot occur without a predictable stasis point because there’s no point to debate if we can’t agree on a starting point

### 2NC Competing Interps good

#### Competing interpretations is the best framework

#### a) Neutrality – Standards of “abuse” and “reasonability” are subjective and allow for judge intervention that benefits neither team – debaters should decide debates

#### b) Reasonability is silly – Applied in any other debate context this notion is absurd. Nobody would vote for an aff that said “well, we don’t quite outweigh your disad but we’re really close”

#### c) Gut-check – we haven’t read “highlighter specification” ours interpretation is also reasonable which means you should defer to whose interpretation is the best because the best interpretation determines predictability

#### This isn’t a competing interpretations question – they don’t have a counter-interpretation that’s reasonable – don’t let them just assert that they’re reasonable if they aren’t

### Effective Deliberation Outweighs – 2NC

#### The impact to our framework is effective deliberation – that outweighs –

#### 1) Solves every social conflict – Lundburg says that every social problem requires effective decision making – otherwise we can’t adequately test arguments and be informed.

#### 2) Only portable skill – life requires decisionmaking, and debate provides that solution because it teaches us how to manage large amounts of information and make an informed decision – that’s Steinberg.

#### 3) Framework turns the case – only process-based deliberation and decision-making can create institutional war power reform

Koh 95 (Harold Hongju – Gerard C. and Bernice Latrobe Smith Professor of International Law and Director, Orville H. Schell, Jr. Center for International Human Rights, Yale Law School, “WAR AND RESPONSIBILITY: A SYMPOSIUM ON CONGRESS, THE PRESIDENT, AND THE AUTHORITY TO INITIATE HOSTILITIES: War and Responsibility in the Dole-Gingrich Congress”, 1995, 50 U. Miami L. Rev. 1, lexis)

 But there is a second, substantive critique of the legal process school, which has been put forward at this symposium and elsewhere by Professor Jules Lobel. Indeed, Lobel first sounded this theme in a prescient book review written half a decade ago. n32 Echoing Laurence Tribe's critique of Ely's process-based theory of judicial review, n33 Lobel argued that war powers scholars should focus not on process, but on substance. The problem with our foreign policymaking, he argued, has [\*8] not been our process of decisionmaking, but our substantive goals, which Lobel ultimately identified as extending American hegemony. Post-Vietnam efforts to reform our national security system have failed, he argued, because they sought to reform process without modifying these substantive goals. Thus, Lobel concluded, we cannot regain constitutionalism in foreign policy through procedural tinkering with legal rules; what we need instead is to mobilize popular movements to restrain America's hegemonic impulses. While I concede that process and substance cannot be entirely separated, I do not believe that we can work a fundamental transformation of the substance of foreign policymaking, when the process of making that policy is so fundamentally defective. In my view, a well-functioning process is the prerequisite to any kind of political agreement on substance. The goal of a constitutional process should not be to specify policy results, but to force the institutional players into a dialogue about which political ends they collectively seek and which they prefer to avoid. If interbranch dialogue occurs, it may produce a consensus for war (as occurred, for example during the Gulf War); but if no dialogue occurs, the Constitution mandates peace as the default position. The problem with our current process is that such institutional dialogue almost never occurs. As Ely's book points out, debates about war powers are rare, most debates are not "dialogue," but largely for show, and the branches almost never talk about our national goals regarding military intervention. Worst of all, as Ely shows, our current law, particularly the War Powers Resolution, lets them get away with it. A process-based view envisions a very different, three-step political procedure: one in which decisions to make war are preceded by intrabranch debate and deliberation, interbranch dialogue, and the creation and delineation of institutional precedent. Again, the exception that proves the rule was the debate over the congressional authorization of Operation Desert Storm, one of the few cases where judicial action helped force a dialogue about prior legislative approval before it was too late. n34 In that case, both the executive and legislative branches engaged in lengthy intrabranch deliberation before ultimately committing to war, an interbranch dialogue ensued that culminated in the congressional resolution authorizing use of force in Iraq, and the episode helped delineate an important institutional precedent which has served as a touchstone for subsequent deliberations. Regardless of what one thinks of the substance of the current Dole-Gingrich legislation, the process is at least working to the extent that after nearly two decades, Congress is once again proposing new framework legislation to govern war powers, which the [\*9] President may sign, veto, construe, or execute, and which the courts may end up interpreting. Even when the branches do not conduct direct dialogue, another lesson recent history has taught is that academic debate can force valuable "shadow dialogue" between private parties and the government, particularly when lawyers and academics challenge particular government legal interpretations. The debate over the correct interpretation of the Anti-Ballistic Missile Treaty was one famous recent example. n35 But the best recent illustration was the Clinton Administration's military incursion into Haiti in the fall of 1994, based on dubious legal authority. Instead of sending troops without justification, the Attorney General's lawyer, Walter Dellinger of the Office of Legal Counsel (and Duke Law School), put forward a legal explanation of the invasion of Haiti. That opinion letter responded to both public and congressional pressure and two joint letters from a group of law professors that had argued for the opposite position. n36 By sending the letter, the academics placed a burden of explanation upon the executive branch, forced internal debate within the legal circles of the executive branch, and prompted development of a nuanced governmental legal position, which not only clarified the precedential value of the episode for the future, but also made clear what legal claims the executive branch was not relying upon in Haiti (e.g., the claim that the President could commit troops abroad without congressional approval, based solely on United Nations Security Council authorization). n37 In sum, legal process is hardly irrelevant to politics in the war powers area. We simply cannot develop new substantive goals for our foreign policy without a better process, one that requires the active institutional participation of all three branches and that promotes the creation and internalization of legal norms. Far from being peripheral to politics, legal process can cabin politics. Properly designed process thus makes political actors accountable, by forcing them to live up to their constitutional responsibilities.

### 2NC Roleplaying Good

#### Roleplaying - deliberation is necessary for us to critically examine state policy and how to effectively engage and be progressive. Through imagination and using debate as a heuristic to explore policies – we can discuss impacts in a safe space without real life consequences to make designs and create many possible lines for action to change the state in a productive way – that’s Hanhoj

#### Only switch-side debate activates critique and enables for effective deliberation

Stevenson 9 (Ruth – PhD, senior lecturer and independent consultant – Graduate School of the Environment @ Centre for Alternative Technology, “Discourse, power, and energy conflicts: understanding Welsh renewable energy planning policy,” Environment and Planning C: Government and Policy, Volume 27, p. 512-526)

It could be argued that this result arose from the lack of expertise of the convenors of the TAN 8 in consensual decision making. Indeed, there is now more research and advice on popular participation in policy issues at a community level (eg Kaner et al, 1996; Ostrom, 1995; Paddison, 1999). However, for policy making the state remains the vehicle through which policy goals must be achieved (Rydin, 2003) and it is through the state that global issues such as climate change and sustainable development must be legislated for, and to some extent enacted. It is therefore through this structure that any consensual decision making must be tested. This research indicates that the policy process cannot actually overcome contradictions and conflict. Instead, encompassing them may well be a more fruitful way forward than attempts at consensus. Foucault reinforces the notion that the `field of power' can prove to be positive both for individuals and for the state by allowing both to act (Darier, 1996; Foucault, 1979). Rydin (2003) suggests that actors can be involved in policy making but through `deliberative' policy making rather than aiming for consensus: ``the key to success here is not consensus but building a position based on divergent positions'' (page 69). Deliberative policy making for Rydin involves: particular dialogic mechanisms such as speakers being explicit about their values, understandings, and activities: the need to move back and forth between memories (historical) and aspirations (future); moving between general and the particular; and the adoption of role taking (sometimes someone else's role). There is much to be trialed and tested in these deliberative models, however, a strong state is still required as part of the equation if we are to work in the interests of global equity, at least until the messages about climate change and sustainable development are strong enough to filter through to the local level. It is at the policy level that the usefulness of these various new techniques of deliberative policy making must be tested, and at the heart of this must be an understanding of the power rationalities at work in the process.

### Narratives Bad – 2NC

#### Stasis DA

#### This cards ends the debate – we turn all of their narrative arguments – narratives can only produce legal change though adversary exchange among competing views which can only occur when there is proper stasis. Outside of our framework, narratives are doomed to failure.

Abrams 91 (Kathryn, professor of law at Cornell University's Law School and a nationally recognized scholar on feminist jurisprudence, “Hearing the Call of Stories,” California Law Review, 79 (4), Article 1, http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1804&context=californialawreview)

Underlying these concerns about the prescriptive implications of narratives is a rich subtextual debate about the value of narrative as a form of legal persuasion. Although critics most frequently focus on whether the narrative scholar has said anything normative, many are also asking whether prescriptions derived from narrative are entitled to be taken as normative by legal actors. Some readers are reluctant to regard narratives as legitimate sources of legal prescriptions, either because of qualities that inhere in the narratives themselves or because of the effect they produce on debate and discussion. These concerns create the final three families of objections. Critics sometimes express doubts about whether a narrative is "true." By this the reader usually means whether the narrative is a reliable account of something that occurred. When Patricia Williams first described the experience of being barred from a Benetton store on the basis of race, 2 2 some readers challenged her credibility, citing her refusal to give "equal time" to the "other side." 23 As lawyers and liberals, 24 many scholars harbor a belief that "truth" is established through adversary exchange among competing views. 2 In the absence of adversary exchange, the safest path is to entrust a neutral decisionmaker with the task of discovering the "truth." The narrative account is suspect because it provides no "equal time," and it rejects neutrality through its explicit affiliation with a particular viewpoint. Those narratives that provide first-hand accounts of a person's pain are also laden with emotional content. This may be viewed not only as undermining the objectivity of the writer, but as threatening the objectivity of the reader, making him increasingly reluctant to credit the account the narrative provides. Readers may have a similar response to those narratives exploring experiences that are the subject of strong social taboos. The discomfort triggered in some scholars by hearing anyone (but particularly a colleague) discuss her rape, marital abuse-or even her childbirth, in particularly graphic terms-makes them eager to discount, discredit, or otherwise distance themselves from such discussions. 26 Even some readers willing to believe that a narrative scholar has offered a trustworthy account of a particular experience may doubt the "typicality" of the experience recounted. Catharine MacKinnon reports that when she speaks about the sexual coercion she claims is paradigmatic of women's experience, she is regularly challenged by questions about women who are not harassed, are not abused, or who claim to enjoy their sexual experiences. 27 These doubts about typicality arise in part from the fact that the experiences described are unfamiliar to main- stream readers; and those whose perceptions are ratified by dominant social norms may find it difficult to believe that a divergent experience is anything but idiosyncratic. 2 " Readers may also be reluctant to rely on a single set of experiences as a basis for legal change. The expressed concern is that legal changes, which affect scores of people, cannot be based on one person's account(s); yet it is difficult to separate this argument from the deeper epistemological claim that universality and statistical significance are necessary attributes of any claim to know about the world.

#### Relativism DA

#### Narratives make engagement impossible – lack of experience SHUTS OFF dialogue AND objective analysis is impossible

Abrams 91 (Kathryn, professor of law at Cornell University's Law School and a nationally recognized scholar on feminist jurisprudence, “Hearing the Call of Stories,” California Law Review, 79 (4), Article 1, http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1804&context=californialawreview)

Finally, some scholars are put off by an experiential form of argumentation they view as disenabling further discussion. In my feminism seminar last spring, we discussed a short story in which an overworked and emotionally frayed mother bangs the head of her child against a wall. 29 One young man in the class argued forcefully that the story depicted child abuse. An older woman in the class disagreed, stating that her own experience had shown her how easily mounting frustrations could bring any parent to the edge of violence. Before she had a chance to finish her sentence, the man interrupted her angrily, saying, "It's the old if-you-haven't-been-there-you-can't-have-an-opinion" 30 Such claims sometimes express a fear that the embrace of an experiential epistemology will exclude from conversation anyone who has not had a given experience. They may also express a concern that almost anyone can rely on some form of experience-the young man, for example, might have cited his own childhood-but the valuation of experience itself provides no basis for choosing among different experiential claims. Such claims implicitly raise the larger question of what distinctive insights experiential argument convey that make it worth inviting the dangers of relativism.

#### Lock Out DA – prioritizing personal narratives locks out discussion and undermines social change.

**Subotnik**, Spring **1998** (Daniel – Professor of Law at Touro College, What’s Wrong With Critical Race Theory?: Reopening the Case for Middle Class Values, Cornell Journal of Law and Public Policy, p. Lexis-Nexis)

Having traced a major strand in the development of CRT, we turn now to the strands' effect on the relationships of CRATs with each other and with outsiders. As the foregoing material suggests, the central CRT message is not simply that minorities are being treated unfairly, or even that individuals out there are in pain - assertions for which there are data to serve as grist for the academic mill - but that the minority scholar himself or herself hurts and hurts badly. An important problem that concerns the very definition of the scholarly enterprise now comes into focus. What can an academic trained to [\*694] question and to doubt n72 possibly say to Patricia Williams when effectively she announces, "I hurt bad"? n73 "No, you don't hurt"? "You shouldn't hurt"? "Other people hurt too"? Or, most dangerously - and perhaps most tellingly - "What do you expect when you keep shooting yourself in the foot?" If the majority were perceived as having the well- being of minority groups in mind, these responses might be acceptable, even welcomed. And they might lead to real conversation. But, writes Williams, the failure by those "cushioned within the invisible privileges of race and power... to incorporate a sense of precarious connection as a part of our lives is... ultimately obliterating." n74 "Precarious." "Obliterating." These words will clearly invite responses only from fools and sociopaths; they will, by effectively precluding objection, disconcert and disunite others. "I hurt," in academic discourse, has three broad though interrelated effects. First, it demands priority from the reader's conscience. It is for this reason that law review editors, waiving usual standards, have privileged a long trail of undisciplined - even silly n75 - destructive and, above all, self-destructive arti [\*695] cles. n76 Second, by emphasizing the emotional bond between those who hurt in a similar way, "I hurt" discourages fellow sufferers from abstracting themselves from their pain in order to gain perspective on their condition. n77 [\*696] Last, as we have seen, it precludes the possibility of open and structured conversation with others. n78 [\*697] It is because of this conversation-stopping effect of what they insensitively call "first-person agony stories" that Farber and Sherry deplore their use. "The norms of academic civility hamper readers from challenging the accuracy of the researcher's account; it would be rather difficult, for example, to criticize a law review article by questioning the author's emotional stability or veracity." n79 Perhaps, a better practice would be to put the scholar's experience on the table, along with other relevant material, but to subject that experience to the same level of scrutiny. If through the foregoing rhetorical strategies CRATs succeeded in limiting academic debate, why do they not have greater influence on public policy? Discouraging white legal scholars from entering the national conversation about race, n80 I suggest, has generated a kind of cynicism in white audiences which, in turn, has had precisely the reverse effect of that ostensibly desired by CRATs. It drives the American public to the right and ensures that anything CRT offers is reflexively rejected.

\*CRATs = CRT’s advocates

# 1NR

The bell evidence makes the link differentiation

#### their identification of baudrillard as hopeless means that they believe in hope

Baudrillard’s otherness is a sacramental world to which we abandon our autonomous selfhood

#### Clearly identifies a fear of object -

#### deconstruction is good and life affirming – baudrillard is sarcastic

#### and their failure to understand – baudrillard as sarcastic betrays their overly serious humanism – they believe in the affirmative as a solution to the world – as empowering humans to overcome their fears – this is fundamentally humanist in its taking the world too seriously –

#### Baudrillard’s style is engaging because it is both substantive and satiric. Pushing him out, because he doesn’t fit writing conventions ignores his critical value.

**Chaloupka, 92** [William, Dr. of Strange love knowing nukes, 109]

I have been suggesting, throughout this book, that Baudrillard et al. might provide a useful starting point for political analysis and movement. At first glance, Baudrillard would seem to be the last outpost along the path of the demise of politics; he says as much, repeatedly. Still, it seems extraordinary to me that American readers have so often assumed that this put him in the camp of the "end-of-politics" theorists with whom he obviously had nothing in common. There seems to be an aesthetic of social thought in this country; rationalistic stylings imply seriousness, understatements suggest breadth, Utopian goals and values stand for realism, and so on.

The aesthetic of political rationalism —more specifically, a rhetoric — assumes a certain directness of purpose, perhaps antidialectical in origin, but now more general than merely an antimarxist tactic. There is some reason, then, to choose Baudrillard as a keynote for a political response; much less likely a starting place than, say, political science, he ends up being a perfectly appropriate place to begin. It may not be so much paradox as irony that moves us toward Baudrillard —who has been so emphatic in claiming this end to politics — as a place to start a postmodern move on political space. Humanists conflate their tactical approach with all of politics; Baudrillard's response both criticizes and makes fun of their solemn voice-over.

#### filter this through the cultural imperialism argument – they don’t have to demand everyone beliefs because it doesn’t matter – they’ve formed their strategy as a politics of hope and rejection of nihilism and fear – these are normative statements and that means they link to the critique because they’ve identified a world that they prefer over the status quo – that sort of progressive change links to the baudrillard argument –

All the powers, all the institutions speak of themselves through denial, in order to attempt, by simulating death, to escape their real death throes

lost. To seek new blood in its own death, to renew the cycle through the mirror of crisis, negativity; and antipower: this is the only solution-alibi of every power, of every institution attempting to break the vicious circle of its irresponsibility and of its fundamental nonexistence, of its already seen and of its already dead.

#### Their obsession with the spectacle of the election is the work of power trying to make itself interesting and relevant even though no one cares anymore. This is fascism as the resurrection of the State and as an aesthetics of death – impact is death for everyone.

Baudrillard, France's top model, 88 [Jean, Forget Foucault, 64-7]

WH E N O N E TALKS SO M UC H about power, it's because it can no longer be found anywhere. The same goes for God: the stage in which he was everywhere came just before the one in which he was dead. Even the death of God no doubt came before the stage in which he was everywhere. The same goes for power, and if one speaks about it so much and so well, that's because it is deceased, a ghost, a puppet; such is also the meaning of Kafka's words: the Messiah of the day after is only a God resuscitated from among the dead, a zombie. The finesse and the microscopic nature of the analysis are themselves a "nostalgia effect. " And so everywhere we see power coupled with seduction (it's almost obligatory these days) in order to give it a second existence. Power gets its fresh blood from desire. And it's no longer anything more than a sort of "desire effect" at the confines of the social, or a sort of "strategy effect" at the confines of history. It is here also that "the" powers of Foucault come into play: grafted upon the privacy of bodies, the tracing of discourses, the facilitation of gestures, in a more insinuating, more subtle, and more discursive strategy which there too takes away power from history and brings it nearer to seduction. This universal fascination with power in its exercise and its theory is so intense because it is a fascination with a dead power characterized by a simultaneous "resurrection effect, " in an obscene and parodic mode, of all the forms of power already seen-exactly like sex in pornography. The imminence of the death of all the great referents (religious, sexual, political, etc.) is expressed by exacerbating the forms of violence and representation that characterized them. There is no doubt that fascism, for example, is the first obscene and pornographic form of a desperate "revival" of political power. As the violent reactivation of a form of power that despairs of its rational foundations (the form of representation that was emptied of its meaning during the course of the nineteenth and twentieth centuries) , as the violent reactivation of the social in a society that despairs of its own rational and contractual foundation, fascism is nevertheless the only fascinating modern form of power: it is the only one since Machiavelli to assert itself as such, as a challenge, by trifling with all forms of political "truth" and it is the only one to have taken up the challenge to assume power unto death (whether its own or that of others) . Besides, it is because it has taken up the challenge that fascism has benefited from this strange consent, this absence of resistance to power. Why have all the symbolic resistances failed in the face of fascism-a unique fact in history? No ideological mystification and no sexual repression a la Reich can explain it. Only challenge can arouse such a passion for responding to it, such a frenzied assent to play the game in return, and thus raise every resistance. This, moreover, remains a mystery: why does one respond to a challenge? For what reason does one accept to play better, and feel passionately compelled to answer such an arbitrary injunction? Fascist power is then the only form which was able to reenact the ritual prestige of death, but (and most importantly here) in an already posthumous and phony mode, a mode of one-upmanship and mise-en-scene, and in an aesthetic mode-as Benjamin clearly saw-that was no longer truly sacrificial. Fascism's politics is an aesthetics of death, one that already has the look of a nostalgia fad; and everything that has had this look since then must be inspired by fascism, understood as an already nostalgic obscenity and violence, as an already reactionary scenario of power and death which is already obsolete the very moment it appears in history. Again, an eternal shift in the advent of the Messiah, as Kafka says. An eternal inner simulation of power, which is never already (jamais deja) anything but the sign of what it was. We find the same nostalgia and the same simulation characteristic of nostalgia fads when we look today at "micro" fascisms and "micro" powers. The "micro" operator can only downshift from what fascism may have been without resolving it and transform an extremely complex scenario of simulation and death into a simplified "floating signifier," "whose essential function is denunciation" (Foucault) . Its function is also invocation because the memory of fascism (like the memory of power) , even in the micro form, is still the nostalgic invocation of the political, or of a form of truth for the political; and its invocation simultaneously allows us to save the hypothesis of desire, whose mere paranoiac accident power and fascism can always appear to be. IN ANY CASE, power lures us on and truth lures us on. Everything is in the lightning-quick contraction in which an entire cycle accumulation, of power, or of truth comes to a close. There is never any inversion or any subversion: the cycle must be accomplished.

But it can happen instantaneously. It is death that is at stake in this contraction.

#### Makes the cooption claim on the invisible committee critique

#### Our response is a response of hopelessness in answer to the sucker’s game of power. It challenges the ruse of power which is the very assumption that our agency matters, that making the knight’s balls dusty is a real action. voting negative solves better it’s the disillusionment of the masses AND turns the alt, the assumption that we are in a position of cutting the balls off of capital is the very fantasy they critique.

**Chaloupka, 92** [William, Dr. of Strange love knowing nukes, 92-3]

With rare (and often regretted, as in the infamous case of Allan Bloom) exceptions, student reaction to their own campus politics is the purest black hole. This reaction is always interpreted and deplored as "student apathy," a stubbornness to react to all those wonderful lectures and readings, even if these performances have yet to reassure a student body obviously terrified by their (just as obviously) diminishing prospects. On one level, such an analysis is a psychologizing tactic; the student psyche is to blame. But there is a different way to see it. Student politics, much of the time, seems to most students to be a "sucker's game," which one would engage *only* for psychological reasons, not to address power. In a sucker's game, there is some double bind arrayed, in place of chances to win. Most of the time, students are not able to negotiate with the people who matter most, in the scenes of power. Students don't set most of the taxes or many of the rules, even if the institutions of their governance *seem* governmental. There isn't even a police force.

Students react by going inert. They become a mass, silent. Those who have power over students insist that the wages of representation are responsibilities. An acute student recognizes that the opposite is true; only "irresponsible" behavior produces a real chance to negotiate with those in power. The contradiction means that all utterances about "the students" as a political force on campus will necessarily be metonymic. If a "mature student body" is mentioned, the coded reference is surely to large, always "enthusiastic," always infantilized rooting sections. Surely this irony is not lost on most students; embedded in an institution ostensibly dedicated to "higher" levels of everything —especially maturity and erudition — they discover that the standard by which the institution wishes to judge them is how well they have reverted to the old "school spirit" of their high school days.

Given the craziness of the game, as students might put it, they go inert, in just the same way as Baudrillard shows the public reacts to public opinion polls. Both "groups" refuse to be characterized, or at least refuse to participate by responding in the same spirit invited by those in power. Students refuse to participate in student government, and seldom speak of it seriously as a representative mechanism. Student elections continually evoke fake or cynical or self-consciously "just plain dumb" candidates with platforms to match; pranks abound, clearly denoting a refusal to take the charade seriously. For their part, the general public —some of whom may have learned this in college, as the saying goes — starts refusing to play the straight man to the pollster, leading pollsters and social science analysts to conclude that they are ill informed. We could argue, with just as much evidence, that their disappearance is a strategy, a subtle revenge.

This demise of representation, its removal from the center of all political acts, is an important development, but it does not necessarily end politics. An expressive practice could deny representation, could intervene in politics instead through disruption and ironic juxtaposition. In our present case, we might begin to wonder whether lifestyle expressions *represent* a preferred future (as they sometimes claim). Perhaps, instead, the whole system of solemn, serious expression of political positions is somehow undermined by these solemn and serious substitute lifestyles.

#### Filter this through the conceded uniqueness claim – people are not afraid – im not afraid – gut check are you – I in contrast just don’t care

#### Our active nihilism solves best because it is a rejection of the status quo

**Baudrillard**, France's top model, **88** [Jean, Forget Foucault, 95-98]

When you speak of **the strategy of the fatal**, what interests me most **is** the strategy. What is to be done?

No, it's completely antinomical. It's **not really strategy**. That's a play on words to dramatize the total passage from the subject to the object. Whether you call it the revenge of the object, or the Evil Genius of matter, **it is** not representable. But it is a power all the same. In fact, I would go along with calling it **the principle of Evil, of irreconciliation**, the way the Good is the principle of reconciliation. That exists, it is inextricable, **it cannot be destroyed**.

Can you still invoke a strategy to account for situations In which the subject has no place?

Only an "objective" strategy that no one could recognize. What **I foresee** is **a transposition** **of all forms** **and the impossibility of any politics. There is** something like **a threshold of inertia**. **Beyond that, forms snowball, terror is unleashed as an empty form.**

**Panic.**

Right. **It's the other form of the ecstatic, its catastrophic form**, in the almost neutral sense of the term, in its mathematical extension. **It is a completely alien response of the object world to the subject world, of a completely external destiny** which occurs **with an absolute surprise** **and whose symbolic wave strikes the human world**.

You see several sides to ecstasy?

I see two. **Take a model. Its ecstatic side is to be truer than the truth;** it creates a kind of giddiness, a kind of inflation of truth. A model is **a rather pathetic thing**. But take fashion for example. **Fashion** participates in this phenomenon absolutely. It **doesn't depend on** any sort of **aesthetic judgment**. It's not the beautiful opposed to the ugly, **it's what's more beautiful than the beautiful**. The obese-that famous fat American-is not opposed to the skinny one. He is fatter than fat, and that is fascinating. **Fashion is the absolute formalization of the beautiful. It functions by means of the unconditional transmutation of forms**. Ecstatic forms can be static and cold; sometimes they can be more enchanting, warmer. **There is a splendor** of fashion, **and, behind it, an uncontrollable rule of the game**. A rule **which conveys the objective irony** of fashion**. Everything that can be invented deliberately falls flat on its face, and it's something else that catches on instead**.

Can fashion serve as a model for politics?

Fashion has always been at odds with politics and scorned by politics. But you cannot politically oppose fashion to politics. Fashion is **a splendid form of** **metamorphosis**. It is **both a ritual and a ceremony. It can't be programmed.**

Could happy, ecstatic political forms be conceived of?

It's rather difficult to sort out happy and unhappy forms. **Seduction, like fashion, is a happy form**, beyond the beauty of desire: **"I am not beautiful, I am worse.** **" Seduction uses signs which are already simulators to make them into the falser than false. It displaces them, turns them into traps and produces a splendid effect snatched from the imperative of veracity of signs,** and even of desire, which is no longer at stake.

Must all political rituals necessarily be programmed?

Politics functioned in terms of distinctive oppositions: the left or the right. As in other areas you have the true or the false, the beautiful or the ugly, etc. Now, at a given point the energy of a situation stopped depending on this kind of dissociation. It is no longer the dialectic of the two terms that organizes things, but the fact that the forms each go their separate ways, meaninglessly, senselessly. It is the truer than true, or the falser than false. A form shoots off in a kind of relentless logic, uncalculated, without any history, without any memory, the way cancer cells go off in an organic direction. That logic seems to me more interesting because it does after all correspond more to the way things are evolving nowadays. Where do you see that logic at work in the political field right now? In the media?

#### And links to their aesthetic approach – hides the nothingness

Baudrillard 2005 [Jean, France’s next top model, “The Lucidity Pact,” 109-110]

Art, in its form, signifies nothing. It is merely a sign) pointing towards absence.

But what becomes of this perspective of emptiness and absence in a contemporary universe that is already totally emptied of its meaning and reality?

Art can now only align itself with the general insignificance and indifference. It no longer has any privileged status. It no longer has any other final destination than this fluid universe of communication, the networks and interaction.

Transmitter and receiver merging in the same; loop: all transmitters, all receivers. Each subject interacting with itself, doomed to express itself without any longer having time to listen to the other.

The Net and the networks clearly increase this possibility of transmitting for oneself in a closed circuit, everyone going at it with their virtual performances and contributing to the general asphyxia.

#### Kills value 2 life

Baudrillard 2005 [Jean, France’s next top model, “The Lucidity Pact,” 113]

If, as some have proposed, the function of art was to make life more interesting than art, then we have to give up that illusion. One gets the impression that a large part of current art participates in an enterprise of deterrence, a work of mourning for the image and the imaginary, a – mostly failed - work of aesthetic mourning that leads to a general melancholia of the artistic sphere, which seems to survive its own demise by recycling its history and its relics.

#### Impact is self-mortification

Baudrillard 2005 [Jean, France’s next top model, “The Lucidity Pact,” 110]

In the complicity between the mortification 'creative artists' inflict on objects and themselves, and the mortification consumers inflict on themselves and their mental faculties.

Tolerance for the worst of things has clearly increased considerably as a function of this general state of complicity.

#### Nietzsche

#### I don’t have to do very much work here

#### They

#### Affirmation of death not life

#### Denigation of instincts

#### Christianity

#### Kain 7 – Santa Clara profressor of Philosophy

(Philip, Nietzsche, Eternal Recurrence, and the Horror of Existence The Nietzsche journal.)

We have seen that in Nietzsche's opinion we cannot bear meaningless suffering and so we give it a meaning.

Christianity, for example, explains it as punishment for sin. Eternal recurrence, however, would certainly seem

to plunge us back into meaningless suffering (*WP* 55). It implies that suffering just happens, it repeats eternally, it

is fated. There is no plan, no purpose, no reason for it. Eternal recurrence would seem to rub our noses in

meaningless suffering. In one sense this is perfectly correct. And Nietzsche does want to accept as much

meaninglessness and suffering as he can bear (BGE 39, 225; WP 585a). Nevertheless, we must see that there is

meaning here—it is just that it lies precisely in the meaninglessness. Embracing eternal recurrence means

imposing suffering on oneself, meaningless suffering, suffering that just happens, suffering for no reason at all.

But at the very same time, this creates the innocence of existence. The meaninglessness of suffering means the

innocence of suffering. That is the new meaning that suffering is given. Suffering no longer has its old meaning.

Suffering no longer has the meaning Christianity gave to it. Suffering can no longer be seen as punishment.

There is no longer any guilt. There is no longer any sin. One is no longer accountable (*TI* "Errors" 8; *HH* 99). If suffering just returns

eternally, if even the slightest change is impossible, how can one be to blame for it? How can one be responsible? It can be none of our doing. We are

innocent. This itself could explain why one would be able to embrace eternal recurrence, love every detail of

one's life, not wish to change a single moment of suffering. One would be embracing one's own innocence. One

would be loving one's own redemption from guilt. Eternal recurrence brings the Übermensch as close as possible to the truth,

meaninglessness, the void, but it does not go all the way or it would crush even the Übermensch. Eternal recurrence gives the Übermensch

meaning. It eliminates emptiness. It fills the void. With what? It fills it with something totally familiar and

completely known; with something that is in no way new, different, or strange; with something that is not at all

frightening. It fills the void with one's own life—repeated eternally. It is true that this life is a life of suffering,

but (given the horror of existence) suffering cannot be avoided anyway, and at least suffering has been stripped

of any surplus suffering brought about by concepts of sin, punishment, or guilt. It has been reduced to a life of innocence.

Moreover, as Nietzsche has said, it is only meaningless suffering that is the problem. If given a meaning, even suffering becomes something we can seek

(*GM* III:28). Eternal recurrence, the fatedness of suffering, its meaningless repetition, makes our suffering innocent. That might well be reason enough to

embrace it. Or, although *we* may not be able to embrace it ourselves, I think we can at least see why Nietzsche might—and even why it might *make sense* for

him to do so. **[End Page 59]** Eternal recurrence also gives suffering another meaning. If one is able to embrace eternal recurrence, if one is able to

turn all "it was" into a "thus I willed it," then one not only reduces suffering to physical suffering, breaks its psychological stranglehold, and eliminates

surplus suffering related to guilt, but one may even in a sense reduce suffering below the level of physical suffering. One does not do this as the liberal,

socialist, or Christian would, by changing the world to reduce suffering. In Nietzsche's opinion that is impossible, and, indeed,

eternal recurrence of the same rules it out—at least as any sort of final achievement.23 Rather, physical

suffering is reduced by treating it as a test, a discipline, a training, which brings one greater power. One might

think of an athlete who engages in more and more strenuous activity, accepts greater and greater pain, handles

it better and better, and sees this as a sign of greater strength, as a sign of increased ability. Pain and suffering

are turned into empowerment. Indeed, it is possible to love such suffering as a sign of increased power. One

craves pain—"more pain! more pain!" (GM III:20). And the more suffering one can bear, the stronger one

becomes. If suffering is self-imposed, if the point is to break the psychological stranglehold it has over us, if the point is to turn suffering into

empowerment, use it as a discipline to gain greater strength, then it would be entirely inappropriate for us to feel sorry for the sufferer. To take pity on the

sufferer either would demonstrate an ignorance of the process the sufferer is engaged in, what the sufferer is attempting to accomplish through suffering, or

would show a lack of respect for the sufferer's suffering (*GS* 338; *D* 135). **To pity the sufferer, to wish the sufferer did not**

**have to go through such suffering, would demean the sufferer and the whole process of**

**attempting to gain greater strength through such suffering.**

#### Impact is guilt tripping

**Bruckner**, French writer and philosopher, 19**86**

[Pascal, ..*The Tears of the White Man: Compassion as Contempt*, p.63-70]

Who is guilty of these massacres that fill the morgues of the Third World every day? Is it mere fate? Are these men, women,

and children the victims of uncontrollable and recurring natural disasters? No. For every victim, there is a murderer.

Thenceforth, all of us, young and old, are at fault for what goes wrong on our unhappy planet.45 We are participating in the

destruction of the world 46-from agricultural breakthroughs to woodcutting technology" to female circumcision.

**The West is the great and only guilty party to all the evils of the world. In sum, we are inhuman and criminal because we**

**do not want others to exist,49 and the causes of famine lie before us on the dinner table.5° It makes no difference that this**

**accusation cannot be proven. Guilt is an easy way of bridging distinctions and doing away with intermediaries, because it**

**draws a pitiless red line between their poverty and our sated appetites. Remorse comes *before* wrongdoing, because our error**

**is not in sinning but in existing.** The mania of suspicion makes us guilty before the fact for the disintegration of Ghanaian society,

for empty stores in Angola, for the rising prices in Central America, for clouds of locusts in black Africa, for hurricanes in the

Caribbean, tribal warfare in New Guinea, and so on. Every study, every book on the Third World, whatever its subject, says the same

thing. The guilt of the accused is confirmed, and more evidence is accumulated against him. They are like a storekeeper's books,

where the long list of the evils of the Old World is neatly spelled out, while the merits of the Southern hemisphere stand out from the

details of an implicit frame of reference that is never questioned. They are an exercise in malediction, which is supposed to make our

horror grow as it convinces us all-salaried workers, professors, lawyers, laborers, truckdrivers-of our fundamental thievery. The

reader himself is a convenient scoundrel…

Obsessive repetition takes the place of a concern for precision, because we have to make our own breast-beating offering for the

suffering of the world. **Duty, that nameless and insatiable goddess, conducts a Kafkaesque trial against Europeans. This is the**

**bad faith of bad consciences-unable to give solace for one scourge or another in any real way, we accuse ourselves of being the**

**cause. The old relationship between colonizer and colonized is endlessly atoned for, and we search for aftereffects of**

**imperialism everywhere. We can thus mortify our flesh with delight because we know how rotten we are.**

**The conclusion is that our very existence is an insult to the human race. We have only one duty-to wipe ourselves off the**

**face of the earth.51 The future of the West is self-destruction.**

1. [↑](#endnote-ref-1)
2. [↑](#endnote-ref-2)
3. [↑](#endnote-ref-3)