# 1NC

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#### A. Interpretation – debate is a game that requires the aff to have a defense of the USFG increasing 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

#### --‘resolved’ means to enact a policy by law.

Words and Phrases 64 (Permanent Edition)

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

#### --“United States Federal Government should” means the debate is solely about the outcome of a policy established by governmental means

Ericson 3 (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.

#### Restrictions on authority must prohibit actions

William Conner 78, former federal judge for the United States District Court for the Southern District of New York United States District Court, S. D. New York, CORPORACION VENEZOLANA de FOMENTO v. VINTERO SALES, http://www.leagle.com/decision/19781560452FSupp1108\_11379

Plaintiff next contends that Merban was charged with notice of the restrictions on the authority of plaintiff's officers to execute the guarantees. Properly interpreted, the "conditions" that had been imposed by plaintiff's Board of Directors and by the Venezuelan Cabinet were not "restrictions" or "limitations" upon the authority of plaintiff's agents but rather conditions precedent to the granting of authority. Essentially, then, plaintiff's argument is that Merban should have known that plaintiff's officers were not authorized to act except upon the fulfillment of the specified conditions.

#### B. They don’t meet – they aren’t a USFG restriction on war powers

#### C. Reasons to prefer:

#### Debate games open up dialogue which fosters information processing – they open up infinite frameworks making the game impossible

Haghoj 8 – PhD, affiliated with Danish Research Centre on Education and Advanced Media Materials, asst prof @ the Institute of Education at the University of Bristol (Thorkild, 2008, "PLAYFUL KNOWLEDGE: An Explorative Study of Educational Gaming," PhD dissertation @ Institute of Literature, Media and Cultural Studies, University of Southern Denmark, http://static.sdu.dk/mediafiles/Files/Information\_til/Studerende\_ved\_SDU/Din\_uddannelse/phd\_hum/afhandlinger/2009/ThorkilHanghoej.pdf)

Debate games are often based on pre-designed scenarios that include descriptions of issues to be debated, educational goals, game goals, roles, rules, time frames etc. In this way, debate games differ from textbooks and everyday classroom instruction as debate scenarios allow teachers and students to actively imagine, interact and communicate within a domain-specific game space. However, instead of mystifying debate games as a “magic circle” (Huizinga, 1950), I will try to overcome the epistemological dichotomy between “gaming” and “teaching” that tends to dominate discussions of educational games. In short, educational gaming is a form of teaching. As mentioned, education and games represent two different semiotic domains that both embody the three faces of knowledge: assertions, modes of representation and social forms of organisation (Gee, 2003; Barth, 2002; cf. chapter 2). In order to understand the interplay between these different domains and their interrelated knowledge forms, I will draw attention to a central assumption in Bakhtin’s dialogical philosophy. According to Bakhtin, all forms of communication and culture are subject to centripetal and centrifugal forces (Bakhtin, 1981). A centripetal force is the drive to impose one version of the truth, while a centrifugal force involves a range of possible truths and interpretations. This means that any form of expression involves a duality of centripetal and centrifugal forces: “Every concrete utterance of a speaking subject serves as a point where centrifugal as well as centripetal forces are brought to bear” (Bakhtin, 1981: 272). If we take teaching as an example, it is always affected by centripetal and centrifugal forces in the on-going negotiation of “truths” between teachers and students. In the words of Bakhtin: “Truth is not born nor is it to be found inside the head of an individual person, it is born between people collectively searching for truth, in the process of their dialogic interaction” (Bakhtin, 1984a: 110). Similarly, the dialogical space of debate games also embodies centrifugal and centripetal forces. Thus, the election scenario of The Power Game involves centripetal elements that are mainly determined by the rules and outcomes of the game, i.e. the election is based on a limited time frame and a fixed voting procedure. Similarly, the open-ended goals, roles and resources represent centrifugal elements and create virtually endless possibilities for researching, preparing, 51 presenting, debating and evaluating a variety of key political issues. Consequently, the actual process of enacting a game scenario involves a complex negotiation between these centrifugal/centripetal forces that are inextricably linked with the teachers and students’ game activities. In this way, the enactment of The Power Game is a form of teaching that combines different pedagogical practices (i.e. group work, web quests, student presentations) and learning resources (i.e. websites, handouts, spoken language) within the interpretive frame of the election scenario. Obviously, tensions may arise if there is too much divergence between educational goals and game goals. This means that game facilitation requires a balance between focusing too narrowly on the rules or “facts” of a game (centripetal orientation) and a focusing too broadly on the contingent possibilities and interpretations of the game scenario (centrifugal orientation). For Bakhtin, the duality of centripetal/centrifugal forces often manifests itself as a dynamic between “monological” and “dialogical” forms of discourse. Bakhtin illustrates this point with the monological discourse of the Socrates/Plato dialogues in which the teacher never learns anything new from the students, despite Socrates’ ideological claims to the contrary (Bakhtin, 1984a). Thus, discourse becomes monologised when “someone who knows and possesses the truth instructs someone who is ignorant of it and in error”, where “a thought is either affirmed or repudiated” by the authority of the teacher (Bakhtin, 1984a: 81). In contrast to this, dialogical pedagogy fosters inclusive learning environments that are able to expand upon students’ existing knowledge and collaborative construction of “truths” (Dysthe, 1996). At this point, I should clarify that Bakhtin’s term “dialogic” is both a descriptive term (all utterances are per definition dialogic as they address other utterances as parts of a chain of communication) and a normative term as dialogue is an ideal to be worked for against the forces of “monologism” (Lillis, 2003: 197-8). In this project, I am mainly interested in describing the dialogical space of debate games. At the same time, I agree with Wegerif that “one of the goals of education, perhaps the most important goal, should be dialogue as an end in itself” (Wegerif, 2006: 61).

#### 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)

#### 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.

#### 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.

#### 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 skil**l** 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.

### 1NC

#### The 1ac functions as a criticism of the status quo US foreign policy creating a rhetoric that risks unraveling the current unipolar world. Each criticism contributes to neo-isolationist tendencies that create a potential foil to American predominance.

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Those contributing to the growing chorus of antihegemony and multipolarity may know they are playing a dangerous game, one that needs to be conducted with the utmost care, as French leaders did during the Cold War, lest the entire international system come crashing down around them. What they may not have adequately calculated, however, is the possibility that Americans will not respond as wisely as they generally did during the Cold War. Americans and their leaders should not take all this sophisticated whining about U.S. hegemony too seriously. They certainly should not take it more seriously than the whiners themselves do. But, of course, Americans are taking it seriously. In the United States these days, the lugubrious guilt trip of post-Vietnam liberalism is echoed even by conservatives, with William Buckley, Samuel Huntington, and James Schlesinger all decrying American "hubris," "arrogance," and "imperialism." Clinton administration officials, in between speeches exalting America as the "indispensable" nation, increasingly behave as if what is truly indispensable is the prior approval of China, France, and Russia for every military action. Moreover, at another level, there is a stirring of neo-isolationism in America today, a mood that nicely complements the view among many Europeans that America is meddling too much in everyone else's business and taking too little time to mind its own. The existence of the Soviet Union disciplined Americans and made them see that their enlightened self-interest lay in a relatively generous foreign policy. Today, that discipline is no longer present. In other words, foreign grumbling about American hegemony would be merely amusing, were it not for the very real possibility that too many Americans will forget —- even if most of the rest of the world does not —- just how important continued American dominance is to the preservation of a reasonable level of international security and prosperity. World leaders may want to keep this in mind when they pop the champagne corks in celebration of the next American humbling**.**

#### The aff’s insistence of a rejection of action and decision allows for terrorism, prolif and WMD conflict

Li 9 (Zheyao, J.D. candidate, Georgetown University Law Center, 2009; B.A., political science and history, Yale University, 2006. This paper is the culmination of work begun in the "Constitutional Interpretation in the Legislative and Executive Branches" seminar, led by Judge Brett Kavanaugh, “War Powers for the Fourth Generation: Constitutional Interpretation in the Age of Asymmetric Warfare,” 7 Geo. J.L. & Pub. Pol'y 373 2009 WAR POWERS IN THE FOURTH GENERATION OF WARFARE)

A. The Emergence of Non-State Actors

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

#### Withdrawal is bad – causes war

Brooks et al 13

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A core premise of deep engagement is that it prevents the emergence of a far more dangerous global security environment. For one thing, as noted above, the United States’ overseas presence gives it the leverage to restrain partners from taking provocative action. Perhaps more important, its core alliance commitments also deter states with aspirations to regional hegemony from contemplating expansion and make its partners more secure, reducing their incentive to adopt solutions to their security problems that threaten others and thus stoke security dilemmas. The contention that engaged U.S. power dampens the baleful effects of anarchy is consistent with influential variants of realist theory. Indeed, arguably the scariest portrayal of the war-prone world that would emerge absent the “American Pacifier” is provided in the works of John Mearsheimer, who forecasts dangerous multipolar regions replete with security competition, arms races, nuclear proliferation and associated preventive war temptations, regional rivalries, and even runs at regional hegemony and full-scale great power war. 72 How do retrenchment advocates, the bulk of whom are realists, discount this benefit? Their arguments are complicated, but two capture most of the variation: (1) U.S. security guarantees are not necessary to prevent dangerous rivalries and conflict in Eurasia; or (2) prevention of rivalry and conflict in Eurasia is not a U.S. interest. Each response is connected to a different theory or set of theories, which makes sense given that the whole debate hinges on a complex future counterfactual (what would happen to Eurasia’s security setting if the United States truly disengaged?). Although a certain answer is impossible, each of these responses is nonetheless a weaker argument for retrenchment than advocates acknowledge. The first response flows from defensive realism as well as other international relations theories that discount the conflict-generating potential of anarchy under contemporary conditions. 73 Defensive realists maintain that the high expected costs of territorial conquest, defense dominance, and an array of policies and practices that can be used credibly to signal benign intent, mean that Eurasia’s major states could manage regional multipolarity peacefully without the American pacifier. Retrenchment would be a bet on this scholarship, particularly in regions where the kinds of stabilizers that nonrealist theories point to—such as democratic governance or dense institutional linkages—are either absent or weakly present. There are three other major bodies of scholarship, however, that might give decisionmakers pause before making this bet. First is regional expertise. Needless to say, there is no consensus on the net security effects of U.S. withdrawal. Regarding each region, there are optimists and pessimists. Few experts expect a return of intense great power competition in a post-American Europe, but many doubt European governments will pay the political costs of increased EU defense cooperation and the budgetary costs of increasing military outlays. 74 The result might be a Europe that is incapable of securing itself from various threats that could be destabilizing within the region and beyond (e.g., a regional conflict akin to the 1990s Balkan wars), lacks capacity for global security missions in which U.S. leaders might want European participation, and is vulnerable to the influence of outside rising powers. What about the other parts of Eurasia where the United States has a substantial military presence? Regarding the Middle East, the balance begins to swing toward pessimists concerned that states currently backed by Washington— notably Israel, Egypt, and Saudi Arabia—might take actions upon U.S. retrenchment that would intensify security dilemmas. And concerning East Asia, pessimism regarding the region’s prospects without the American pacifier is pronounced. Arguably the principal concern expressed by area experts is that Japan and South Korea are likely to obtain a nuclear capacity and increase their military commitments, which could stoke a destabilizing reaction from China. It is notable that during the Cold War, both South Korea and Taiwan moved to obtain a nuclear weapons capacity and were only constrained from doing so by a still-engaged United States. 75 The second body of scholarship casting doubt on the bet on defensive realism’s sanguine portrayal is all of the research that undermines its conception of state preferences. Defensive realism’s optimism about what would happen if the United States retrenched is very much dependent on its particular—and highly restrictive—assumption about state preferences; once we relax this assumption, then much of its basis for optimism vanishes. Specifically, the prediction of post-American tranquility throughout Eurasia rests on the assumption that security is the only relevant state preference, with security defined narrowly in terms of protection from violent external attacks on the homeland. Under that assumption, the security problem is largely solved as soon as offense and defense are clearly distinguishable, and offense is extremely expensive relative to defense. Burgeoning research across the social and other sciences, however, undermines that core assumption: states have preferences not only for security but also for prestige, status, and other aims, and they engage in trade-offs among the various objectives. 76 In addition, they define security not just in terms of territorial protection but in view of many and varied milieu goals. It follows that even states that are relatively secure may nevertheless engage in highly competitive behavior. Empirical studies show that this is indeed sometimes the case. 77 In sum, a bet on a benign postretrenchment Eurasia is a bet that leaders of major countries will never allow these nonsecurity preferences to influence their strategic choices. To the degree that these bodies of scholarly knowledge have predictive leverage, U.S. retrenchment would result in a significant deterioration in the security environment in at least some of the world’s key regions. We have already mentioned the third, even more alarming body of scholarship. Offensive realism predicts that the withdrawal of the American pacifier will yield either a competitive regional multipolarity complete with associated insecurity, arms racing, crisis instability, nuclear proliferation, and the like, or bids for regional hegemony, which may be beyond the capacity of local great powers to contain (and which in any case would generate intensely competitive behavior, possibly including regional great power war). Hence it is unsurprising that retrenchment advocates are prone to focus on the second argument noted above: that avoiding wars and security dilemmas in the world’s core regions is not a U.S. national interest. Few doubt that the United States could survive the return of insecurity and conflict among Eurasian powers, but at what cost? Much of the work in this area has focused on the economic externalities of a renewed threat of insecurity and war, which we discuss below. Focusing on the pure security ramifications, there are two main reasons why decisionmakers may be rationally reluctant to run the retrenchment experiment. First, overall higher levels of conflict make the world a more dangerous place. Were Eurasia to return to higher levels of interstate military competition, one would see overall higher levels of military spending and innovation and a higher likelihood of competitive regional proxy wars and arming of client states—all of which would be concerning, in part because it would promote a faster diffusion of military power away from the United States. Greater regional insecurity could well feed proliferation cascades, as states such as Egypt, Japan, South Korea, Taiwan, and Saudi Arabia all might choose to create nuclear forces. 78 It is unlikely that proliferation decisions by any of these actors would be the end of the game: they would likely generate pressure locally for more proliferation. Following Kenneth Waltz, many retrenchment advocates are proliferation optimists, assuming that nuclear deterrence solves the security problem. 79 Usually carried out in dyadic terms, the debate over the stability of proliferation changes as the numbers go up. Proliferation optimism rests on assumptions of rationality and narrow security preferences. In social science, however, such assumptions are inevitably probabilistic. Optimists assume that most states are led by rational leaders, most will overcome organizational problems and resist the temptation to preempt before feared neighbors nuclearize, and most pursue only security and are risk averse. Confidence in such probabilistic assumptions declines if the world were to move from nine to twenty, thirty, or forty nuclear states. In addition, many of the other dangers noted by analysts who are concerned about the destabilizing effects of nuclear proliferation—including the risk of accidents and the prospects that some new nuclear powers will not have truly survivable forces—seem prone to go up as the number of nuclear powers grows. 80 Moreover, the risk of “unforeseen crisis dynamics” that could spin out of control is also higher as the number of nuclear powers increases. Finally, add to these concerns the enhanced danger of nuclear leakage, and a world with overall higher levels of security competition becomes yet more worrisome. The argument that maintaining Eurasian peace is not a U.S. interest faces a second problem. On widely accepted realist assumptions, acknowledging that U.S. engagement preserves peace dramatically narrows the difference between retrenchment and deep engagement. For many supporters of retrenchment, the optimal strategy for a power such as the United States, which has attained regional hegemony and is separated from other great powers by oceans, is offshore balancing: stay over the horizon and “pass the buck” to local powers to do the dangerous work of counterbalancing any local rising power. The United States should commit to onshore balancing only when local balancing is likely to fail and a great power appears to be a credible contender for regional hegemony, as in the cases of Germany, Japan, and the Soviet Union in the midtwentieth century. The problem is that China’s rise puts the possibility of its attaining regional hegemony on the table, at least in the medium to long term. As Mearsheimer notes, “The United States will have to play a key role in countering China, because its Asian neighbors are not strong enough to do it by themselves.” 81 Therefore, unless China’s rise stalls, “the United States is likely to act toward China similar to the way it behaved toward the Soviet Union during the Cold War.” 82 It follows that the United States should take no action that would compromise its capacity to move to onshore balancing in the future. It will need to maintain key alliance relationships in Asia as well as the formidably expensive military capacity to intervene there. The implication is to get out of Iraq and Afghanistan, reduce the presence in Europe, and pivot to Asia— just what the United States is doing. 83 In sum, the argument that U.S. security commitments are unnecessary for peace is countered by a lot of scholarship, including highly influential realist scholarship. In addition, the argument that Eurasian peace is unnecessary for U.S. security is weakened by the potential for a large number of nasty security consequences as well as the need to retain a latent onshore balancing capacity that dramatically reduces the savings retrenchment might bring. Moreover, switching between offshore and onshore balancing could well be difficult. Bringing together the thrust of many of the arguments discussed so far underlines the degree to which the case for retrenchment misses the underlying logic of the deep engagement strategy. By supplying reassurance, deterrence, and active management, the United States lowers security competition in the world’s key regions, thereby preventing the emergence of a hothouse atmosphere for growing new military capabilities. Alliance ties dissuade partners from ramping up and also provide leverage to prevent military transfers to potential rivals. On top of all this, the United States’ formidable military machine may deter entry by potential rivals. Current great power military expenditures as a percentage of GDP are at historical lows, and thus far other major powers have shied away from seeking to match top-end U.S. military capabilities. In addition, they have so far been careful to avoid attracting the “focused enmity” of the United States. 84 All of the world’s most modern militaries are U.S. allies (America’s alliance system of more than sixty countries now accounts for some 80 percent of global military spending), and the gap between the U.S. military capability and that of potential rivals is by many measures growing rather than shrinking. 85

#### American power facilitates status bargaining – our impact is supported by interdisciplinary studies

**Wohlforth 09**

 – Professor of government @ Dartmouth College [[William C. Wohlforth](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html#back), “Unipolarity, Status Competition, and Great Power War,” World Politics, Volume 61, Number 1, January 2009]

Second, I question the dominant view that status quo evaluations are relatively independent of the distribution of capabilities. If the status of states depends in some measure on their relative capabilities, and if states derive utility from status, then different distributions of capabilities may affect levels of satisfaction, just as different income distributions may affect levels of status competition in domestic settings. [6](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f6) Building on research in psychology and sociology, I argue that even capabilities distributions among major powers foster ambiguous status hierarchies, which generate more **dissatisfaction and clashes** over the status quo. And the more stratified the distribution of capabilities, the less likely such status competition is. Unipolarity thus generates far fewer incentives than either bipolarity or multipolarity for direct great power positional competition over status. Elites in the other major powers continue to prefer higher status, but in a unipolar system they face comparatively weak incentives to translate that preference into costly action. And the absence of such incentives matters because social status is a positional good—something whose value depends on how much one has in relation to others.[7](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f7) “If everyone has high status,” Randall Schweller notes, “no one does.”[8](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f8) While one actor might increase its status, all cannot simultaneously do so. High status is thus inherently scarce, and competitions for **status tend to be zero sum**.[9](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f9) I begin by describing the puzzles facing predominant theories that status competition might solve. Building on recent research on social identity and status seeking, I then show that under certain conditions the ways decision makers identify with the states they represent may prompt them to frame issues as positional disputes over status in a social hierarchy. I develop hypotheses that tailor this scholarship to the domain of great power politics, showing how the probability of status competition is likely to be linked to polarity. The rest of the article investigates whether there is sufficient evidence for these hypotheses to warrant further refinement and testing. I pursue this in three ways: by showing that the theory advanced here is **consistent** with what we know about large-scale patterns of **great power conflict** through **history**; by [End Page 30] demonstrating that the causal mechanisms it identifies did drive relatively secure major powers to military conflict in the past (and therefore that they might do so again if the world were bipolar or multipolar); and by showing that observable evidence concerning the major powers’ identity politics and grand strategies under unipolarity are consistent with the theory’s expectations. Puzzles of Power and War Recent research on the connection between the distribution of capabilities and war has concentrated on a hypothesis long central to systemic theories of power transition or hegemonic stability: that **major war** arises out of a **power shift** in favor of a rising state dissatisfied with a status quo defended by a declining satisfied state.[10](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f10) Though they have garnered substantial empirical support, these theories have yet to solve two intertwined empirical and theoretical puzzles—each of which might be explained by positional concerns for status. First, if the material costs and benefits of a given status quo are what matters, why would a state be dissatisfied with the very status quo that had abetted its rise? The rise of China today naturally prompts this question, but it is hardly a novel situation. Most of the best known and most consequential power transitions in history featured rising challengers that were prospering mightily under the status quo. In case after case, historians argue that these revisionist powers sought recognition and standing rather than specific alterations to the existing rules and practices that constituted the order of the day. In each paradigmatic case of hegemonic war, the claims of the rising power are hard to reduce to instrumental adjustment of the status quo. In R. Ned Lebow’s reading, for example, Thucydides’ account tells us that the rise of Athens posed unacceptable threats not to the security or welfare of Sparta but rather to its identity as leader of the Greek world, which was an important cause of the Spartan assembly’s vote for war.[11](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f11) The issues that inspired Louis XIV’s and Napoleon’s dissatisfaction with the status quo were many and varied, but most accounts accord [End Page 31] independent importance to the drive for a position of unparalleled primacy. In these and other hegemonic struggles among leading states in post-Westphalian Europe, the rising challenger’s dissatisfaction is often difficult to connect to the material costs and benefits of the status quo, and much contemporary evidence revolves around issues of recognition and status.[12](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f12) Wilhemine Germany is a fateful case in point. As Paul Kennedy has argued, underlying material trends as of 1914 were set to propel Germany’s continued rise indefinitely, so long as Europe remained at peace.[13](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f13) Yet Germany chafed under the very status quo that abetted this rise and its elite focused resentment on its chief trading partner—the great power that presented the least plausible threat to its security: Great Britain. At fantastic cost, it built a battleship fleet with no plausible strategic purpose other than to stake a claim on global power status.[14](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f14) Recent historical studies present strong evidence that, far from fearing attacks from Russia and France, German leaders sought to provoke them, knowing that this would lead to a long, expensive, and sanguinary war that Britain was certain to join.[15](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f15) And of all the motivations swirling round these momentous decisions, no serious historical account fails to register German leaders’ oft-expressed yearning for “a place in the sun.” The second puzzle is bargaining failure. Hegemonic theories tend to model war as a conflict over the status quo without specifying precisely what the status quo is and what flows of benefits it provides to states.[16](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f16) Scholars generally follow Robert Gilpin in positing that the underlying issue concerns a “desire to redraft the rules by which relations among nations work,” “the nature and governance of the system,” and “the distribution of territory among the states in the system.”[17](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f17) If these are the [End Page 32] issues at stake, then systemic theories of hegemonic war and power transition confront the puzzle brought to the fore in a seminal article by James Fearon: what prevents states from striking a bargain that avoids the costs of war? [18](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f18) Why can’t states renegotiate the international order as underlying capabilities distributions shift their relative bargaining power? Fearon proposed that one answer consistent with strict rational choice assumptions is that such bargains are infeasible when the issue at stake is indivisible and cannot readily be portioned out to each side. Most aspects of a given international order are readily divisible, however, and, as Fearon stressed, “both the intrinsic complexity and richness of most matters over which states negotiate and the availability of linkages and side-payments suggest that intermediate bargains typically will exist.”[19](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f19) Thus, most scholars have assumed that the indivisibility problem is trivial, focusing on two other rational choice explanations for bargaining failure: uncertainty and the commitment problem.[20](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f20) In the view of many scholars, it is these problems, rather than indivisibility, that likely explain leaders’ inability to avail themselves of such intermediate bargains. Yet recent research inspired by constructivism shows how issues that are physically divisible can become socially indivisible, depending on how they relate to the identities of decision makers.[21](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f21) Once issues surrounding the status quo are framed in positional terms as bearing on the disputants’ relative standing, then, to the extent that they value their standing itself, they may be unwilling to pursue intermediate bargaining solutions. Once linked to status, easily divisible issues that theoretically provide opportunities for linkages and side payments of various sorts may themselves be seen as indivisible and thus unavailable as avenues for possible intermediate bargains. The **historical record** surrounding **major wars** is **rich with evidence** suggesting that positional **concerns over status frustrate bargaining**: expensive, protracted conflict over what appear to be minor issues; a propensity on the part of decision makers to frame issues in terms of relative rank even when doing so makes bargaining harder; decision-makers’ [End Page 33] inability to accept feasible divisions of the matter in dispute even when failing to do so imposes high costs; demands on the part of states for observable evidence to confirm their estimate of an improved position in the hierarchy; the inability of private bargains to resolve issues; a frequently observed compulsion for the public attainment of concessions from a higher ranked state; and stubborn resistance on the part of states to which such demands are addressed even when acquiescence entails limited material cost. The literature on bargaining failure in the context of power shifts remains inconclusive, and it is premature to take any empirical pattern as necessarily probative. Indeed, Robert Powell has recently proposed that indivisibility is not a rationalistic explanation for war after all: fully rational leaders with perfect information should prefer to settle a dispute over an indivisible issue by resorting to a lottery rather than a war certain to destroy some of the goods in dispute. What might prevent such bargaining solutions is not indivisibility itself, he argues, but rather the parties’ inability to commit to abide by any agreement in the future if they expect their relative capabilities to continue to shift.[22](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f22) This is the credible commitment problem to which many theorists are now turning their attention. But how it relates to the information problem that until recently dominated the formal literature remains to be seen.[23](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f23) The larger point is that positional concerns for status may help account for the puzzle of bargaining failure. In the rational choice bargaining literature, war is puzzling because it destroys some of the benefits or flows of benefits in dispute between the bargainers, who would be better off dividing the spoils without war. Yet what happens to these models if what matters for states is less the flows of material benefits themselves than their implications for relative status? The salience of this question depends on the relative importance of positional concern for status among states. Do Great Powers Care about Status? Mainstream theories generally posit that states come to blows over an international status quo only when it has implications for their security or material well-being. The guiding assumption is that a state’s satisfaction [End Page 34] with its place in the existing order is a function of the material costs and benefits implied by that status.[24](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f24) By that assumption, once a state’s status in an international order ceases to affect its material wellbeing, its relative standing will have no bearing on decisions for war or peace. But the assumption is undermined by **cumulative research** **in disciplines ranging from neuroscience** and **evolutionary biology** to **economics, anthropology, sociology, and psychology** that human beings are powerfully motivated by the desire for favorable social status comparisons. This research suggests that the preference for status is a basic disposition rather than merely a strategy for attaining other goals.[25](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html%22%20%5Cl%20%22f25) People often seek tangibles not so much because of the welfare or security they bring but because of the social status they confer. Under certain conditions, the search for status will cause people to behave in ways that directly contradict their material interest in security and/or prosperity. Pg. 33-35

#### The alternative is to reject the aff as a signal of commitment to US imperial resolve .Maintaining support for hegemony in academic institutions is key

**Mearsheimer 95** Professor of Political Science and the co-director of the Program on International Security Policy at the University of Chicago. West Point graduate, retired Air Force officer

(John, Professor Political Science at the University of Chicago, International Security, Summer, p. 93)

The discussion of institutions up to now has a distinct academic flavor. However, the debate over whether institutions cause peace is not just a dispute about international relations theory; it also has significant real-world consequences. For example, the Clinton administration and many European policymakers publicly maintain that states should not worry about the balance of power – that is “old thinking,” they say – but should instead rely on institutions to protect them. This perspective makes sense only if there is evidence that institutions can get the job done. But so far, the evidence indicates that institutions do not provide a sound basis for building a stable post-Cold War world. Institutions failed to prevent or shut down the recent wars in Bosnia and Transcaucasia, and failed to stop the carnage in Rwanda; there is little reason to think that those same institutions would do better in the next trouble spot. The bottom line on institutions seems clear: despite all the rhetoric about their virtues, there is little evidence that they can alter state behavior and cause peace. States temporarily led astray by the false promise of institutional rhetoric eventually come to their senses and start worrying about the balance of power. Surely Bosnian policymakers now recognize their mistake in trusting institutions like the UN and the EC to pull their chestnuts out of the fir. In the meantime, however, a state that ignores the balance of power can suffer enormous damage. Thus, it would seem to make sense, from both a moral and a strategic perspective, for institutionalists to tone down their claims about the peace-causing effects of institutions until they have solid evidence to support their positions

## Case

### Case: 1NC

#### Evaluate consequences – allowing violence for the sake of moral purity is evil

**Isaac 2** (Jeffrey C., Professor of Political Science – Indiana-Bloomington, Director – Center for the Study of Democracy and Public Life, Ph.D. – Yale, Dissent Magazine, 49(2), “Ends, Means, and Politics”, Spring, Proquest)

As writers such as Niccolo Machiavelli, Max Weber, Reinhold Niebuhr, and Hannah Arendt have taught, an unyielding concern with moral goodness undercuts political responsibility. The concern may be morally laudable, reflecting a kind of personal integrity, but it suffers from three fatal flaws: (1) It fails to see that the purity of one’s intention does not ensure the achievement of what one intends. Abjuring violence or refusing to make common cause with morally compromised parties may seem like the right thing; but if such tactics entail impotence, then it is hard to view them as serving any moral good beyond the **clean conscience** of their supporters; (2) it fails to see that in a world of real violence and injustice, moral purity is not simply a form of powerlessness; it is often a form of complicity in injustice. This is why, from the standpoint of politics--as opposed to religion--pacifism is always a potentially immoral stand. In categorically repudiating violence, it refuses in principle to oppose certain violent injustices with any effect; and (3) it fails to see that politics is as much about **unintended consequences** as it is about intentions; it is the effects of action, rather than the motives of action, that is most significant. Just as the alignment with “good” may engender impotence, it is often the pursuit of “good” that generates evil. This is the lesson of communism in the twentieth century: it is not enough that one’s goals be sincere or idealistic; it is equally important, always, to ask about the effects of pursuing these goals and to judge these effects in pragmatic and historically contextualized ways. Moral absolutism inhibits this judgment. It alienates those who are not true believers. It promotes arrogance. And it undermines political effectiveness.

#### Even if rationality is flawed, it’s the best evaluative system we have – alternatives breed political sterility

**Solt 93** (Roger, Genius, Gnome – University of Kentucky, “Demystifying the Critique”, [http://groups.wfu.edu/debate/ MiscSites/DRGArticles/Solt1993Health.htm](http://groups.wfu.edu/debate/MiscSites/DRGArticles/Solt1993Health.htm))

The critique of rationality provides another good example of why critiques are likely not to be absolute. "Reason" may be a flawed instrument; there may be occasions when we should give greater weight to our emotions or intuitions. But rationality clearly has a **vital place** in human life. If you had been falsely accused of murder, you would want the jury to listen to the reasons you could give for your innocence, not just vote on whether they like you or not. The fact that you were in Lexington at the time that this murder was being committed in Austin is a sound logical reason for why you couldn't have committed it. My point is that no critique of rationality can discredit all forms of rational thought. Furthermore, it cannot do so with complete certainty. It should be next to impossible for the negative to win that rational reasons have no probative value. It's better to decide on the basis of a flawed rationality than it is to flip a coin. The third main approach to attacking the critique is to argue it in its own terms. While I would not recommend this as a sole strategy, I believe that it has considerable merit in combination with other arguments. Most critiques simply are not that strong. There may well be a good reason why the assumption that the critique attacks is rarely questioned. At minimum, it is likely to be an assumption which most people (including most judges) happen to share. Thus, the degree of persuasion required to sustain that assumption may be minimal. Consider the rationality example. The necessity of reason in a public policy debate seems obvious. We try to give reasons for our conclusions because reasons can be evaluated and compared. If one side claims that its intuition is that a policy is wrong and the other says that its intuition is that the policy is right, we have **no grounds for debate**. We can emote or intuit at each other all day without getting anywhere. Reasoned argument offers our only real hope of peacefully settling intuitive disagreements. It can never he established logically that logic is correct; to do so would be circular. But the elementary rules of logic are simply self-evident. If I was in Lexington, Kentucky at the time which someone was stabbed to death in Austin, Texas, I couldn't have been the one to do the stabbing. Similarly, given the way in which our minds are constructed, empiricism seems to be by nature compelling. Logically, we can't know that the sun will rise tomorrow; the future may not repeat the past. But our past experience is the best thing that we have to go on; life requires that we act and judge with some degree of uncertainty.

#### Radical skepticism of political action forgoes all real solutions – the impact is racism, brutality, and violence

**Fierlbeck 94** (Katherine, Professor of Political Science – Dalhousie University, “Post-Modernism And The Social Sciences: Insights, Inroads, And Intrusions”, History & Theory, 33(1))

In many respects, even the dismally skeptical post-modernists are too optimistic in their allegiance to post-modern ideas. As many others have already pointed out, post-modernism offers little constructive advice about how to reorganize and reinvigorate modern social relations. "The views of the post-modern individual," explains Rosenau, "are likely neither to lead to a post-modern society of innovative production nor to engender sustained or contained economic growth." This is simply because "these are not post-modern priorities"(55). Post-modernism offers no salient solutions; and, where it does, such ideas have usually been reconstituted from ideas presented in other times and places.[9] What we need are **specific solutions** to **specific problems**: to trade disputes, to the redistribution of health care resources, to unemployment, to spousal abuse. If one cannot prioritize public policy alternatives, or assign political responsibility to address such issues, or even say without hesitation that wealthy nations that steadfastly ignore pockets of virulent poverty are immoral, then the **worst nightmares** of the most cynical post-modernists will **likely come to life**. Such an overarching refusal to address these issues is **at least as dangerous** as any overarching affirmation of beliefs regarding ways to go about solving them. Post-modernism suffers from -- and is defined by -- too much indeterminacy. In order to achieve anything, constructive or otherwise, human beings must attempt to understand the nature of things, and to evaluate them. This can be done even if we accept that we may never understand things completely, or evaluate them correctly. But if paralysis is the most obvious political consequence of post-modernism, a graver danger lies in the rejection of the "Enlightenment ideals" of universality and impartiality. If the resounding end to the Cold War has taught us anything, it should be that the opposite of "universalism" is not invariably a coexistence of "little narratives": it can be, and frequently is, some **combination of** **intolerance**, local **prejudice**, **suspicion, bigotry, fear, brutality, and persecution**. The uncritical affiliation with the community of one's birth, as Martha Nussbaum notes, "while not without causal and formative power, is ethically arbitrary, and sometimes ethically dangerous -- in that it encourages us to listen to our unexamined preferences as if they were ethical laws."[10]

#### Decentering fails and locks in oppression – it’s a ruse that disempowers the marginalized and secures the power of elites.

**Collins 97** (Patricia Hill, Professor of Sociology and Chair of African American Studies – University of Cincinnati, Fighting Words: Black Women and the Search for Justice, p. 134-137)

In this academic context, postmodern treatment of power rela­tions suggested by the rubric of decentering may provide some relief to intellectuals who wish to resist oppression in the abstract without decentering their own material privileges. Current preoccupations with hegemony and microlevel, local politics—two emphases within post­modern treatments of power—are revealing in this regard. As the resurgence of interest in Italian Marxist Antonio Gramsci’s work illus­trates (Forgacs 1988), postmodern social theorists seem fascinated with the thesis of an all-powerful hegemony that swallows up all resis­tance except that which manages to survive within local interstices of power. The ways in which many postmodernist theorists use the heterogeneous work of French philosopher Michel Foucault illustrate these dual emphases. Foucault’s sympathy for disempowered people can be seen in his sustained attention to themes of institutional power via historical treatment of social structural change in his earlier works (see., e.g., Foucault’s analysis of domination in his work on prisons [‘979] and his efforts to write a genealogy linking sexuality to institu­tional power [ii98oa]). Despite these emphases, some interpretations of his work present power as being everywhere, ultimately nowhere, and, strangely enough, growing. Historical context is minimized—the prison, the Church, France, and Rome all disappear—leaving in place a decontextualized Foucauldian “theory of power.” All of social life comes to be portrayed as a network of power relations that become increasingly analyzed not at the level of large-scale social structures, but rather at the local level of the individual (Hartsock 1990). The in­creasing attention given to micropolitics as a response to this growing hegemony, namely, politics on the local level that are allegedly plural, multiple, and fragmented, stems in part from this reading of history that eschews grand narratives, including those of collective social movements. In part, this tendency to decontextualize social theory plagues academic social theories of all sorts, much as the richly tex­tured nuances of Marx’s historical work on class conflict (see, e.g., The Eighteenth Brumaire of Louis Bonaparte [1963]) become rou­tinely recast into a mechanistic Marxist “theory of social class.” This decontextualization also illustrates how academic theories “empty out the more political and worldly substance of radical critiques” (West 1993, 41) and thus participate in relations of ruling. In this sense, postmodern views of power that overemphasize hegemony and local politics provide a seductive mix of appearing to challenge oppression while secretly believing that such efforts are doomed. Hegemonic power appears as ever expanding and invad­ing. It may even attempt to “annex” the counterdiscourses that have developed, oppositional discourses such as Afrocentrism, postmod­ernism, feminism, and Black feminist thought. This is a very impor­tant insight. However, there is a difference between being aware of the power of one’s enemy and arguing that such power is so pervasive that resistance will, at best, provide a brief respite and, at worst, prove ultimately futile. This emphasis on power as being hegemonic and seemingly absolute, coupled with a belief in local resistance as the best that people can do, flies in the face of actual, historical successes. African-Americans, women, poor people, and others have achieved results through social movements, revolts, revolutions, and other col­lective social action against government, corporate, and academic structures. As James Scott queries, “What remains to be explained is why theories of hegemony…have…retained an enormous intel­lectual appeal to social scientists and historians” (1990, 86). Perhaps for colonizers who refuse, individualized, local resistance is the best that they can envision. Overemphasizing hegemony and stressing ni­hilism not only does not resist injustice but participates in its manu­facture. Views of power grounded exclusively in notions of hegemony and nihilism are not only pessimistic, they can be dangerous for members of historically marginalized groups. Moreover, the emphasis on local versus structural institutions makes it difficult to examine major structures such as racism, sexism, and other structural forms of oppression.7 Social theories that reduce hierarchical power relations to the level of representation, performance, or constructed phenomena not only emphasize the likelihood that resistance will fail in the face of a pervasive hegemonic presence, they also reinforce perceptions that local, individualized micropolitics constitutes the most effective ter­rain of struggle. This emphasis on the local dovetails nicely with in­creasing emphasis on the “personal” as a source of power and with parallel attention to subjectivity. If politics becomes reduced to the “personal,” decentering relations of ruling in academia and other bu­reaucratic structures seems increasingly unlikely. As Rey Chow opines, “What these intellectuals are doing is robbing the terms of oppression of their critical and oppositional import, and thus depriving the op­pressed of even the vocabulary of protest and rightful demand” (1993, 13). Viewing decentering as a strategy situated within a larger process of resistance to oppression is dramatically different from perceiving decentering as an academic theory of how scholars should view all truth. When weapons of resistance are theorized away in this fashion, one might ask, who really benefits? Versions of decentering as presented by postmodernism in the American academy may have limited utility for African-American women and other similarly situated groups. Decentering provides little legitimation for centers of power for Black women other than those of preexisting marginality in actual power relations. Thus, the way to be legitimate within postmodernism is to claim marginality, yet this same marginality renders Black women as a group powerless in the real world of academic politics. Because the logic of decentering opposes constructing new centers of any kind, in effect the stance of critique of decentering provides yet another piece of the new politics of containment. A depoliticized decentering disempowers Black women as a group while providing the illusion of empowerment. Although individual African-American women intellectuals may benefit from being able to broker the language and experiences of marginality in a commodified American academic marketplace, this in no way substi­tutes for sustained improvement of Black women as a group in these same settings. In contrast, groups already privileged under hierarchi­cal power relations suffer little from embracing the language of decen­tering denuded of any actions to decenter actual hierarchical power relations in academia or elsewhere. Ironically, their privilege may ac­tually increase.

#### Evaluate the material consequences of law. Focus on pure aesthetics ignores *direct consequences* that have a greater impact on suffering.

**Abramson 3** (Kara, JD – Harvard Law School, “"Art for a Better Life:"\* A New Image of American Legal Education”, Brigham Young University Education and Law Journal, 2006 BYU Educ. & L. J. 227, Lexis)

vii. Aesthetic Dimensions of Law
Some legal scholars have aimed to find aesthetic value in the work of lawyers. This effort sometimes results in wholly positive assessments of the creative role of lawyers. Under this paradigm, law is not merely a technical craft but an artistic venture, and the lawyers' craft embodies the aesthetic principles that define beauty in art. Scholars who adhere to this outlook include Indiana University School of Law Dean Alfred C. Aman, Jr. - who sees law students as "aspiring artists" [153](http://www.lexis.com/research/retrieve?cc=&pushme=1&tmpFBSel=all&totaldocs=&taggedDocs=&toggleValue=&numDocsChked=0&prefFBSel=0&delformat=XCITE&fpDocs=&fpNodeId=&fpCiteReq=&brand=&_m=6e3d25537fa688a34f51a9a89c4f80c2&docnum=6&_fmtstr=FULL&_startdoc=1&wchp=dGLzVtz-zSkAz&_md5=3f80fbda50368a6e8780a554c9e7b021&focBudTerms=aesthet%21+w%2F35+law+w%2F55+schlag&focBudSel=all" \l "n153" \t "_self) and some legal problems as "high art" [154](http://www.lexis.com/research/retrieve?cc=&pushme=1&tmpFBSel=all&totaldocs=&taggedDocs=&toggleValue=&numDocsChked=0&prefFBSel=0&delformat=XCITE&fpDocs=&fpNodeId=&fpCiteReq=&brand=&_m=6e3d25537fa688a34f51a9a89c4f80c2&docnum=6&_fmtstr=FULL&_startdoc=1&wchp=dGLzVtz-zSkAz&_md5=3f80fbda50368a6e8780a554c9e7b021&focBudTerms=aesthet%21+w%2F35+law+w%2F55+schlag&focBudSel=all" \l "n154" \t "_self) - and, to a certain extent, James Boyd White, who writes his book on the legal imagination, sees the student "as an artist" [155](http://www.lexis.com/research/retrieve?cc=&pushme=1&tmpFBSel=all&totaldocs=&taggedDocs=&toggleValue=&numDocsChked=0&prefFBSel=0&delformat=XCITE&fpDocs=&fpNodeId=&fpCiteReq=&brand=&_m=6e3d25537fa688a34f51a9a89c4f80c2&docnum=6&_fmtstr=FULL&_startdoc=1&wchp=dGLzVtz-zSkAz&_md5=3f80fbda50368a6e8780a554c9e7b021&focBudTerms=aesthet%21+w%2F35+law+w%2F55+schlag&focBudSel=all" \l "n155" \t "_self) who is "as free" as the sculptor or painter in what she or he does as a lawyer. [156](http://www.lexis.com/research/retrieve?cc=&pushme=1&tmpFBSel=all&totaldocs=&taggedDocs=&toggleValue=&numDocsChked=0&prefFBSel=0&delformat=XCITE&fpDocs=&fpNodeId=&fpCiteReq=&brand=&_m=6e3d25537fa688a34f51a9a89c4f80c2&docnum=6&_fmtstr=FULL&_startdoc=1&wchp=dGLzVtz-zSkAz&_md5=3f80fbda50368a6e8780a554c9e7b021&focBudTerms=aesthet%21+w%2F35+law+w%2F55+schlag&focBudSel=all" \l "n156" \t "_self)
These positive portrayals rightly challenge the notion of law as an enterprise of "plugging and chugging" rules into a specific legal case.  [\*253]  Yet as an enterprise that includes space for creativity, law also creates a space for dangerous manipulation inherent in the creative process. Aesthetic outlooks on law can overestimate the positive attributes of the creative process, [157](http://www.lexis.com/research/retrieve?cc=&pushme=1&tmpFBSel=all&totaldocs=&taggedDocs=&toggleValue=&numDocsChked=0&prefFBSel=0&delformat=XCITE&fpDocs=&fpNodeId=&fpCiteReq=&brand=&_m=6e3d25537fa688a34f51a9a89c4f80c2&docnum=6&_fmtstr=FULL&_startdoc=1&wchp=dGLzVtz-zSkAz&_md5=3f80fbda50368a6e8780a554c9e7b021&focBudTerms=aesthet%21+w%2F35+law+w%2F55+schlag&focBudSel=all" \l "n157" \t "_self) and efforts to achieve aesthetic excellence in law have been criticized as inappropriate "in a field of pain and death." [1](http://www.lexis.com/research/retrieve?cc=&pushme=1&tmpFBSel=all&totaldocs=&taggedDocs=&toggleValue=&numDocsChked=0&prefFBSel=0&delformat=XCITE&fpDocs=&fpNodeId=&fpCiteReq=&brand=&_m=6e3d25537fa688a34f51a9a89c4f80c2&docnum=6&_fmtstr=FULL&_startdoc=1&wchp=dGLzVtz-zSkAz&_md5=3f80fbda50368a6e8780a554c9e7b021&focBudTerms=aesthet%21+w%2F35+law+w%2F55+schlag&focBudSel=all" \l "n158" \t "_self)

[CONTINUES – TO FOOTNOTE]
n157. Jerome Frank lambasted judges who focused their career on the aesthetic attributes of their decisions at the expense of the lives their decisions affected. Frank, supra n. 39, at 1310 ("But such a decision often means death or imprisonment or poverty or a ruined life to some mere mortal who, in his benighted ignorance, has more regard for his own welfare than for the aesthetic delights of pure "jurisprudence.'"). See also infra n. 251 and accompanying text (discussing the effects of Riss).
n158. Pierre Schlag, The Aesthetics of American Law, [115 Harv. L. Rev. 1047, 1050 (2002)](http://www.lexis.com/research/buttonTFLink?_m=aa1ff245feb57fce61b78bd5709b2404&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b2006%20BYU%20Educ.%20%26%20L.%20J.%20227%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_butNum=396&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b115%20Harv.%20L.%20Rev.%201047%2cat%201050%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=6&_startdoc=1&wchp=dGLzVtz-zSkAz&_md5=83b561d6470b9556a850bba362025e68) (quoting Robert M. Cover, Violence and the Word, [95 Yale L.J. 1601, 1601 (1986)).](http://www.lexis.com/research/buttonTFLink?_m=aa1ff245feb57fce61b78bd5709b2404&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b2006%20BYU%20Educ.%20%26%20L.%20J.%20227%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_butNum=397&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b95%20Yale%20L.J.%201601%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=6&_startdoc=1&wchp=dGLzVtz-zSkAz&_md5=0a2ca2eb1f059db3d7e1db623d9c807f)

#### We can know things about the world

Sil ‘2k

Rudra Sil, assistance professor of Political Science @ the University of Pennsylvania. “Beyond boundaries?: disciplines, paradigms, and theoretical integration in International Studies. 2001. P. 161.

In the end, there may be no alternative to relying on the judgment of other human beings, and this judgment is difficult to form in the absence of empirical findings. However, instead of clinging to the elusive idea of a uniform standard for the empirical validation of theories, it is possible to simply present a set of observational statements—whether we call it "data" or "narrative"—for the modest purpose of rendering an explanation or interpretation more plausible than the audience would allow at the outset. In practice, this is precisely what the most committed positivists and inter-pretivists have been doing anyway; the presentation of "logically consistent" hypotheses "supported by data" and the ordering of facts in a "thick" narrative are both ultimately designed to convince scholars that a particular proposition should be taken more seriously than others. Social analysis is not about final truths or objective realities, but nor does it have to be a meaningless world of incommensurable theories where anything goes. Instead, it can be an ongoing collective endeavor to develop, evaluate, and refine general inferences—be they in the form of models, partial explanations, descriptive inferences, or interpretations—in order to render them more "sensible" or "plausible" to a particular audience. In the absence of a consensus on the possibility and desirability of a full-blown explanatory science of international and social life, it is important to keep as many doors open as possible. This does not require us to accept each and every claim without some sort of validation, but perhaps the community of scholars can be more tolerant about the kinds of empirical referents and logical propositions that are employed in validating propositions by scholars embracing all but the most extreme epistemological positions.

# 2NC

### Effective Deliberation Outweighs – 2NC

#### only offensive argument in this debate

Steinberg & Freeley 8 \*Austin J. Freeley is a Boston based attorney who focuses on criminal, personal injury and civil rights law, AND \*\*David L. Steinberg , Lecturer of Communication Studies @ U Miami, Argumentation and Debate: Critical Thinking for Reasoned Decision Making pp9-10

After several days of intense debate, first the United States House of Representatives and then the U.S. Senate voted to authorize President George W. Bush to attack Iraq if Saddam Hussein refused to give up weapons of mass destruction as required by United Nations's resolutions. Debate about a possible military\* action against Iraq continued in various governmental bodies and in the public for six months, until President Bush ordered an attack on Baghdad, beginning Operation Iraqi Freedom, the military campaign against the Iraqi regime of Saddam Hussein. He did so despite the unwillingness of the U.N. Security Council to support the military action, and in the face of significant international opposition. Meanwhile, and perhaps equally difficult for the parties involved, a young couple deliberated over whether they should purchase a large home to accommodate their growing family or should sacrifice living space to reside in an area with better public schools; elsewhere a college sophomore reconsidered his major and a senior her choice of law school, graduate school, or a job. Each of these\* situations called for decisions to be made. Each decision maker worked hard to make well-reasoned decisions. Decision making is a thoughtful process of choosing among a variety of options for acting or thinking. It requires that the decider make a choice. Life demands decision making. We make countless individual decisions every day. To make some of those decisions, we work hard to employ care and consideration; others 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.

#### Fairness outweighs—debate is played for its own sake—fairness outweigh all other concerns.

Villa 96—Dana Villa Political Theory @ UC Santa Barbara [*Arendt and Heidegger: the Fate of the Political* p. 37]

If political action is to be valued for its own sake, then the content of political action must be politics “in the sense that political action is talk about politics.” The circularity of this formulation, given by George Kateb, is unavoidable. It helps if we use an analogy that Kateb proposes, the analogy between such a purely political politics and a game. “A game,” writes Kateb, “is not ‘about’ anything outside itself, it is its own sufficient world…the content of any game is itself.” What matters in a game is the play itself, and the **quality of this play** is **utterly** **dependent** upon the **willingness** and ability of the **players** to **enter the “world” of the game**. The Arendtian conception of politics is one in which the spirit animating the “play” (the sharing of words and deeds) comes **before all else**—before personal concerns, groups, interests, and even moral claims. If allowed to dominate the “game,” these elements detracts from the play and from the performance of action. A good game happens only when the players submit themselves to its spirit and **do not allow subjective or external motives to dictate the play**. A good game, like genuine politics, is played for its own sake.

#### Social interaction creates meaning as well – reject the aff’s solipsistic understanding of the value to life – means T turns case

**Simmons, 1999.** [William Paul, Bethany College, Department of History and Political Science.] “The Third: Levinas’ Theoretical Move From An-archical Ethics to the Realm of Justice and Politics.” Philosophy and Social Criticism. Vol 25 no 6. p. 93.

The appearance of the Third invariably extends the ego’s responsibility because its appearance is not necessarily an empirical fact, nor does it come chronologically after the exposure to the Other. Simultaneously, the ego is confronted with the face of the Other and the Third. ‘Because there are more than two people in the world, we invariably pass from the ethical perspective of alterity to the ontological perspective of totality. There are always at least three persons.’36 Thus, in the face of the Other, the ego is confronted with the Third. As Burggraeve writes, ‘in the meeting with another person’s naked Face, I become confronted with all other people, who are just as much in need of my help as the one who stands before me’.37 The ego can no longer prioritize those in proximity, it must give attention to all. The ego’s dis-inter-ested-ness is now a concern for world peace.

### WM

#### Statutes require legislative action

Ballentine’s 10 (Ballentine’s Law Dictionary, “Act”, 2010, lexis)

1. Verb: To perform; to fulfill a function; to put forth energy; to move, as opposed to remaining at rest; to carry into effect a determination of the will. Holt v Middlebrook (CA4 Va) 214 F2d 187, 52 ALR2d 1043. To simulate; to perform on stage, screen or television. 2. Noun: A thing done or established; a part of a play or musical comedy; a deed or other written instrument evidencing a contract or an obligation. A statute; a bill which has been enacted by the legislature into a law, as distinguished from a bill which is in the form of a law presented to the legislature for enactment.

#### judicial restrictions are imposed by courts

Kang 6 (Michael – Assistant Professor, Emory University School of Law, “De-Rigging Elections: Direct Democracy and the Future of Redistricting Reform”, 2006, 84 Wash. U. L. Rev. 667, lexis)

The Court's general reluctance to restrict partisan gerrymandering appeared motivated by a lack of judicial confidence. Judicial restriction of gerrymandering would draw courts, which are putatively nonpartisan and apolitical institutions, n39 into the untenable position of managing what is fundamentally a political exercise. Justice Kennedy emphasized the difficulty for courts of "acting without a legislature's expertise" and the unwelcome task of removing from the democratic process "one of the most significant acts a State can perform to ensure citizen participation in republican self-governance." n40 Indeed, challenges to gerrymanders demand more of courts than simply striking down excessively partisan plans. Today, judicial intervention against gerrymandering almost necessarily brings with it active judicial management of the redistricting process. A court that strikes down a redistricting plan, for whatever reason, n41 invariably is drawn into authorship of a new redistricting plan to replace it, or a close interaction with legislators working to formulate a new plan (or both). n42 Courts "become active players often placed in the uncomfortable role of determining winners and losers in redistricting, and, therefore, elections." n43 When courts have involved themselves in redistricting matters, namely in racial gerrymandering and one person, one vote cases, [\*675] the courts have drawn heavy criticism. n44 Even so, Justice Stevens predicted that "the present "failure of judicial will' will be replaced by stern condemnation of partisan gerrymandering." n45 Greater judicial direction of the redistricting process is a price that Justice Stevens and reformers seem happy to pay. They are more than willing to trade the costs of judicial entanglement for the perceived benefits of judicial oversight in redistricting. I further discuss the costs of this approach in Part III.

### A2: Multiple Interps

#### Truth exists. Rejecting it degrades into relativism and makes progressive change impossible.

Sokal 96 (Alan D., Professor of Physics – New York University, “A Physicist Experiments with Cultural Studies”, Lingua France, May, http://www.physics.nyu.edu/faculty/sokal/lingua\_franca\_v4.pdf)

Why did I do it? While my method was satirical, my motivation is utterly serious. What concerns me is the proliferation, not just of nonsense and sloppy thinking per se, but of a particular kind of nonsense and sloppy thinking: one that denies the existence of objective realities, or (when challenged) admits their existence but downplays their practical relevance. At its best, a journal like Social Tex traises important questions that no scientist should ignore -- questions, for example, about how corporate and government funding influence scientific work. Unfortunately, epistemic relativism does little to further the discussion of these matters. In short, my concern over the spread of subjectivist thinking is both intellectual and political. Intellectually, the problem with such doctrines is that they are false (when not simply meaningless). There is a real world; its properties are not merely social constructions; facts and evidence do matter. What sane person would contend otherwise? And yet, much contemporary academic theorizing consists precisely of attempts to blur these obvious truths -- the utter absurdity of it all being concealed through obscure and pretentious language. Social Text's acceptance of my article exemplifies the intellectual arrogance of Theory -- meaning postmodernist literary theory -- carried to its logical extreme. No wonder they didn't bother to consult a physicist. If all is discourse and ``text,'' then knowledge of the real world is superfluous; even physics becomes just another branch of Cultural Studies. If, moreover, all is rhetoric and ``language games,'' then internal logical consistency is superfluous too: a patina of theoretical sophistication serves equally well. Incomprehensibility becomes a virtue; allusions, metaphors and puns substitute for evidence and logic. My own article is, if anything, an extremely modest example of this well-established genre. Politically, I'm angered because most (though not all) of this silliness is emanating from the self-proclaimed Left. We're witnessing here a profound historical volte-face. For most of the past two centuries, the Left has been identified with science and against obscurantism; we have believed that rational thought and the fearless analysis of objective reality (both natural and social) are incisive tools for combating the mystifications promoted by the powerful -- not to mention being desirable human ends in their own right. The recent turn of many ``progressive'' or ``leftist'' academic humanists and social scientists toward one or another form of epistemic relativism betrays this worthy heritage and undermines the already fragile prospects for progressive social critique. Theorizing about ``the social construction of reality'' won't help us find an effective treatment for AIDS or devise strategies for preventing global warming. Nor can we combat false ideas in history, sociology, economics and politics if we reject the notions of truth and falsity.

#### Meaning is possible - context provides linguistic content

**Allwood 3** (Jens, Professor Department of Applied Information Technology, University of Göteborg, “Meaning Potentials And Context: Some Consequences For The Analysis Of Variation In Meaning,” 2003, https://gupea.ub.gu.se/bitstream/2077/21426/1/gupea\_2077\_21426\_1.pdf)

The purpose of this paper is to suggest a view of word meaning on the type level based on “meaning potentials” rather than on reified type meanings founded on either of the two traditional approaches of abstract generalization (Gesamtbedeutung) and typical or basic meaning (Grundbedeutung). It is suggested that actual meaning on the **occurrence level** is produced by **context sensitive operations** of meaning activation and meaning determination which combine meaning potentials with each other and with **contextually given information** rather than by some simple compositionality operations yielding phrase and sentence meaning from simple type meanings of one of the two traditional kinds. To establish this goal, I first present the traditional notions and discuss some problems which arise when trying to handle variation in meaning. I then specifically discuss the relation of homonymy and polysemy to the traditional notions. In section 3, I introduce the notion of “meaning potentials” as an alternative to the traditional notions and then discuss in section 4 how this notion might be used to handle problems of meaning variation, focusing especially on homonymy and polysemy.

### Baudrillard

#### Baudrillard is wrong – reality exists – symbols aren’t everything

Marsh 95 (James, Professor of Philosophy – Fordham University, Critique, Action, and Liberation, p. 292-293)

Such an account, however, is as one-sided or perhaps even more one-sided than that of naive modernism. We note a residual idealism that does not take into account socioeconomic realities already pointed out such as the corporate nature of media, their role in achieving and legitimating profit, and their function of manufacturing consent. In such a postmodernist account is a reduction of everything to image or symbol that misses the relationship of these to **realities** such as corporations seeking profit, impoverished workers in these corporations, or peasants in Third-World countries trying to conduct elections. Postmodernism does not adequately distinguish here between a reduction of reality to image and a mediation of reality by image. A media idealism exists rooted in the influence of structuralism and poststructuralism and doing insufficient justice to **concrete human experience**, judgment, and free interaction in the world.4 It is also paradoxical or contradictory to say it really is true that nothing is really true, that everything is illusory or imaginary. Postmodemism makes judgments that implicitly deny the reduction of reality to image. For example, Poster and Baudrillard do want to say that we really are in a new age that is informational and postindustrial. Again, to say that everything is imploded into media images is akin logically to the Cartesian claim that everything is or might be a dream. What happens is that dream or image is absolutized or generalized to the point that its original meaning lying in its contrast to natural, human, and social reality is lost. We can discuss Disneyland as reprehensible because we know the difference between Disneyland and the larger, enveloping reality of Southern California and the United States.5 We can note also that postmodernism misses the reality of the accumulation-legitimation tension in late capitalism in general and in communicative media in particular. This tension takes different forms in different times. In the United States in the 1960s and 1970s, for example, social, economic, and political reality occasionally manifested itself in the media in such a way that the electorate responded critically to corporate and political policies. Coverage of the Vietnam war, for example, did help turn people against the war. In the 1980s, by contrast, the emphasis shifted more toward accumulation in the decade dominated by the “great communicator.” Even here, however, the majority remained opposed to Reagan’s policies while voting for Reagan. Human and social reality, while being influenced by and represented by the media, transcended them and remained resistant to them.6 To the extent that postmodernists are critical of the role media play, we can ask the question about the normative adequacy of such a critique. Why, in the absence of normative conceptions of rationality and freedom, should media dominance be taken as bad rather than good? Also, the most relevant contrasting, normatively structured alternative to the media is that of the “public sphere,” in which the imperatives of free, democratic, nonmanipulable communicative action are institutionalized. Such a public sphere has been present in western democracies since the nineteenth century but has suffered erosion in the twentieth century as capitalism has more and more taken over the media and commercialized them. Even now the public sphere remains normatively binding and really operative through institutionalizing the ideals of free, full, public expression and discussion; ideal, legal requirements taking such forms as public service programs, public broadcasting, and provision for alternative media; and social movements acting and discoursing in and outside of universities in print, in demonstrations and forms of resistance, and on media such as movies, television, and radio.7

### Limits Good – 2NC

#### Limits outweigh – they’re the vital access point for any theory impact – its key to fairness – huge research burdens mean we can’t prepare to compete – and its key to education – big topics cause hyper-generics, lack of clash, and shallow debate – and it destroys participation

Rowland 84 (Robert C., Debate Coach – Baylor University, “Topic Selection in Debate”, American Forensics in Perspective, Ed. Parson, p. 53-54)

The first major problem identified by the work group as relating to topic selection is the decline in participation in the National Debate Tournament (NDT) policy debate. As Boman notes: There is a growing dissatisfaction with academic debate that utilizes a policy proposition. Programs which are oriented toward debating the national policy debate proposition, so-called “NDT” programs, are diminishing in scope and size.4 This decline in policy debate is tied, many in the work group believe, to excessively broad topics. The most obvious characteristic of some recent policy debate topics is extreme breath. A resolution calling for regulation of land use literally and figuratively covers a lot of ground. Naitonal debate topics have not always been so broad. Before the late 1960s the topic often specified a particular policy change.5 The move from narrow to broad topics has had, according to some, the effect of limiting the number of students who participate in policy debate. First, the breadth of the topics has all but destroyed novice debate. Paul Gaske argues that because the stock issues of policy debate are clearly defined, it is superior to value debate as a means of introducing students to the debate process.6 Despite this advantage of policy debate, Gaske belives that NDT debate is not the best vehicle for teaching beginners. The problem is that broad policy topics terrify novice debaters, especially those who lack high school debate experience. They are unable to cope with the breadth of the topic and experience “negophobia,”7 the fear of debating negative. As a consequence, the educational advantages associated with teaching novices through policy debate are lost: “Yet all of these benefits fly out the window as rookies in their formative stage quickly experience humiliation at being caugh without evidence or substantive awareness of the issues that confront them at a tournament.”8 The ultimate result is that fewer novices participate in NDT, thus lessening the educational value of the activity and limiting the number of debaters or eventually participate in more advanced divisions of policy debate. In addition to noting the effect on novices, participants argued that broad topics also discourage experienced debaters from continued participation in policy debate. Here, the claim is that it takes so much times and effort to be competitive on a broad topic that students who are concerned with doing more than just debate are forced out of the activity.9 Gaske notes, that “broad topics discourage participation because of insufficient time to do requisite research.”10 The final effect may be that entire programs either cease functioning or shift to value debate as a way to avoid unreasonable research burdens. Boman supports this point: “It is this expanding necessity of evidence, and thereby research, which has created a competitive imbalance between institutions that participate in academic debate.”11 In this view, it is the competitive imbalance resulting from the use of broad topics that has led some small schools to cancel their programs.

### A2: Poetry

#### Poetry is fluid and has no criteria for evaluation

Bleiker 2k (Roland, Senior Lecturer – U Queensland, Popular Dissent, Human Agency, and Global Politics, p. 271)

But how can something as inaudible as transversal poetic dissent possibly be evaluated? How can a form of resistance that engages linguistic and discursive practices be judged or merely be understood, by the very nexus of power and knowledge it seeks to distance itself from? These difficult questions beg for complex answers. I do not claim to have solved them here, nor do I believe that they can actually be solved, at least not in an absolute and definitive way. The impact of discursive dissent on transversal social and political dynamics is mediated through tactical and temporal processes. A poem, for instance, does not directly cause particular events, it does not visualize an opponent in space and time. A linguistic expression of dissent works by insinuating itself into its target—the population at large—without taking it over, but also without being separated from it. Even the agent becomes gradually blurred. The effect of a poem cannot be reduced to its author or even to the poem itself. Those who have read it my have passed altered knowledge on to other people, and thus influenced the transversal constitution of societal values.

### A2: Role-Playing Bad/Not USFG – 2NC

**1. No link – we don’t think we are the government, we have just proposed an ideal course of action that we think to be valuable – that doesn’t mean we are roleplaying**

Harris 13 (Scott Harris, Director of Debate, Kansas University, 2013, This Ballot, http://www.cedadebate.org/forum/index.php?topic=4762.0)

While this ballot has meandered off on a tangent I’ll take this opportunity to comment on an unrelated argument in the debate. Emporia argued that oppressed people should not be forced to role play being the oppressor. This idea that debate is about role playing being a part of the government puzzles me greatly. While I have been in debate for 40 years now never once have I role played being part of the government. When I debated and when I have judged debates I have never pretended to be anyone but Scott Harris. Pretending to be Scott Harris is burden enough for me. Scott Harris has formed many opinions about what the government and other institutions should or should not do without ever role playing being part of those institutions. I would form opinions about things the government does if I had never debated. I cannot imagine a world in which people don’t form opinions about the things their government does. I don’t know where this vision of debate comes from. I have no idea at all why it would be oppressive for someone to form an opinion about whether or not they think the government should or should not do something. I do not role play being the owner of the Chiefs when I argue with my friends about who they should take with the first pick in this year’s NFL draft. I do not role play coaching the basketball team or being a player if I argue with friends about coaching decisions or player decisions made during the NCAA tournament. If I argue with someone about whether or not the government should use torture or drone strikes I can do that and form opinions without ever role playing that I am part of the government. Sometimes the things that debaters argue is happening in debates puzzle me because they seem to be based on a vision of debate that is foreign to what I think happens in a debate round.

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

Shulock 99 (Nancy, PROFESSOR OF PUBLIC POLICY --- professor of Public Policy and Administration and director of the Institute for Higher Education Leadership & Policy (IHELP) at Sacramento State University, The Paradox of Policy Analysis: If It Is Not Used, Why Do We Produce So Much of It?, Journal of Policy Analysis and Management, Vol. 18, No. 2, 226–244 (1999))

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

### SSD Good – A2: Research Solves

#### Just researching the other side doesn’t access the empathic learning and epistemic modesty unique to defending something you disagree with

**Bile 2000** – PhD candidate in the School of Interpersonal Communication at Ohio University (Jeffrey Thomas, Contemporary Argumentation and Debate, “REASONING TOGETHER AS DIALECTICAL PARTNERS! "BEYOND PERSUASION" TOWARD "COOPERATIVE ARGUMENTATION"”, http://www.cedadebate.org/CAD/index.php/CAD/article/viewFile/254/238)

In our contentious culture, we surely need better ways to begin to discuss the issues without one side being against another” (Griffin 101). If we took this approach, we could have discussions that center on the complexity of issues, what their implications are, who might be affected and in what ways, and on how one choice over another changes the issue itself. So, I think the issue of the "resolution" needs to be reconsidered from an invitational framework as well. (Griffin 101). l agree completely that these are worthwhile goals. Certainly, contemporary social problems are not as simple as our dualistic debates often imply. Before discarding binary topics too quickly, however, we should consider their contextual effects. When combined with the requirement of switching sides, two-sided topics expand the possibilities for discovering that those with whom we disagree might have tenable positions after all. Empathic learning is encouraged, then, when students agree to disagree in the context of debate tournaments. A related issue, deserving much further exploration, is the problematic of counter-attitudinal advocacy created by mandatory side switching. l sympathize with the view that students should not be "forced" to advocate a position that they do not believe. As a practical matter, I believe that most topics are ambiguous enough to allow considerable opportunity to find positional comfort. But, more fundamentally, I'm not sure that l ultimately accept the contention that academic counter-attitudinal advocacy is undesirable. The counter-attitudinal switch-sides structure of intercollegiate debate asks the student to imaginatively enter into another's world and to try to understand why they might see it as they do. This convention may yield invitational dividends. Foss and Griffin recognize value in asking communicators to seriously consider "˜perspectives other than those they presently hold and they encourage them to try to "validate those perspectives even if they differ dramatically from the rhetor's own" (5). It seems to me that counter-attitudinal advocacy might be an excellent technique for encouraging just that. Debate tournaments ask students to agree to model open-mindedness, empathy, and personal validation of multiple views. No one should be forced to debate, but for those making the choice, agreeing to disagree encourages a consideration of the fallibility of one's own constructions of the world as well as empathy for other ways of seeing things.

# 1NR

### Link – Passivity

#### We must continually exert our hegemony – any passivity will create rivals to fill the vacuum

KAGAN 96 Alexander Hamilton Fellow at American University, Contributing editor of the Weekly Standard [Robert, “American Power – A guide for the perplexed,” Commentary, April, vol 101, issue 4]

This has brought distinct benefits. In 19th-century Europe, the great powers jostled not only for power but also for prestige, and international jealousies were as much the cause of war as were the disputes over strategic ground. Today even potential American rivals like China, Russia, Japan, or Germany may aspire to greater influence in the world, but they do not yet dream of challenging the United States for the role of international hegemon. With the international hierarchy so firmly settled and widely agreed upon, crises like that in Bosnia do not provide occasions, as in the past, for competition among claimants to leadership. Indeed, the acceptance of the American-led order by most of America's potential challengers continues to be a central element in the preservation of peace. The prolongation of this beneficial state of affairs as far into the future as possible would seem to be the best definition of America's national interest in the present era. One need entertain no utopian notions that the world order can be made permanent, that conflict has been eradicated, or that the future holds only peace and prosperity. The realists' central insights into the competitive and conflictual nature of mankind remain true; nor should we forget the truism that all great powers must some day fall. Indeed, the task of realism should be to warn us that the present, happy state of affairs is extremely fragile: we live in an interwar period. But how long that period will last, and what quality of international life can be achieved in the interim, are matters which Americans hold it in their power to influence. If the national interest consists in the preservation of American preeminence, then the same general approach to foreign policy that brought us to our international pinnacle ought to be applied to keeping us there. That means maintaining American military superiority, not only to deter aggression, but also to discourage other great powers from trying to achieve parity with us. (This was the recommendation, unfortunately rejected, of the Pentagon's best policy planners during the Bush administration.) The predictability of American superiority has a calming effect on the international environment, inducing other powers to focus their energies and resources elsewhere. Failure to maintain that superiority will eventually encourage others, even those who do not yet have such ambitions, to challenge American hegemony, and will swiftly bring us back to the more dangerous world we have just departed. Military strength alone will not avail, however, if we do not use it actively to maintain a world order which both supports and rests upon American hegemony. This requires a sharp departure from the narrow definition of national interests bequeathed to us by the realists. Their strategy has always been defensive and reactive. Once having identified the areas of its "vital interests," the United States was supposed to "draw back," as Morgenthau put it, from its "outlying positions," and be "self-contained within its orbit." But in today's unipolar world, even more than during the cold war, that kind of passivity only creates a vacuum begging to be filled, and passes the initiative to those who oppose our preferred international order. Since today's benevolent circumstances are the unique product of our hegemonic influence, any lessening of that influence will allow others to play a much larger part than they do now in shaping the world to suit their needs. The price of American hegemony is that just as it was actively obtained, it must be actively maintained.

### Relation to Death

#### Death anxiety is critical to recognizing a value to life.

Geshe **Kelsang**, Internationally Renowned Teacher of Buddhism, **99**

[“Fear of Death,” http://www.tharpa.com/background/fear-of-death.htm]

A healthy fear of death would be the fear of dying unprepared, as this is a fear we can do something about, a danger we can avert. If we have this realistic fear, this sense of danger, we are encouraged to prepare for a peaceful and successful death and are also inspired to make the most of our very precious human life instead of wasting it. This "sense of danger" inspires us to make preparations so that we are no longer in the danger we are in now, for example by practicing moral discipline, purifying our negative karma, and accumulating as much merit, or good karma, as possible. We put on a seat belt out of a sense of danger of the unseen dangers of traffic on the road, and that seat belt protects us from going through the windshield. We can do nothing about other traffic, but we can do something about whether or not we go through the windscreen if someone crashes into us. Dying with regrets is not at all unusual. To avoid a sad and meaningless end to our life we need to remember continually that we too must die. Contemplating our own death will inspire us to use our life wisely by developing the inner refuge of spiritual realizations; otherwise we shall have no ability to protect ourself from the sufferings of death and what lies beyond.

### Sustain

#### the system is sustainable

**Brooks and Wohlforth 09**

Steven G. Brooks --AND-- William C. Wohlforth, Associate Professors of Government at Dartmouth College, 09

[“Reshaping the World Order,” Foreign Affairs, March/April 2009, http://www.foreignaffairs.com/articles/64652/stephen-g-brooks-and-william-c-wohlforth/reshaping-the-world-order]

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Now, the conventional wisdom is that the world is rapidly approaching the end of the unipolar system with the United States as the sole superpower. A dispassionate look at the facts shows that this view understates U.S. power as much as recent talk of empire exaggerated it. That the United States weighs more on the traditional scales of world power than has any other state in modern history is as true now as it was when the commentator Charles Krauthammer proclaimed the advent of a "unipolar moment" in these pages nearly two decades ago. The United States continues to account for about half the world's defense spending and one-quarter of its economic output. Some of the reasons for bearishness concern public policy problems that can be fixed (expensive health care in the United States, for example), whereas many of the reasons for bullishness are more fundamental (such as the greater demographic challenges faced by the United States' potential rivals). So why has opinion shifted so quickly from visions of empire to gloomy declinism? One reason is that the United States' successes at the turn of the century led to irrational exuberance, thereby setting unreasonably high standards for measuring the superpower's performance. From 1999 to 2003, seemingly easy U.S. victories in Kosovo, Afghanistan, and Iraq led some to conclude that the United States could do what no great power in history had managed before: effortlessly defeat its adversaries. It was only a matter of time before such pie-in-the-sky benchmarks proved unattainable. Subsequent difficulties in Afghanistan and Iraq dashed illusions of omnipotence, but these upsets hardly displaced the United States as the world's leading state, and there is no reason to believe that the militaries of its putative rivals would have performed any better. The United States did not cease to be a superpower when its policies in Cuba and Vietnam failed in the 1960s; bipolarity lived on for three decades. Likewise, the United States remains the sole superpower today. Another key reason for the multipolar mania is "the rise of the rest." Impressed by the rapid economic growth of China and India, many write as if multipolarity has already returned. But such pronouncements mistake current trajectories for final outcomes -- a common strategic error with deep psychological roots. The greatest concern in the Cold War, for example, came not from the Soviet Union's actually attaining parity with the United States but from the expectation that it would do so in the future. Veterans of that era recall how the launch of Sputnik in 1957 fed the perception that Soviet power was growing rapidly, leading some policymakers and analysts to start acting as if the Soviet Union were already as powerful as the United States. A state that is rising should not be confused with one that has risen, just as a state that is declining should not be written off as having already declined. China is generally seen as the country best positioned to emerge as a superpower challenger to the United States. Yet depending on how one measures GDP, China's economy is between 20 percent and 43 percent the size of the United States'. More dramatic is the difference in GDP per capita, for which all measures show China's as being less than 10 percent of the United States'. Absent a 1930s-style depression that spares potential U.S. rivals, the United States will not be replaced as the sole superpower for a very long time. Real multipolarity -- an international system of three or more evenly matched powers -- is nowhere on the horizon. Relative power between states shifts slowly. This tendency to conflate trends with outcomes is often driven by the examination in isolation of certain components of state power. If the habit during the Cold War was to focus on military power, the recent trend has been to single out economic output. No declinist tract is complete without a passage noting that although the United States may remain a military superpower, economic multipolarity is, or soon will be, the order of the day. Much as highlighting the Soviet Union's military power meant overlooking the country's economic and technological feet of clay, examining only economic output means putting on blinders. In 1991, Japan's economy was two-thirds the size of the United States', which, according to the current popular metric, would mean that with the Soviet Union's demise, the world shifted from bipolarity to, well, bipolarity. Such a partial assessment of power will produce no more accurate an analysis today. Nor will giving in to apprehension about the growing importance of nonstate actors. The National Intelligence Council's report Global Trends 2025 grabbed headlines by forecasting the coming multipolarity, anticipating a power shift as much to nonstate actors as to fast-growing countries. But nonstate actors are nothing new -- compare the scale and scope of today's pirates off the Somali coast with those of their eighteenth-century predecessors or the political power of today's multinational corporations with that of such behemoths as the British East India Company -- and projections of their rise may well be as much hype as reflections of reality. And even if the power of nonstate actors is rising, this should only increase the incentives for interstate cooperation; nonstate threats do not affect just the United States. Most nonstate actors' behavior, moreover, still revolves around influencing the decisions of states. Nongovernmental organizations typically focus on trying to get states to change their policies, and the same is true of most terrorists. When it comes to making, managing, and remaking international institutions, states remain the most important actors -- and the United States is the most important of them. No other country will match the United States' combination of wealth, size, technological capacity, and productivity in the foreseeable future. The world is and will long remain a 1 + x world, with one superpower and x number of major powers. A shift from 1 + 3 to 1 + 4 or 5 or 6 would have many important consequences, but it would not change the fact that the United States will long be in a far stronger position to lead the world than any other state.

### Moral Absolutism Bad – 2NC

#### -- Extend consequences – pure morality is evil – the Aff allows the violence of every consequence of the plan for the sake of personal purity and good intentions – this is tunnel vision and complicity with evil that turns the case – that’s Isaac

#### -- The Aff is moral evasion – consequentialism is best

**Nielson 9** (Kai, Professor of Philosophy – University of Calgary, Ethics: The Big Questions, Ed. Sterba, p. 189-190)

In so treating the fat man‑not just to further the public good but to prevent the certain death of a whole group of people (that is to prevent an even greater evil than his being killed in this way)‑the claims of justice are not overriden either, for each individual involved, if he is reasonably correct, should realize that if he were so stuck rather than the fat man, he should in such situations be blasted out. Thus, there is no question of being unfair. Surely **we must choose between evils** here, but is there anything more reasonable, more morally appropriate, than choosing the lesser evil when doing or allowing some evil cannot be avoided? That is, where there is no avoiding both and where our actions can determine whether a greater or lesser evil obtains, should we not plainly always opt for the lesser evil? And is it not obviously a greater evil that all those other innocent people should suffer and die than that the fat man should suffer and die? Blowing up the fat man is indeed monstrous. But letting him remain stuck while the whole group drowns is still more monstrous. The consequentialist is on strong moral ground here, and, if his reflective moral convictions do not square either with certain unrehearsed or with certain reflective particular moral convictions of human beings, so much the worse for such commonsense moral convictions. One could even usefully and relevantly adapt herethough for a quite different purpose‑an argument of Donagan’s. Consequentialism of the kind I have been arguing for provides so persuasive “a theoretical basis for common morality that when it contradicts some moral intuition, it is natural to suspect that intuition, not theory, is corrupt.” Given the comprehensiveness, plausibility, and overall rationality of consequentialism, it is not unreasonable to override even a deeply felt moral conviction if it does not square with such a theory, though, if it made no sense or overrode the bulk of or even a great many of our considered moral convictions, that would be another matter indeed. Anticonsequentialists often point to the inhumanity of people who will sanction such killing of the innocent, but cannot the **compliment be returned** by speaking of the **even greater** inhumanity, conjoined with **evasiveness**, of those who will allow even more death and far greater misery and then excuse themselves on the ground that they did not intend the death and misery but merely forbore to prevent it? In such a context, such reasoning and such forbearing to prevent seems to me to constitute a **moral evasion**. I say it is evasive because rather than steeling himself to do what in normal circumstances would be a horrible and vile act but in this circumstance is a harsh moral necessity, he [it] allows, when he has the power to prevent it, a situation which is still **many times worse**. He tries to keep his ‘moral purity’ and [to] avoid ‘dirty hands’ at the price of **utter moral** **failure** and what Kierkegaard called ‘double‑mindedness.’ It is understandable that people should act in this morally evasive way but this does not make it right.

### A2: Justifies Dehum

#### -- Extreme examples don’t apply – utility promotes equality and maximum good

**Harsanyi 82** (John, Professor of Economics – University of California, Berkeley, Utilitarianism and Beyond, Ed. Sen and Williams, p. 26-27)

Some further notes on this suggestion will be in place here. First, it is sometimes alleged that justice has to be at odds with utility. But if we ask how we are to be just between the competing interests of different people, it seems hard to give any other answer than it is by giving equal weight, impartially to the interests of everybody. And this is precisely what yields the utility principle. It does not necessarily yield equality in the resulting distribution. There are certainly very good utilitarian reasons for seeking equality in distribution too; but justice is something distinct. The utilitarian is sometimes said to be indifferent between equal and unequal distributions provided that total utility is equal. This is so; but it conceals two important utilitarian grounds for a fairly high degree of actual goods (tempered, of course, as in most systems including Rawls’s by various advantages that are secured by moderate inequalities). The second is that inequalities tend to produce, at any rate in educated societies, envy hatred and malice whose disutility needs no emphasizing. I am convinced that when these two factors are taken into account, utilitarians have no need to fear the accusation that they could favor extreme inequalities of distribution in actual modern societies. **Fantastic hypothetical cases** can no doubt be invented in which they would have to favor them; but as, as we shall see, this is an **illegitimate form** of argument.

#### -- Their examples assume short-run value – but utility ensures long-run compassion and respect for life

**Ratner 84** (Leonard, Professor of Law – University of Southern California, Hofstra Law Journal, Spring, p. 751-752)

The survival costs of clearly “asocial” behavior exceed the survival value of fulfillments derived from such behavior. The anger or hatred of a murderer , the gratification of a sadist, the malice of a defamer, and the greedy indolence of a thief lacks significant **long-run** survival values and are therefore **subordinated** to the existence , health, dignity, and productivity of the victims. The gratification derived by a few from the torture of animals not only lacks survival value; it may stimulate an appetite for infliction of pain on humans, whit countersurvival consequences, while concern for needless suffering of living creatures contributes to long-run human survival.

### Conseq

#### Life has intrinsic and objective value achieved through subjective pleasures---its preservation should be an a priori goal

Amien Kacou 8 WHY EVEN MIND? On The A Priori Value Of “Life”, Cosmos and History: The Journal of Natural and Social Philosophy, Vol 4, No 1-2 (2008) cosmosandhistory.org/index.php/journal/article/view/92/184

Furthermore, that manner of finding things good that is in pleasure can certainly not exist in any world without consciousness (i.e., without “life,” as we now understand the word)—slight analogies put aside. In fact, we can begin to develop a more sophisticated definition of the concept of “pleasure,” in the broadest possible sense of the word, as follows: it is the common psychological element in all psychological experience of goodness (be it in joy, admiration, or whatever else). In this sense, pleasure can always be pictured to “mediate” all awareness or perception or judgment of goodness: there is pleasure in all consciousness of things good; pleasure is the common element of all conscious satisfaction. In short, it is simply the very experience of liking things, or the liking of experience, in general. In this sense, pleasure is, not only uniquely characteristic of life but also, the core expression of goodness in life—the most general sign or phenomenon for favorable conscious valuation, in other words. This does not mean that “good” is absolutely synonymous with “pleasant”—what we value may well go beyond pleasure. (The fact that we value things needs not be reduced to the experience of liking things.) However, what we value beyond pleasure remains a matter of speculation or theory. Moreover, we note that a variety of things that may seem otherwise unrelated are correlated with pleasure—some more strongly than others. In other words, there are many things the experience of which we like. For example: the admiration of others; sex; or rock-paper-scissors. But, again, what they are is irrelevant in an inquiry on a priori value—what gives us pleasure is a matter for empirical investigation.

Thus, we can see now that, in general, something primitively valuable is attainable in living—that is, pleasure itself. And it seems equally clear that we have a priori logical reason to pay attention to the world in any world where pleasure exists. Moreover, we can now also articulate a foundation for a security interest in our life: since the good of pleasure can be found in living (to the extent pleasure remains attainable),[17] and only in living, therefore, a priori, life ought to be continuously (and indefinitely) pursued at least for the sake of preserving the possibility of finding that good.

However, this platitude about the value that can be found in life turns out to be, at this point, insufficient for our purposes. It seems to amount to very little more than recognizing that our subjective desire for life in and of itself shows that life has some objective value. For what difference is there between saying, “living is unique in benefiting something I value (namely, my pleasure); therefore, I should desire to go on living,” and saying, “I have a unique desire to go on living; therefore I should have a desire to go on living,” whereas the latter proposition immediately seems senseless? In other words, “life gives me pleasure,” says little more than, “I like life.” Thus, we seem to have arrived at the conclusion that the fact that we already have some (subjective) desire for life shows life to have some (objective) value. But, if that is the most we can say, then it seems our enterprise of justification was quite superficial, and the subjective/objective distinction was useless—for all we have really done is highlight the correspondence between value and desire. Perhaps, our inquiry should be a bit more complex.

### CTP

#### Ignoring the state causes neo-liberal violence – worse political forces fill-in

**Barbrook 97** (Dr. Richard, School of Westminster, Nettime, “More Provocations”, 6-5,

http://www.nettime.org/Lists-Archives/nettime-l-9706/msg00034.html)

I thought that this position is clear from my remarks about the ultra-left posturing of the 'zero-work' demand. In Europe, we have real social problems of deprivation and poverty which, in part, can **only be solved by state action**. This does not make me a statist, but rather an anti-anti-statist. By opposing such intervention because they are carried out by the state, anarchists are **tacitly lining up with the neo-liberals**. Even worse, refusing even to vote for the left, they acquiese to rule by neo-liberal parties. I deeply admire direct action movements. I was a radio pirate and we provide server space for anti-roads and environmental movements. However, this doesn't mean that I support political abstentionism or, even worse, the mystical nonsense produced by Hakim Bey. It is great for artists and others to adopt a marginality as a life style choice, but most of the people who are economically and socially marginalised were never given any choice. They are excluded from society as a result of deliberate policies of deregulation, privatisation and welfare cutbacks carried out by neo-liberal governments. During the '70s, I was a pro-situ punk rocker until Thatcher got elected. Then we learnt the hard way that voting did change things and **lots of people suffered** if state power was withdrawn from certain areas of our life, such as welfare and employment. Anarchism can be a fun artistic pose. However, human suffering is not.

#### Biggest impact – right takeover rolls-back all progressive gains

**Rorty 98** (Richard, Professor of Comparative Literature and Philosophy – Stanford University, Achieving Our Country)

At that point, something will crack. The nonsuburban electorate will decide that the system has failed and start looking around for a strongman to vote for—someone willing to assure them that, once he is elected, the smug bureaucrats, tricky lawyers, overpaid bond salesmen, and postmodern professors will no longer be calling the shots. A scenario like that of Sinclair Lewis’ novel *It Can’t Happen Here* may then be played out. For once such a strongman takes office, nobody can predict what will happen. In 1932, most of the predictions made about what would happen if Hendenburg named Hitler chancellor were wildly overoptimistic. One thing that is very likely to happen is that the gains made in the past forty years by black and brown Americans and by homosexuals will be **wiped out**. Jocular contempt for women will come back into fashion. The words “nigger” and “kike” will once again be heard in the workplace. All the sadism which the academic Left has tried to make unacceptable to its students will come **flooding back**. All the resentment which badly educated Americans feel about having their manners dictated to them by college graduates will find an outlet. But such a renewal of sadism will not alter the effects of selfishness. For after my imagined strong[person]man takes charge, he will quickly make his peace with the international super-rich, just as Hitler made his with the German industrialists. He will invoke the glorious memory of the Gulf War to provoke military adventures which will generate short-term prosperity. He will be a disaster for the country and for the world. People will wonder with there was so little resistance to his evitable rise. Where, they will ask, was the American Left? Why was it only rightists like Buchanan who spoke to the workers about the consequences of globalization? Why could not the Left channel the mounting rage of the newly dispossessed? It is often said the we Americans, at the end of the twentieth century, no longer have a Left. Since nobody denies the existence of what I have called the cultural Left, this amounts to an admission that the Left is unable to engage in national politics. It is not the sort of Left which can be asked to deal with the consequences of globalization. To get the country to deal with those consequences, the present cultural Left would have to transform itself by opening relations with the residue of the old reformist Left, and in particular with the labor unions. It would have to talk much more about money, even at the cost of talking less about stigma. I have two suggestions about how to effect this transition. The first is that the Left should put a moratorium on theory. It should try to kick its philosophy habit. The second is that the Left should try to mobilize what remains of our pride in being Americans.

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