# 1NC

## Off

### 1NC

#### A. Interpretation – debate is a game that requires the aff to have a defense of restricting the presidents war powers authority in one or more of the following: targeted killing, indefinite detention, offensive cyber operations, and introduction of US armed forces in hostilities

#### B. They don’t meet – they don’t defend restricting war powers

#### C. Reasons to prefer:

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

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Debate games are often based on pre-designed scenarios that include descriptions of issues to be debated, educational goals, game goals, roles, rules, time frames etc. In this way, debate games differ from textbooks and everyday classroom instruction as debate scenarios allow teachers and students to actively imagine, interact and communicate within a domain-specific game space. However, instead of mystifying debate games as a “magic circle” (Huizinga, 1950), I will try to overcome the epistemological dichotomy between “gaming” and “teaching” that tends to dominate discussions of educational games. In short, educational gaming is a form of teaching. As mentioned, education and games represent two different semiotic domains that both embody the three faces of knowledge: assertions, modes of representation and social forms of organisation (Gee, 2003; Barth, 2002; cf. chapter 2). In order to understand the interplay between these different domains and their interrelated knowledge forms, I will draw attention to a central assumption in Bakhtin’s dialogical philosophy. According to Bakhtin, all forms of communication and culture are subject to centripetal and centrifugal forces (Bakhtin, 1981). A centripetal force is the drive to impose one version of the truth, while a centrifugal force involves a range of possible truths and interpretations. This means that any form of expression involves a duality of centripetal and centrifugal forces: “Every concrete utterance of a speaking subject serves as a point where centrifugal as well as centripetal forces are brought to bear” (Bakhtin, 1981: 272). If we take teaching as an example, it is always affected by centripetal and centrifugal forces in the on-going negotiation of “truths” between teachers and students. In the words of Bakhtin: “Truth is not born nor is it to be found inside the head of an individual person, it is born between people collectively searching for truth, in the process of their dialogic interaction” (Bakhtin, 1984a: 110). Similarly, the dialogical space of debate games also embodies centrifugal and centripetal forces. Thus, the election scenario of The Power Game involves centripetal elements that are mainly determined by the rules and outcomes of the game, i.e. the election is based on a limited time frame and a fixed voting procedure. Similarly, the open-ended goals, roles and resources represent centrifugal elements and create virtually endless possibilities for researching, preparing, 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.

#### Dialogic democracy is the best way to dismantle oppresion—our vision of debate is the opposite of exclusion

Gooding-Williams 3

 Race, Multiculturalism and Democracy

Robert Gooding-Wiliams

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 Issue

Constellations

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 I begin with the assumption that fostering the capacity for democratic deliber- ation is a central aim of public education in a democratic society.531 also follow a number of contemporary political theorists in supposing that democratic deliber- ation is a form of public reasoning geared towards adducing considerations that all parties to a given deliberation can find compelling.54 On this view, successful deliberation requires that co-deliberators cultivate a mutual understanding of the differences in conviction that divide them, so that they can formulate reasons (say for implementing or not implementing a proposed policy) that will be generally acceptable despite those differences.55 In the words of one theorist, "[deliberation encourages people with conflicting perspectives to understand each other's point of view, to minimize their moral disagreements, and to search for common ground."56 Lorenzo Simpson usefully glosses the pursuit of mutual understanding when he writes that it requires "a 'reversibility of perspectives,' not in the sense of my collapsing into yon or you into me, but in the sense that I try to understand - but not necessarily agree with - what you take your life to be about and you do the same for me . . . [i]n such a . . . mutual understanding you may come to alter the way in which you understand yourself and I . . . may find that listening to you leads me to alter my self-understanding."57 According to Simpson, the search for common ground need not leave us with the convictions with which we began. On the contrary, the process of democratic deliberation can be a source of self-trans- formation that enriches one's view of the issues at hand and even alters one's conception of the demands of social justice.58 In multicultural America, multicultural public education is a good that promotes mutual understanding across cultural differences, thereby fostering and strengthening citizens' capacities for democratic deliberation. In essence, multi- cultural education is a form of pedagogy whereby students study the histories and cultures of differently cultured fellow citizens, many of whose identities have a composite, multicultural character. More exactly, it is a form of cross-cultural hermeneutical dialogue, and therefore a way of entering into conversation with those histories and cultures.59 By disseminating the cultural capital of cross- cultural knowledge, multicultural education can cultivate citizens' abilities to "reverse perspectives." By facilitating mutual understanding, it can help them to shape shared vocabularies for understanding their moral and cultural identities and for finding common ground in their deliberations.60 By strengthening a student's ability to reverse perspectives, multicultural education may bolster her disposition to engage the self-understandings of differ- ently cultured others, even if the particulars of her multicultural education have not involved an engagement with the cultures of precisely those others (consider, e.g., someone whose multicultural education has included courses in Asian- American literatures, but who knows nothing of American Latino subcultures). Acquiring a know-how and a feel for cross-cultural hermeneutical conversation is likely to reinforce a student's inclination to understand and learn from the self- interpretations of cultural "others" in just the way that the cultivation of an athletic skill (e.g., the ability to "head" a soccer ball) tends to reinforce one's inclination to participate in the sports for which having that skill is an advantage (e.g. playing soccer). In the case of multicultural education, one cultivates a skill which is motivationally conducive to the sort of mutual understanding that is crit- ical to the flourishing of deliberative democracy in a multicultural society.61 Let me summarize my argument so far. In contrast to Schlesinger. who yearns for a society 111 which the understanding of key political ideals remains immune from deliberative debate animated by cultural and other group differences, I have been suggesting that deliberative debate of this sort is an appropriate medium for seeking and forging common grounds and ideals. I have also been arguing (1) that a commitment to deliberative democracy in multicultural America entails a commitment to promoting the mutual understanding of differences through cross-cultural dialogue and (2) that such a commitment justifies the institution of multicultural education. The promotion of mutual understanding avoids Schlesinger's and Asante's kitsch, because it is not predicated off an imperative to preserve an uncomplicated national or ethnic identity in the face of cultural and social complexity. Indeed, the ideal of mutual understanding invites increasing complexity by suggesting that cross-cultural educational insights, since they can effect changes in the self-understandings of persons who have benefitted from a multicultural education, may alter and further complicate those persons' identities, perhaps making them more multicultural. In what follows, I further explore the implications of this ideal by proposing that a commitment to deliberative democracy in multicultural America justifies a form of multicultural education that is, specifically race-conscious.

#### 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.

#### Only we access offense---arguments like framework don’t injure people, but policies do — a starting point of engagement is critical to reconcile identities with methods of change

Anderson 6 (Amanda Anderson 6, Andrew W. Mellon Professor of Humanities and English at Brown University, Spring 2006, “Reply to My Critic(s),” Criticism, Vol. 48, No. 2, p. 281-290)

Probyns piece is a mixture of affective fallacy, argument by authority, and bald ad hominem. There's a pattern here: precisely the tendency to personalize argument and to foreground what Wendy Brown has called "states of injury." Probyn says, for example, that she "felt ostracized by the books content and style." Ostracized? Argument here is seen as directly harming persons, and this is precisely the state of affairs to which I object. Argument is not injurious to persons. Policies are injurious to persons and institutionalized practices can alienate and exclude. But argument itself is not directly harmful; once one says it is, one is very close to a logic of censorship. The most productive thing to do in an open academic culture (and in societies that aspire to freedom and democracy) when you encounter a book or an argument that you disagree with is to produce a response or a book that states your disagreement. But to assert that the book itself directly harms you is tantamount to saying that you do not believe in argument or in the free exchange of ideas, that your claim to injury somehow damns your opponent's ideas. When Probyn isn't symptomatic, she's just downright sloppy. One could work to build up the substance of points that she throws out the car window as she screeches on to her next destination, but life is short, and those with considered objections to liberalism and proceduralism would not be particularly well served by the exercise. As far as I can tell, Probyn thinks my discussion of universalism is of limited relevance (though far more appealing when put, by others, in more comfortingly equivocating terms), but she's certain my critique of appeals to identity is simply not able to accommodate the importance of identity in social and political life. As I make clear throughout the book, and particularly in my discussion of the headscarf debate in France, identity is likely to be at the center of key arguments about life in plural democracies; my point is not that identity is not relevant, but simply that it should not be used to trump or stifle argument. In closing, I'd like to speak briefly to the question of proceduralism's relevance to democratic vitality. One important way of extending the proceduralist arguments put forth by Habeimas is to work on how institutions and practices might better promote participation in democratic life. The apathy and nonparticipation plaguing democratic institutions in the United States is a serious problem, and can be separated from the more romantic theoretical investments in a refusal to accept the terms of what counts as argument, or in assertions of inassimilable difference. With respect to the latter, which is often glorified precisely as the moment when politics or democracy is truly occurring, I would say, on the contrary democracy is not happening then-rather, the limits or deficiencies of an actually existing democracy are making themselves felt. Acknowledging struggle, conflict, and exclusion is vital to democracy, but insisting that exclusion is not so much a persistent challenge for modern liberal democracies but rather inherent to the modern liberal-democratic political form as such seems to me precisely to remain stalled in a romantic critique of Enlightenment. It all comes down to a question of whether one wants to work with the ideals of democracy or see them as essentially normative in a negative sense: this has been the legacy of a certain critique of Enlightenment, and it is astonishingly persistent in the left quarters in the academy. One hears it clearly when Robbins makes confident reference to liberalisms tendency to ignore "the founding acts of violence on which a social order is based." One encounters it in the current vogue for the work of Giorgio Agamben and Carl Schmitt. Saying that a state of exception defines modernity or is internal to the law itself may help to sharpen your diagnoses of certain historical conditions, but if absolutized as it is in these accounts, it gives you nothing but a negative diagnostic and a compensatory flight to a realm entirely other-the kind of mystical, Utopian impulse that flees from these conditions rather than confronts and fights them on terms that derive from the settled-if constantly evolving-normative basis of democratic modernity. If one is outraged by the flagrant disregard of democratic procedures in the current U.S. political regime, then one needs to be able to coherently say why democratic procedures matter, what principles underwrite them, and what historical movements and institutions have helped us to secure and support them. Argument as a critical practice and as a key component of democratic institutions and public debate has a vital role to play in such a task.

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

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

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

### 1NC

#### The 1ac functions as a dangerous criticism of the status quo- challenging the foundation for western dominance by deconstructing the political and community results in antihegemony – where isolationism becomes the norm and U.S. withdrawal becomes inevitable

KAGAN 98 senior associate at the Carnegie Endowment for International Peace [Robert, “The Benevolent Empire,” Foreign Policy, summer]

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**.**

Specifically, their criticism of a western form of law stabs the U.S. in the back –only sustaining the rule of law gives America the ability to control the global system

Margulies 12 (Peter – Professor of Law, Roger Williams University, “ Article: THE FOG OF WAR REFORM: CHANGE AND STRUCTURE IN THE LAW OF ARMED CONFLICT AFTER SEPTEMBER 11”, 2012, 95 Marq. L. Rev. 1417, lexis)

Holistic signaling is in the interest of the United States today in a more tangible respect. Because America has participated in military intervention when nations' commitment to the rule of law breaks down, as in Kosovo and Libya, the United States has a vested interest in enhancing the appeal of the global rule of law so that it can reduce calls for its military capabilities. Moreover, American military personnel developing relationships with their counterparts count on that reputation as a crucial signal of their discipline and professionalism. n176 American defection from global rules - particularly those venerable norms embedded in customary international law - therefore has ruinous consequences not merely for the global system, but for America itself. Because the United States has a stake in the integrity of the international system, n177 it cannot isolate the benefits it may receive from [\*1457] defection, and cannot successfully free ride for long on disregard of international norms.

#### That results in multiple scenarios for conflict – withdrawal is bad and realism is true

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

#### 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

### 1NC

#### The Aff’s depiction of debate community dominance reinforces asymmetrical power relations and replicates the logic of victimhood

Bumiller 88 (Kristin, Prof of Poly Sci + Women’s/Gender Studies @ Amherst College, The Civil Rights Society: The Social Construction of Victims, p. 3)

Victims of discrimination often portray the perpetrators of discrimination as tyrants, for example. The interviews reveal that the bonds of the tyrant image are powerful because they allow the subjects to regard their superiors as immature and arrogant **yet justify their own impotence**. The image of the tyrant transforms the exchange between perpetrator and victim into a situation **in which the perpetrator controls and the victim transgresses**. Through detailed examination of responses to discrimination, it becomes clear that these struggles often end in defeat for the victim **because the bonds of victimhood inhibit challenges against the perpetrators**. The victims internalize the power struggle by submitting to the perpetrator’s ruthlessness and to their own anger and confusion. **Contrary to the assumption that antidiscrimination law benefits the victim against the more powerful opponent, the bonds of victimhood are reinforced rather than broken by the intervention of legal discourse.**

#### Reification of the logic of victimhood propels and unleashes the greatest forms of violence – the alternative is to reject their notion of the oppressor

Sengupta 6 (Shuddhabrata, media practitioner, filmmaker and writer with the Raqs Media Collective, "I/Me/Mine—Intersectional Identities as Negotiated Minefields," Signs: Journal of Women in Culture, http://www.journals.uchicago.edu/SIGNS/journal/issues/v31n3/40253/40253.html)

Once you position or foreground a particular circumstance of victimhood, it enables a scotoma, an inability to see oneself as anything other than a victim, **and this, if anything, propels and unleashes the greatest violence**. And so it is that the United States can disperse depleted uranium in faraway lands because Americans have been persuaded that 9/11, a tragedy for the whole world like any tragedy (be it the violence in Kashmir, or Afghanistan, or Palestine, or Rwanda, or Vietnam), comes to be seen as the special, particular tragedy of the American people **and thereby the launching pad for the exclusive claim to the righteous use of force on their behalf by the U.S. government.**

## Case

### 1nc – Fitzsimmons

#### Infinite responsibility causes a surrender to self-interest and fails

Fitzsimmons and Woods 00 (Dr. John and Dr. Wally, Faculty of Arts, Health, and Sciences – Central Queensland University, “Chapter 3 – Herman Melville’s “Bartleby, the Scrivener” and “Benito Cerino””,

http://www.ahs.cqu.edu.au/humanities/litstud/52283/schedule/chap3/p5.htm)

Anderson believes that the lawyer’s charity seems to go beyond what most would have given. This raises a question, he believes, which underpins the story: is it possible to perform acts of altruism without, finally, having regard to self–interest? What this suggests is that Christ’s commandments reflect an ideal, one that the rest of us find impossible to live up to because, at a certain point, we all turn back to self–preservation (that is, unlike Christ who went "all the way" and gave up his life). The contrast between capitalism (Wall Street being one of its dominant symbols) with its self–interest, and the Christ–like Bartleby could not, Anderson argues, be stronger. He concludes that the "divine–logos," which Bartleby represents, shows itself as an impossible practice within the confines of "institutionalised self–interest". Or to put it another way, if we are our brother’s keeper, Bartleby, in demanding to be kept without offering anything in return, is so exasperating that even the apparently charitable lawyer gives in and moves out when Bartleby refuses to quit his offices.

### 1nc – Quantification

#### The 1AC obliterates the infinite – providing concrete examples of responsibility to “others” like Rutgers creates artificial connections that hide the face of the infinite Other

Benammar 96 (Karim, Faculty of Cross-Cultural Studies – Kobe University, “The Project of Community”, Acta Institutionis Philosophiae et Aestheticae, 14, http://ccs.cla.kobe-u.ac.jp/Kihan/karim/project.html)

The other in Levinasian ethics is thus certainly not faceless, because it is precisely the face of the other, the individual face of *this* other, which puts me under an ethical imperative not to kill and not to harm. This is an imperative to always consider the other as a fellow-human, as someone whose humanity, right to live and right to respect are sacred and inviolable. And yet, although this other is an individual, with an expressive, individual face, with brown or green eyes, with features deep-set or hard to fathom, the other must be a stranger. The other who commands me, who puts me under an ethical obligation to refrain from harm, is not my father or sister-in-law, is neither my boss nor my neighbor, cannot be my business partner or high-school friend. The force of the ethical obligation I am put under comes from the fact that the other is a stranger to whom I owe nothing and who owes me nothing. The other we encounter in Levinas is thus an other with a face, a unique and individual other, who is nevertheless not primarily related to me or engaged in any constructive endeavor or relation with me. The other in contemporary French philosophy *fait irruption*, emerges to dislodge the symmetrical and determined relations between individuals, comes from the outside, unknown, to break up the status quo. The relational context, which was so neatly defined in Watsuji's ethics, is never enclosed, finished, exhaustively described, or even at rest. This is, after all, partly what we mean by "*other*": someone who is not the same as us, who cannot be reduced to or tamed by the I, who cannot be exhaustively described in terms of categories that apply to the I. The other is the unknown who destroys the possibility of reciprocity and balance, the chance at a self-enclosed relationship between equals. The other is always something of an alien.

### 1nc – Nazism

#### Levinas’s ethics create Nazi-like ideological blindness – they can’t account for the nuance of post-ethics decisions

Pollefeyt 99 (Didier, Professor of Moral Theology – Katholike Universiteit, Ethics After the Holocaust, p. 37)

Second, in an important way Levinas's thought leads towards a reduction of the Jewish religion to an ethical religion. Religion is threatened in that its concerns can become exclusively a matter of ethics, that is, doing what is good. But what if the person fails, if courage falls short, and one falls into sin? An ethical God can only judge. Here the danger and terror of ethics arises. The paradox is that Nazism could also be interpreted along these lines, as becomes clear in the thought of Peter Haas. Nazism seems to be founded on a definite, ruthless (indeed perverted) "ethical" code. Nazism was in all possible respects merciless. Whoever did not comply with its "ethical" demands inevitably "deserved" to be eliminated. Of course, Levinas's ethics and Nazi ethics are fundamentally different (see my contribution to this volume), precisely because Levinas's ethics is centered on openness and Nazi ethics on closedness. But at the same time, Levinas's ethics should also be questioned as to its possibility of becoming fanatic in confrontation with evildoers. We must there- fore also put forth the question: "What comes after ethics?" The Judaeo-Christian tradition is also a tradition of mercy. Ethics can hereby be saved from its mercilessness. A persons existence can never be completely reduced to one moment. One is always more than what one has done. For ethics after Auschwitz, however, one of the most pressing questions is whether there are situations where humanity has done such great violence that we find ourselves in the ethical impossibility of forgiveness. In the case of genocide one can without the least doubt speak of him pardonable." If not, a forgiveness that is too easily granted leads once again to a trivialization of ethics. The philosophy of Levinas, in other words, should be an occasion that initiates reflection on the relationship between ethics and forgiveness.

### A2 Derrida’s Ethics

#### Derrida’s Ethic Towards The Other Requires Thinking Through The Oppressor’s Eyes, Destroying Ethics

Jack M. **Balkin**, Knight Professor of Constitutional Law and the First Amendment at Yale Law, Transcendental Deconstruction, Transcendent Justice-- Part II, 92 Mich. L. Rev. 1131, 19**94**, http://www.yale.edu/lawweb/jbalkin/articles/trans02.htm

Derrida's ethics of Otherness has a second component: It employs a different sense of individuality and uniqueness. Under this view, justice requires one to speak in the language of the Other by trying to see things from the Other's point of view. (78) This conception of justice seems most attractive when we are the injurer or the stronger party in a relationship, or when we are in the position of a judge who is attempting to arbitrate between competing claims. For example, suppose that we are the State, the stronger party, the oppressor, or the injurer, or suppose that we are contemplating an action that might put us in such a position. It seems only just that we should try to understand how we have injured or oppressed the Other (or might be in a position to injure or oppress). We can only do this if we try to see the problem from the Other's perspective and understand her pain and her predicament in all of its uniqueness. The duty we owe to the Other is the duty to see how our actions may affect or have affected the Other; to fulfill this duty we must put away our own preconceptions and vocabulary and try to see things from her point of view. Similarly, if we are a judge in a case attempting to arbitrate between the parties, the ethics of Otherness demands that we try to understand how our decision will affect the two parties, and this will require us to see the matter from their perspective. Suppose, however, that we are not the injurer, but the victim; not the State, but the individual; not the strong, but the weak; not the oppressor, but the oppressed. Does justice require that we speak in the language of the person we believe is injuring or oppressing us? Must a rape victim attempt to understand her violation from the rapist's point of view? Does justice demand that she attempt to speak to the rapist in his own language - one which has treated her as less than human? Must a concentration camp survivor address her former captor in the language of his worldview of Aryan supremacy? We might wonder whether this is what justice really requires, especially if the injustice we complain of is precisely that the Other failed to recognize us as a person, refused to speak in our language, and declined to consider our uniqueness and authenticity.

### A2 Deconstruction

**Deconstruction without action for material justice blocks political escape from oppression and reinforces ivory tower elitism**

Anthony **Cook**, Associate Professor, Law, Georgetown University, NEW ENGLAND LAW REVIEW, Spring 19**92**, p. 761-762.

The effect of deconstructing the power of the author to impose a fixed meaning on the text or offer a continuous narrative is both debilitating and liberating. It is debilitating in that any attempt to say what should be done within even our insular Foucaultian preoccupations may be oppositionalized and deconstructed as an illegitimate privileging of one term, value, perspective or narrative over another. The struggle over meaning might continue ad infinitum. That is, if a deconstructionist is theoretically consistent and sees deconstruction not as a political tool but as a philosophical orientation, political action is impossible, because such action requires a degree of closure that deconstruction, as a theoretical matter, does not permit. Moreover, the approach is debilitating because deconstruction without material rootedness, without goals and vision, creates a political and spiritual void into which the socially real power we theoretically deconstruct steps and steps on the disempowered and dispossessed. [\*762] To those dying from AIDS, stifled by poverty, dehumanized by sexism and racism, crippled by drugs and brutalized by the many forms of physical, political and economic violence that characterizes our narcissistic culture, power hardly seems a matter of illegitimate theoretical privileging. When vision, social theory and political struggle do not accompany critique, the void will be filled by the rich, the powerful and the charismatic, those who influence us through their eloquence, prestige, wealth and power.

### A2 Levinas

**Vote to save lives—The existence of endangered 3rd parties makes responsibility impossible to determine**

David **Campbell**, professor of international politics at the University of Newcastle, Moral Spaces: Rethinking Ethics and World Politics, ed. by Campbell and Shapiro, **1999**, p. 35-36

Levinas's thought is appealing for rethinking the question of responsibility, especially with respect to situations like the Balkan crisis, because it maintains that there is no circumstance under which we could declare that it was not our concern. As Levinas notes, people can (and obviously do) conduct their relationship to the Other in terms of exploitation, oppression, and violence. But no matter how allergic to the other is the self, "the relation to the other, as a relation of responsibility, cannot be totally suppressed, even when it takes the form of politics or warfare." In consequence, no self can ever opt out of a relationship with the other: "[I]t is impossible to free myself by saying, 'It's not my concern.' There is no choice, for it is always and inescapably my concern. This is a unique 'no choice,' one that is not slavery." This unique lack of choice comes about because in Levinas's thought ethics has been transformed from something independent of subjectivity—that is, from a set of rules and regulations adopted by pregiven, autonomous agents—to something insinuated within and integral to that subjectivity. Accordingly, ethics can be understood as something not ancillary to the existence of a subject; instead, ethics can be appreciated for its indispensability to the very being of the subject. This argument leads us to the recognition that "we" are always already ethically situated, so making judgments about conduct depends less on what sort of rules are invoked as regulations and more on how the interdependencies of our relations with others are appreciated. To repeat one of Levinas's key points: "Ethics redefines subjectivity as this heteronomous responsibility, in contrast to autonomous freedom." Suggestive though it is for the domain of international relations where the bulk of the work on ethics can be located within a conventional perspective on responsibility — Levinas's formulation of responsibility, subjectivity, and ethics nonetheless possesses some problems when it comes to the implications of this thought for politics. What requires particular attention is the means by which the elemental and omnipresent status of responsibility, which is founded in the one-to-one or face-to-face relationship, can function in circumstances marked by a multiplicity of others. Although the reading of Levinas here agrees that "the ethical exigency to be responsible to the other undermines the ontological primacy of the meaning of being," and embraces the idea that this demand "unsettles the natural and political positions we have taken up in the world and predisposes us to a meaning that is other than being, that is otherwise than being:" how those disturbances are negotiated so as to foster the maximum responsibility in a world populated by others in struggle remains to be argued. To examine what is a problem of considerable import given the context of this essay, I want to consider Levinas's discussion of "the third person," the distinction he makes between the ethical and the moral, and—of particular importance in a consideration of the politics of international action—the role of the state in Levinas's thought.

**Levinasian ethics are anti-philosophical, destroy contextual difference and situated assessment**

**Hallward 2001**

[Peter, Nip/Tuck junky, *Ethics: An Essay on the Understanding of Evil*, Trans. Peter Hallward, New York: Verso, 2001, xxii-xxiii]

For Badiou, true ethical questions can arise only in a specific situation and under circumstances which, however divisive, are essentially indifferent to differences, concerning subjects 'disinterested' in the other as such, the other qua other (i.e. in the circumstances created by a truthprocedure). The 'ethical ideology', by contrast, precisely presumes to transcend all situated restrictions and to prevail in a consensual realm beyond division, all the while orientated around the imperious demands of difference and otherness qua otherness, the difference of the altogether other as much as the irreducibly incommensurable demands of every particular other. As Badiou is the first to recognize, nowhere is the essential logic more clearly articulated than in Levinas's philosophy, where 'the Other comes to us not only out of context but also without mediation... .'28 According to Levinas, there can be no ethical situation as such, since ethics bears witness to a properly meta- or preontological responsibility (roughly, the responsibility of a creature to its transcendent creator, a creator altogether beyond the ontological field of creation). For Levinas, as for Derrida after him, the other is other only if he immediately evokes or expresses the absolutely (divinely) other.

Since the alterity of the other is simultaneously 'the alterity of the human other [Autruzl and of the Most High [Tres Haut]' ,29 so then our responsibility to this other is a matter of 'unconditional obedience', 'trauma', 'obsession', 'persecution', and so on.30 Of course, the limited creatures that we are can apprehend the Altogether-Other only if this otherness appears in some sense 'on our own level', that is, in the appearing of our 'neighbour' (of our neighbour's face): there is only 'responsibility and a Self because the trace of the [divinely] Infinite . . . is inscribed in proximity'.31 But this inscribing in nearness in no sense dilutes the essential fact that in my 'non-relation' with the Other, 'the Other remains absolute and absolves itself from the relation which it enters into'.32 The relation with the other is first and foremost a 'relation' with the transcendent.beyond as such. Levinasian ethics, in short, is a form of what Badiou criticizes as anti-philosophy, that is, the reservation of pure or absolute value to a realm beyond all conceptual distinction.

### 1nc – Skepticism of Politics Bad

#### 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]

### 1nc – No Aff Impact

#### Their impact is a theoretical fabrication

**Jarvis 00** (Darryl, Senior Lecturer in International Relations – University of Sydney, International Relations and the Challenge of Postmodernism, p. 128)

Perhaps more alarming though is the outright violence Ashley recommends in response to what at best seem trite, if not imagined, injustices. Inculpating modernity, positivism, technical rationality, or realism with violence, racism, war, and countless other crimes not only smacks of anthropomorphism but, as demonstrated by Ashley’s torturous prose and reasoning, requires a dubious logic to make such connections in the first place. Are we really to believe that ethereal entities like positivism, modernism, or realism emanate a “violence” that marginalizes dissidents? Indeed, where is this violence, repression, and marginalization? As self-professed dissidents supposedly exiled from the discipline, Ashley and Walker appear remarkably well integrated into the academy—vocal, published, and at the center of the Third Debate and the forefront of theoretical research. Likewise, is Ashley seriously suggesting that, on the basis of this largely imaged violence, global transformation (perhaps even revolutionary violence) is a necessary, let alone desirable, response? Has the rationale for emancipation or the fight for justice been reduced to such vacuous revolutionary slogans as “Down with positivism and rationality”? The point is surely trite. Apart from members of the academy, who has heard of positivism and who for a moment imagines that they need to be emancipated from it, or from modernity, rationality, or realism for that matter? In an era of unprecedented change and turmoil, of new political and military configurations, of war in the Balkans and ethnic cleansing, is Ashley really suggesting that some of the greatest threats facing humankind or some of the great moments of history rest on such **innocuous** and largely unknown **nonrealities** like positivism and realism? These are **imagined and fictitious enemies**, **theoretical fabrications** that represent arcane, self-serving debates superfluous to the lives of most people and, arguably, to most issues of importance in international relations.

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### Effective Deliberation Outweighs – 2NC

#### 3) Only portable skill obtained from debate ---means our framework turns case and decision making is the 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.

### A2: We Meet

#### 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.

#### President’s war powers authority is to authorize quick military action

Lobel 8 (Jules – Professor of Law, University of Pittsburgh Law School, “Conflicts Between the Commander in Chief and Congress: Concurrent Power over the Conduct of War”, 2008, Ohio State Law Journal, 69 Ohio St. L.J. 391, lexis)

Separation of powers doctrine generally operates on what has been termed a horizontal axis to draw subject matter lines to separate and demarcate the proper boundaries between legislative, executive, and judicial authority. n23 The powers of Congress and the President to control the conduct of a war authorized by Congress is best understood, however, if viewed sequentially, not horizontally. Rather than drawing a boundary between legislative and executive power based on subject matter or some other normative principle, the two branches have concurrent constitutional power over the conduct of authorized warfare. Those powers are divided in practice by timing, not subject matter. The President has the power of initiative, the ability and authority to act quickly in the face of rapidly changing wartime realities in the theater of action. Congress, on the other hand, has a more deliberative, reflective power, allowing it to check and limit presidential initiative both before and after the Executive acts.

### Ext – Stasis K2 Decision Making – 2NC

#### A limited topic of discussion that provides for equitable ground is key to productive teaching of decision-making and advocacy skills ---even if their position is contestable that’s distinct from it being valuably debatable---this still provides room for flexibility, creativity, and innovation, but targets the discussion to avoid mere statements of fact

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 pp45-

Debate is a means of settling differences, so there must be a difference of opinion or a conflict of interest before there can be a debate. If everyone is in agreement on a tact or value or policy, there is no need 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 on issues, there is no debate. In addition, 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 are 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? Docs 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? I low 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 can!, 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 must be stated clearly. Vague understanding results in unfocused deliberation and poor decisions, frustration, and emotional distress, as evidenced by the failure of the United States Congress to make progress on the immigration debate during the summer of 2007. Someone disturbed by the problem of the 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. 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 "homelessness" or "abortion" or "crime'\* or "global warming" we are likely to have an interesting discussion but not to establish profitable basis for argument. For example, the statement "Resolved: That the pen is mightier than the sword" is debatable, yet fails to provide much basis for clear argumentation. If we take this statement to mean that 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. Although we now have a general subject, we have not yet stated a problem. It is still too broad, too loosely worded to promote well-organized argument. What sort of writing are we concerned with—poems, novels, government documents, website development, advertising, or what? What does "effectiveness" mean 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 Liurania 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 treatv 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.

#### Topical fairness requirements are key to effective dialogue—monopolizing strategy and prep makes the discussion one-sided and subverts any meaningful neg role

Galloway 7—Samford Comm prof (Ryan, Contemporary Argumentation and Debate, Vol. 28, 2007)

Debate as a dialogue sets an argumentative table, where all parties receive a relatively fair opportunity to voice their position. Anything that fails to allow participants to have their position articulated denies one side of the argumentative table a fair hearing. The affirmative side is set by the topic and fairness requirements. While affirmative teams have recently resisted affirming the topic, in fact, the topic selection process is rigorous, taking the relative ground of each topic as its central point of departure.¶ Setting the affirmative reciprocally sets the negative. The negative crafts approaches to the topic consistent with affirmative demands. The negative crafts disadvantages, counter-plans, and critical arguments premised on the arguments that the topic allows for the affirmative team. According to fairness norms, each side sits at a relatively balanced argumentative table.¶ When one side takes more than its share, competitive equity suffers. However, it also undermines the respect due to the other involved in the dialogue. When one side excludes the other, it fundamentally denies the personhood of the other participant (Ehninger, 1970, p. 110). A pedagogy of debate as dialogue takes this respect as a fundamental component. A desire to be fair is a fundamental condition of a dialogue that takes the form of a demand for equality of voice. **Far from** being **a banal request for links** to a disadvantage, fairness is a demand for respect, a demand to be heard, a demand that a voice backed by literally months upon **months of preparation**, research, and critical thinking not be silenced.¶ Affirmative cases that suspend basic fairness norms **operate to exclude** particular negative strategies. Unprepared, one side comes to the argumentative table unable to meaningfully participate in a dialogue. They are unable to “understand what ‘went on…’” and are left to the whims of time and power (Farrell, 1985, p. 114). Hugh Duncan furthers this line of reasoning:¶ Opponents not only tolerate but honor and respect each other because in doing so they enhance their own chances of thinking better and reaching sound decisions. Opposition is necessary because it sharpens thought in action. We assume that argument, discussion, and talk, among free an informed people who subordinate decisions of any kind, because it is only through such discussion that we reach agreement which binds us to a common cause…If we are to be equal…relationships among equals must find expression in many formal and informal institutions (Duncan, 1993, p. 196-197).¶ **Debate compensates for the exigencies of the world by offering a framework that maintains equality for the sake of the conversation** (Farrell, 1985, p. 114).¶ For example, an affirmative case on the 2007-2008 college topic might defend neither state nor international action in the Middle East, and yet claim to be germane to the topic in some way. The case essentially denies the arguments that state action is oppressive or that actions in the international arena are philosophically or pragmatically suspect. Instead of allowing for the dialogue to be modified by the interchange of the affirmative case and the negative response, the affirmative subverts any meaningful role to the negative team, preventing them from offering effective “counter-word” and undermining the value of a meaningful exchange of speech acts. **Germaneness and other substitutes for topical action do not accrue the dialogical benefits** of topical advocacy.

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

#### 3) Only portable skill obtained from debate ---means our framework turns case and decision making is the 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. 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### SSD Good – 2NC

#### Contradictory positions crucial to solve authoritarian pedagogy and lead to critical thinking - outweighs because only education spills over and is the only way to solve the aff

Lewis and Dehler 00

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

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

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

### Limits Good – 2NC

#### 1NC O’Donnell says a lack of stasis opens up a multitude of frameworks that we can’t expect to predict – that destroys limits –

#### 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.

### 2NC Ground / Rules Good

#### The resolution exists to create balanced difficulty, creating a topic that is supposed to be moral and controversial – games requires acceptance of rules whose purpose is to forbid the easiest means to a goal – this makes the game meaningful

Hurka 6 – philosopher who serves as the Jackman Distinguished Chair in Philosophical Studies at the University of Toronto (Thomas, 2006, "Games and the Good," Proceedings of the Aristotelian Society, Supplementary Volume 80, http://homes.chass.utoronto.ca/~thurka/docs/pass\_games.pdf)

I take this admiration to rest on the judgement that excellence in games is good in itself, apart from any pleasure it may give the player or other people but just for the properties that make it excellent. The admiration, in other words, rests on the perfectionist judgement that skill in games is worth pursuing for its own sake and can add value to one’s life. This skill is not the only thing we value in this way; we give similar honours to achievements in the arts, science, and business. But one thing we admire, and to a significant degree, is excellence in athletic and nonathletic games. Unless we dismiss this view, one task for philosophy is to explain why such excellence is good. But few philosophers have attempted this, for a well-known reason. A unified explanation of why excellence in games is good requires a unified account of what games are, and many doubt that this is possible. After all, Wittgenstein famously gave the concept of a game as his primary example of one for which necessary and sufficient conditions cannot be given but whose instances are linked only by looser “family resemblances.”2 If Wittgenstein was right about this, 2 there can be no single explanation of why skill in games is good, just a series of distinct explanations of the value of skill in hockey, skill in chess, and so on. But Wittgenstein was not right, as is shown in a little-known book that is nonetheless a classic of twentieth-century philosophy, Bernard Suits’s The Grasshopper: Games, Life and Utopia. Suits gives a perfectly persuasive analysis of playing a game as, to quote his summary statement, “the voluntary attempt to overcome unnecessary obstacles.”3 And in this paper I will use his analysis to explain the value of playing games. More specifically, I will argue that the different elements of Suits’s analysis give game-playing two distinct but related grounds of value, so it instantiates two related intrinsic goods. I will also argue that game-playing is an important intrinsic good, which gives the clearest possible expression of what can be called a modern as against a classical, or more specifically Aristotelian, view of value. But first Suits’s analysis. It says that a game has three main elements, which he calls the prelusory goal, the constitutive rules, and the lusory attitude. To begin with the first, in playing a game one always aims at a goal that can be described independently of the game. In golf, this is that a ball enter a hole in the ground; in mountain-climbing, that one stand on top of a mountain; in Olympic sprinting, that one cross a line on the track before one’s competitors. Suits calls this goal “prelusory” because it can be understood and achieved apart from the game, and he argues that every game has such a goal. Of course, in playing a game one also aims at a goal internal to it, such as winning the race, climbing the mountain, or breaking par on the golf course. But on Suits’s view this “lusory” goal is derivative, since achieving it involves achieving the prior prelusory goal in a specified way. This way is identified by the second element, the game’s constitutive rules. According to 3 Suits, the function of these rules is to forbid the most efficient means to the prelusory goal. Thus, in golf one may not carry the ball down the fairway and drop it in the hole by hand; one must advance it using clubs, play it where it lies, and so on. In mountain-climbing one may not ride a gondola to the top of the mountain or charter a helicopter; in 200-metre sprinting, one may not cut across the infield. Once these rules are in place, success in the game typically requires achieving the prelusory goal as efficiently as they allow, such as getting the ball into the hole in the fewest possible strokes or choosing the best way up the mountain. But this is efficiency within the rules, whose larger function is to forbid the easiest means to the game’s initial goal. These first two elements involve pursuing a goal by less than the most efficient means, but they are not sufficient for playing a game. This is because someone can be forced to use these means by circumstances he regrets and wishes were different. If this is the case – if, for example, a farmer harvests his field by hand because he cannot afford the mechanical harvester he would much rather use – he is not playing a game. Hence the need for the third element in Suits’s analysis, the lusory attitude, which involves a person’s willingly accepting the constitutive rules, or accepting them because they make the game possible. Thus, a golfer accepts that he may not carry the ball by hand or improve his lie because he wants to play golf, and obeying those rules is necessary for him to do so; the mountaineer accepts that he may not take a helicopter to the summit because he wants to climb. The restrictions the rules impose are adhered to not reluctantly but willingly, because they are essential to the game. Adding this third element gives Suits’s full definition: “To play a game is to attempt to achieve a specific state of affairs [prelusory goal], using only means permitted by the rules ..., where the rules prohibit the use of more efficient in favour of less efficient means [constitutive rules], and where the rules are 4 accepted just because they make possible such activity [lusory attitude].” Or, in the summary statement quoted above, “playing a game is the voluntary attempt to overcome unnecessary obstacles.”4 This analysis will doubtless meet with objections, in the form of attempted counterexamples. But Suits considers a whole series of these in his book, showing repeatedly that his analysis handles them correctly, and not by some ad hoc addition but once its elements are properly understood. Nor would it matter terribly if there were a few counterexamples. Some minor lack of fit between his analysis and the English use of “game” would not be important if the analysis picks out a phenomenon that is unified, close to what is meant by “game,” and philosophically interesting. But the analysis is interesting if, as I will now argue, it allows a persuasive explanation of the value of excellence in games. Suits himself addresses this issue of value. In fact, a central aim of his book is to give a defence of the grasshopper in Aesop’s fable, who played all summer, against the ant, who worked. But in doing so he argues for the strong thesis that playing games is not just an intrinsic good but the supreme such good, since in the ideal conditions of utopia, where all instrumental goods are provided, it would be everyone’s primary pursuit. The grasshopper’s game-playing, therefore, while it had the unfortunate effect of leaving him without food for the winter, involved him in the intrinsically finest actvity. Now, I do not accept Suits’s strong thesis that gameplaying is the supreme good – I think many other states and activities have comparable value – and I do not find his arguments for it persuasive. But I will connect the weaker thesis that playing games is one intrinsic good to the details of his analysis more explicitly than he ever does.

### A2: Exclusion DA

#### Establishing constraints on the topics for discussion in debate does not cause internal exclusion and breaking down those constraints doesn’t solve it because the absence of clash and the refusal of the burden of rejoinder only flips external exclusion---the way to resolve internal exclusion is to broaden the scope of what counts as a persuasive argument within a given topic---for example, our model of debate would welcome the use of narrative and personal experience on behalf of a topical argument---this middle ground most effectively resolves their exclusion arguments

Gert Biesta et al 9, professor of Education and Director of Research at the School of Education, University of Stirling, Susan Verducci , Assistant Professor at the Humanities Department at San José State University, and Michael S. Katz, professor of philosophy and education at San Jose State, Education, Democracy and the Moral Life, 2009, p. 105-107

This example not only shows why the issue of inclusion is so prominent in the deliberative model. It also explains why the deliberative turn has generated a whole new set of issues around inclusion. The reason for this is that deliberation is not simply a form of political decision-making but first and foremost a form of political communication. The inclusion question in deliberative democracy is therefore not so much a question about who should be included - although this question should be asked always as well. It is first and foremost a question about who is able to participate effectively in deliberation. As Dryzek aptly summarises, the suspicion about deliberative democracy is "that its focus on a particular kind of reasonable political interaction is not in fact neutral, but systematically excludes a variety of voices from effective participation in democratic politics" (Dryzek, 2000, p.58). In this regard Young makes a helpful distinction between two forms of exclusion: external exclusion, which is about "how people arc [actually] kept outside the process of discussion and decision-making", and internal exclusion where people are formally included in decision-making processes but where they may find, for example, "that their claims are not taken seriously and may believe that they are not treated with equal respect" (Young, 2000, p.55). Internal exclusion, in other words, refers to those situations in which people "lack effective opportunity to influence the thinking of others even when they have access to fora and procedures of decision-making" (ibid.) which can particularly be the outcome of the emphasis of some proponents of deliberative democracy on "dispassionate, unsituatcd, neutral reason" (ibid. p.63).

To counteract the internal exclusion that is the product of a too narrow focus on argument, Young has suggested several other modes of political communication which should be added to the deliberative process not only to remedy "exclusionary tendencies in deliberative practices" but also to promote "respect and trust" and to make possible "understanding across structural and cultural difference" (ibid. p.57). The first of these is greeting or public acknowledgement. This is about "communicative political gestures through which those who have conflicts . .. recognize others as included in the discussion, especially those with whom they differ in opinion, interest, or social location" (ibid., p.61; emphasis in original). Young emphasises that greeting should be thought of as a starting-point for political interaction. It "precedes the giving and evaluating of reasons" (ibid., p.79) and does so through the recognition of the other parties in the deliberation. The second mode of political communication is rhetoric and more specifically the affirmative use of rhetoric (ibid., p.63). Although one could say that rhetoric only concerns the form of political communication and not its content, the point Young makes is that inclusive political communication should pay attention to and be inclusive about the different forms of expression and should not try to purify rational argument from rhetoric. Rhetoric is not only important because it can help to get particular issues on the agenda for deliberation. Rhetoric can also help to articulate claims and arguments "in ways appropriate to a particular public in a particular situation' (ibid., p.67; emphasis in original). Rhetoric always accompanies an argument by situating it "for a particular audience and giving it embodied style and tone" (ibid., p.79). Young's third mode of political communication is narrative or storytelling. The main function of narrative in democratic communication lies in its potential "to foster understanding among members of a polity with very different experience or assumptions about what is important" (ibid., p.71). Young emphasises the role of narrative in the teaching and learning dimension of political communication. "Inclusive democratic communication", so she argues, "assumes that all participants have something to teach the public about the society in which they dwell together" and also assumes "that all participants are ignorant of some aspects of the social or natural world, and that everyone comes to a political conflict with some biases, prejudices, blind spots, or sterco-types" (ibid., p.77).

It is important to emphasise that greeting, rhetoric and narrative are not meant to replace argumentation. Young stresses again and again that deliberative democracy entails "that participants require reasons of one another and critically evaluate them" (ibid., p.79). Other proponents of the deliberative model take a much more narrow approach and see deliberation exclusively as a form of rational argumentation (e.g. Bcnhabib, 1996) where the only legitimate force should be the "forceless force of the better argument" (Habermas). Similarly, Dryzck, after a discussion of Young's ideas,1 concludes that argument always has to be "central to deliberative democracy" (Dryzek, 2000, p.7l). Although he acknowledges that other modes of communication can be present and that there are good reasons to welcome them, their status is different "because they do not have to be present" (ibid., emphasis added). For Dryzek, at the end of the day, all modes of political communication must live up to the standards of rationality. This does not mean that they must be subordinated to rational argument “but their deployment only makes sense in a context where argument about what is to be done remains central” (ibid., p.168).

#### 3. Games occur in clearly framed and transparent spaces with amoral rules – this provides the incentive for perpetual curiosity

Carter 8 – prof @ The Colorado College, research support from the Rockefeller Foundation and the staff of the Villa Serbelloni, Bellagio, Italy, the Institute of Governmental Studies at the University of California, Berkeley, and the Benezet Foundation at The Colorado College (Lief H, 2008, "LAW AND POLITICS AS PLAY," Chicago-Kent Law Review, 83(3), http://www.cklawreview.com/wp-content/uploads/vol83no3/Carter.pdf)

6. Game Transparency Games take place in clearly framed spaces and in bounded times. This framing process makes information flow to players and spectators manage-able. Although the sheer speed of the game’s action may momentarily con-fuse players and spectators, a good game is, nearly all of the time, transparent to players and observers alike. Bill Bradley wrote of basket-ball’s transparency: As a form of human endeavor it is understandable and pure. The per-formance demands maximum effort, as one sees clearly at courtside. Un-encumbered by masks, pads, or hats, the players reveal their bodies as well as their skills. People come and see and know that what they see is real.122 Sports rules do not condemn athletes who enhance their performances through surgical repair of torn knees and shoulders. These procedures are transparently reported in the press. But they do condemn concealed dop-ing.123 The drive to ensure that players and fans unquestionably experience games as they “really are” led to the lifetime exclusion of Pete Rose from baseball for gambling on games in spite of the fact that he was not accused of deliberately altering the outcomes of games in which he participated.124 The very existence of the wager prevents people from knowing, as Bradley put it, “that what they see is real.” 7. Deception Competitive games are amoral in all respects. “Anything goes” unless a rule prohibits it and a player gets caught violating it. Games capitalize on the human tendency to better oneself by deceiving others. Games permit all things not prohibited by rule. Clock-stopping instances of faked injuries by players on teams playing from behind in the last stages of close college football games and the art of “diving” in international football, for exam-ple, are presumed permissible. Squads of basketball referees routinely de-cide how physically they will permit the teams to play, and they communicate their expectations, how closely or loosely they will call fouls, to the coaches and players prior to the game. Illegal deceptions on the field are, moments after the fact, transparently evident to players and spectators. If referees do not catch them, suddenly-angry coaches and the aggrieved crowd will let the errant referees know soon enough. 8. Minimization of Chance Good sports and games minimize the effects of purely random acci-dents on outcomes.125 The chance elements that remain are either highly transparent, such as starting a game with a coin flip; randomly distributed, like a crazy bounce of the ball; or impact both teams equally, as does a sudden rainstorm. 9. Curiosity and Institutionalized Error Correction The transparency of games, the precision of their framing in time and space, the minimization of chance elements, and the desire to win provide players with every incentive to perceive mistakes in their play and to cor-rect them. Because players and teams define themselves as “skilled,” but never “just” or “entitled to win,” they constantly seek to discard habits and strategies that do not work. To avoid overconfidence, coaches regularly exhort their players to take the worth and merit of their opponents, even apparently weak ones, seriously. In competitive gaming, teams and players imagine that when they lose, they can improve, play again, and hope to win another day. The game context thus overcomes the human impulse to keep their fears of death at bay by believing in their own righteousness. Like the scientific method, competition teaches the benefits of perpetual curiosity. Through games people come to know the satisfactions that flow from em-bracing life’s endlessly surprising novelty.

## Victim K

### Role of Ballot Link

#### We must problematize the power and allure of victimhood—short-term “successes” like winning the ballot only fulfill a cathartic outlet of guilt while simultaneously cementing long-term oppression

Robertson 97 (Cherie, Member of the graduating class of Osgoode Hall Law School, York University, Fall/Winter, 35 Osgoode Hall L.J. 637, lexis)

When the poor come before decisionmakers in courts or administrative bodies, they often do so as individuals who are weak, down on their luck, even helpless and vulnerable. This posture is adopted by the poor for several reasons. By enlisting the services of a lawyer, by relinquishing control to a lawyer -- someone reputed to be smart, familiar with the system, and combative -- the client is able to withdraw and become a passive player in the outcome of his or her situation. Playing the role of victim often allows the client to "relieve a burdensome sense of responsibility or self-blame. Victim status can support a sense of solidarity with others who have suffered in similar ways." n24 Furthermore, decisionmakers have shown themselves to be [\*649] quite receptive to the helpless, the enfeebled, the victimized. The paternalist and protectionist premise upon which law functions gives victimhood its power**.** It fulfils a cathartic outlet for society's collective sense of guilt when adjudicators are provided with the opportunity to make magnanimous gestures of charity **which cost them very little and require no long-term commitment.¶** n24 M. Minow, "Surviving Victim Talk" (1993) 40 UCLA L. Rev. 1411 at 1413-14, citing S. Wendell, "Oppression & Victimization: Choice and Responsibility" in D. Shogan, ed., A Reader in Feminist Ethics (Toronto: Canadian Scholars Press, 1993) 277 at 287. This is not to say, however, that poor people always seek to relinquish responsibility for their situations. It is acknowledged that in many instances, those living in poverty blame themselves for their circumstances and are entirely encouraged to do so by the dominant ideology of the liberal democratic capitalist state which overemphasizes the agency that individuals have to affect the outcome of their lives. It is my assertion, however, that the poor are neither entirely responsible nor completely blameless for their situations. While recognizing the magnitude of systemic inequities, I would still maintain that relationships between individuals and the state are negotiable and interactive, albeit to varying degrees. It is imperative to be critical of the discourses which shape the poor as either completely blameless or entirely responsible for their situations. The view which one has of the power of individuals directly correlates to the power one attributes to the state. For example, from an orthodox Marxist, or instrumentalist perspective, individuals are acted upon by economic relationships mediated through the State. From a liberal point of view, individuals have nearly unlimited power to determine their situations. I am of the view that both of these perspectives are reductive and fail to describe adequately the complexity and inconstancy of power, and the negotiations which take place daily between individuals and those institutions commonly identified as "The State."¶ My point in this part is twofold: first, images of victimhood in the courtroom and other legal fora are powerful and as a result alluring; second**, the power and allure of victimhood** need to be problematizedbecause what may be a "successful" litigation strategy for an individual in the short-term may have undesirable consequences for the larger collective in the long-term.

### Antidiscrimination Links

#### Antidiscrimination ideology requires individuals to accept a posture of submissiveness—this serves to reinforce the oppression of minorities by de-emphasizing both the larger structures of power within which discrimination occurs and the victim's own resilience and capacities

Minow 93 (Martha, Prof of Law @ Harvard, August, 40 UCLA L. Rev. 1411, lexis)

Professor Kristin Bumiller similarly examines the low percentage of women and people of color who actually complain about their experiences of discrimination. n37 She **concludes that "antidiscrimination ideology may serve to reinforce the victimization of women and racial minorities**." n38 According to Bumiller, discrimination law requires individual complainants **to accept a submissive posture**. The complainant must then struggle to reconcile a positive self-image with the image of oneself as a powerless and defeated victim. n39 Forced to talk as an isolated individual, the victim must seek paternal protection from a court. **This process de-emphasizes both the larger structures of power within which discrimination occurs and the victim's own resilience and capacities**. n40 As a result, the victim may accept self-blame or forgo complaining altogether, thereby choosing a stance of sacrifice to demonstrate strength of character. n41

### A2 Victim Rhetoric Key to Action

#### Victim rhetoric creates a self-fulfilling prophecy—it discourages people who are victimized from developing their own strengths or working to resist limitations

Minow 93 (Martha, Prof of Law @ Harvard, August, 40 UCLA L. Rev. 1411, lexis)

Victim talk tends to invite more victim talk. It has a rebounding quality we see in discussions of crime victims and offenders, in claims of reverse discrimination, in arguments that political correctness silences students in the majority, in arguments that responses to family violence victimize men or adults, and in assertions that the litigation explosion hurts America. In each instance, the claim that "I'm a victim, and I'm not responsible" triggers a rejoinder, "I'm a victim, and I'm not responsible," and perhaps, "You're the one to blame." n80 It reminds me of the ritually exchanged statements of personal hurt that epitomized the honor-oriented culture of the Southern duel. n81 In that culture, the sensation of victimization triggered duels and deaths.Yet unlike the traditional Southern culture of honor and duels, which supported a sense of agency and power even for offended parties, contemporary victim talk tends to suppress the strengths and capacities of people who are victims. n82 **Victim talk can have a kind of self-fulfilling quality**, discouraging people who are victimized from developing their own strengths or working to resist the limitations they encounter. And if they assert or demonstrate those strengths or capacities, they risk being blamed for their victimhood or their failures to transcend or end it.

## Case

### 2nc – Fitzsimmons

#### The call for infinite responsibility degrades into revulsion for the incurable other

**Billy 75** (Ted, Professor of English – SUNY Binghamton, “Eros and Thanatos in ‘Bartleby,’” Arizona Quarterly, 31, http://www.ku.edu/~zeke/bartleby/billy.htm)

Just as Bartleby embodies thanatos, separation, the death instinct, Melville's narrator represents eros, the impulse toward unification, the life instinct in the author's psyche. The "life instinct also demands a union with others and with the world around us based not on anxiety and aggression"7 but on love, freedom, and the release of nervous tensions. "The principle of unification or interdependence sustains the immortal life of the species and the mortal life of the individual; the principle of separation or independence gives the individual his individuality and ensures his death."8 In this regard, the narrator acts as the agent of the life impulse to react against the death drive of Bartleby in Melville's literary dialectic. Eros operates through the narrator's personality chiefly in the guise of Christian compassion. The theoretical Christian concern for the community of souls is diametrically opposed to Bartleby's heightened individuality and the diseased consciousness it engenders. The greatest example of love for Melville, as it is for St. Paul, is the act of charity. Surely charity is the predominant virtue in the narrator's character. Time after time he offers substantial financial help to the morose scrivener with the promise of further aid. The narrator visits him in prison and sees to it that Bartleby will receive good treatment, should he "prefer" to accept it. The narrator exhibits generosity and selflessness in reaction to Bartleby's eccentricities. "... when this old Adam of resentment rose in me and tempted me concerning Bartleby, I grappled him and threw him .... simply by recalling the divine injunction: 'A new commandment give I unto you, that ye love one another.'... charity often operates as a vastly wise and prudent principle--a great safeguard to its possessor .... no man, that ever I heard of, ever committed a diabolical murder for sweet charity's sake. Mere self-interest, then, if no better motive can be enlisted, should ... prompt all beings to charity and philanthropy" (p. 52). There is only one thing wrong with the narrator's charitable behavior toward Bartleby--it doesn't work. No amount of well-meaning humanitarianism can unravel the knot of tension built into the conflict of eros and thanatos in human nature. The narrator is most vulnerable to appeals to the bond of "fellow-feeling." He finds it difficult to divorce himself from Bartleby's plight. "The bond of a common humanity now drew me irresistibly to gloom. A fraternal melancholy! For both I and Bartleby were sons of Adam" (p. 40). Bartleby's corrosive individuality would not permit him to share this sentiment. His self is severed from its natural relation to life. The narrator's original feeling of pity turns to repulsion when Bartleby's pervasive despair infects him with the hopelessness of ever relieving the scrivener's anguish. "Disarmed" and "unmanned" by Bartleby's fatalistic resignation, the narrator feels "sundry twinges of impotent rebellion" (p. 38) in the antagonism. Despite the constant sympathy he expresses for the scrivener, the narrator is overburdened by the afflictive "millstone" of Bartleby on his conscience. The cross is too heavy for this Christian to bear. "The scrivener was the victim of innate and incurable disorder. I might give alms to his body; but his body did not pain him; it was his soul that suffered, and his soul I could not reach" (p. 42).

#### They claim responsibility outweighs everything else. Levinas only concludes responsibility is inherent in all action. Treatment of it as an absolute undermines decidability and true responsibility which is grounded in recognition of consequences

Campbell 99 (David, Professor of International Politics – University of Newcastle, Moral Spaces: Rethinking Ethics and World Politics, Ed. Campbell and Shapiro, p. 43-44)

"Undecidability" is one of the Derridean concepts that most attracts criticism. Often (mis)understood as licensing an anarchical irresponsibility, it is taken to be the very negation of politics, understood in terms of the decision, and a concomitant denial of responsibility. However, as Derrida makes clear, he has never "proposed a kind of 'all or nothing' choice between pure realization of self-presence and complete freeplay or undecidability.” Indeed, the very notion of undecidability is the condition of possibility for a decision. If the realm of thought was preordained such that there were no options, no competing alternatives, and no difficult choices to make, there would be no need for a decision. Instead, the very existence of a decision is itself a manifestation of undecidability, so that we can comprehend undecidability "as an opening of the field of decision and decidability." As Derrida argues, "even if a decision seems to take only a second and not to be preceded by any deliberation, it is structured by this experience and experiment of the undecidable.” It is for this reason that Derrida has talked in terms of undecidability rather than indeterminacy: the former signifies the context of the decision, a context in which there is "always a determinate oscillation between possibilities," whereas the latter suggests a relativism or indeterminism absent from deconstruction.” Moreover, just as deconstruction is necessary for politics, undecidability is a prerequisite for responsibility. Were there no decisions to be made, were all choices eradicated by the preordination of one and only one path, responsibility— the ability to respond to differing criteria and concerns — would be absent. Rather than being its abnegation, the possibility of decision ensured by undecidability is the necessary precondition for the existence and exercise of responsibility. Which leads Derrida to state: "There can be no moral or political responsibility without this trial and this passage by way of the undecidable.

### 2nc – Quantification

**Myers 99** (D. G., Associate Professor of English and Religious Studies – Texas A & M, “Responsible for Every Single Pain: Holocaust Literature and the Ethics of Interpretation,” Comparative Literature, 51, Fall, p. 266-288, http://www-english.tamu.edu/pers/fac/myers/responsible.html)

Socrates’ deontological advice that it is better to suffer injustice than to cause it (Gorgias 469c) is of small assistance to [one] him who is rasped by the mauvaise conscience that [one] he has already caused injustice. "Self-consciousness is not an inoffensive action in which the self takes note of its being," Levinas says; "it is inseparable from a consciousness of justice and injustice" ("Religion for Adults" 16). What he proposes is to replace deontology with a counterfactual ethics of responsibility. If I am not guilty of hurting another I cannot be blamed for it, but if I nevertheless feel accused of it I can take responsibility for it. In this way perhaps I can both ease my conscience and begin to repair any damage that I might have caused. My responsibility to the person I might have hurt—the human Other or *Autrui*, in Levinas’s terminology—preempts any claims of my own. Because the injury is counterfactual, because it is not specified and therefore not limited, my relation to the other is a relation of infinite responsibility, which means there is no escaping it ("Transcendence and Height" 20-21).

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