## 1NC

### T---1NC

#### The affirmative has to defend the congress or the judiciary increase restrictions on the presidents war power authority

#### 1.should means the debate is about USFG policy change

Ericson 2003 Jon M., Dean Emeritus of the College of Liberal Arts – California Polytechnic U., et al., The Debater’s Guide, Third Edition, p. 4

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

#### 2. Resolved with a colon indicates policy

Army Officer School ’04 (5-12, “# 12, Punctuation – The Colon and Semicolon”, http://usawocc.army.mil/IMI/wg12.htm)

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

#### Vote negative

#### 1.Limits--- there are an infinite number of aff when you just have to mention the resolution and don’t have to defend it, limits explosion makes research impossible and destroys dialogue

Hanghoj 2008

Thorkild, researcher for the Danish Research Centre on Education and Advanced Media Materials, http://static.sdu.dk/mediafiles/Files/Information\_til/Studerende\_ved\_SDU/Din\_uddannelse/phd\_hum/afhandlinger/2009/ThorkilHanghoej.pdf

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

#### ---Specific, limited resolutions ensure mutual ground which is key to sustainable argumentative clash without sacrificing the potential for creativity or openness, crucial to decision making

Steinberg & Freeley 2008

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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.

Limits outweigh---unrestricted aff ground explodes research burdens to the point where our lives become over consumed by debate---topicality MUST be a voting issue---definition debates matter and affect us in everyday life

Harris 13 (Scott, Kansas Debate God, “This Ballot,” http://globaldebateblog.blogspot.com/2013/04/scott-harris-writes-long-ballot-for-ndt.html)

I understand that there has been some criticism of Northwestern’s strategy in this debate round. This criticism is premised on the idea that they ran framework instead of engaging Emporia’s argument about home and the Wiz. I think this criticism is unfair. Northwestern’s framework argument did engage Emporia’s argument. Emporia said that you should vote for the team that performatively and methodologically made debate a home. Northwestern’s argument directly clashed with that contention. My problem in this debate was with aspects of the execution of the argument rather than with the strategy itself. It has always made me angry in debates when people have treated topicality as if it were a less important argument than other arguments in debate. Topicality is a real argument. It is a researched strategy. It is an argument that challenges many affirmatives. The fact that other arguments could be run in a debate or are run in a debate does not make topicality somehow a less important argument. In reality, for many of you that go on to law school you will spend much of your life running topicality arguments because you will find that words in the law matter. The rest of us will experience the ways that word choices matter in contracts, in leases, in writing laws and in many aspects of our lives. Kansas ran an affirmative a few years ago about how the location of a comma in a law led a couple of districts to misinterpret the law into allowing individuals to be incarcerated in jail for two days without having any formal charges filed against them. For those individuals the location of the comma in the law had major consequences. Debates about words are not insignificant. Debates about what kinds of arguments we should or should not be making in debates are not insignificant either. The limits debate is an argument that has real pragmatic consequences. I found myself earlier this year judging Harvard’s eco-pedagogy aff and thought to myself—I could stay up tonight and put a strategy together on eco-pedagogy, but then I thought to myself—why should I have to? Yes, I could put together a strategy against any random argument somebody makes employing an energy metaphor but the reality is there are only so many nights to stay up all night researching. I would like to actually spend time playing catch with my children occasionally or maybe even read a book or go to a movie or spend some time with my wife. A world where there are an infinite number of affirmatives is a world where the demand to have a specific strategy and not run framework is a world that says this community doesn’t care whether its participants have a life or do well in school or spend time with their families. I know there is a new call abounding for interpreting this NDT as a mandate for broader more diverse topics. The reality is that will create more work to prepare for the teams that choose to debate the topic but will have little to no effect on the teams that refuse to debate the topic. Broader topics that do not require positive government action or are bidirectional will not make teams that won’t debate the topic choose to debate the topic. I think that is a con job. I am not opposed to broader topics necessarily. I tend to like the way high school topics are written more than the way college topics are written. I just think people who take the meaning of the outcome of this NDT as proof that we need to make it so people get to talk about anything they want to talk about without having to debate against topicality or framework arguments are interested in constructing a world that might make debate an unending nightmare and not a very good home in which to live. Limits, to me, are a real impact because I feel their impact in my everyday existence.

#### And, they are a prerequisite to debate

Ruth Lessl Shively, Assoc Prof Polisci at Texas A&M, 2000 Political Theory and Partisan Politics p. 181-2

The requirements given thus far are primarily negative. The ambiguists must say "no" to—they must reject and limit—some ideas and actions. In what follows, we will also find that they must say "yes" to some things. In particular, they must say "yes" to the idea of rational per­suasion. This means, first, that they must recognize the role of agreement in political contest, or the basic accord that is necessary to discord. The mistake that the ambiguists make here is a common one. The mistake is in thinking that agreement marks the end of contest—that consen­sus kills debate. But this is true only if the agreement is perfect—if there is nothing at all left to question or contest. In most cases, however, our agreements are highly imperfect. We agree on some matters but not on others, on generalities but not on specifics, on principles but not on their applications, and so on. And this kind of limited agreement is the starting condition of contest and debate. As John Courtney Murray writes: We hold certain truths; therefore we can argue about them. It seems to have been one of the corruptions of intelligence by positivism to assume that argument ends when agreement is reached. In a basic sense, the reverse is true. There can be no argument except on the premise, and within a context, of agreement. (Murray 1960, 10) In other words, we cannot argue about something if we are not com­municating: if we cannot agree on the topic and terms of argument or if we have utterly different ideas about what counts as evidence or good argument. At the very least, we must agree about what it is that is being debated before we can debate it. For instance, one cannot have an argument about euthanasia with someone who thinks euthanasia is a musical group. One cannot successfully stage a sit-in if one's target audience simply thinks everyone is resting or if those doing the sitting have no complaints. Nor can one demonstrate resistance to a policy if no one knows that it is a policy. In other words, contest is meaningless if there is a lack of agreement or communication about what is being contested. Resisters, demonstrators, and debaters must have some shared ideas about the subject and/or the terms of their disagree­ments. The participants and the target of a sit-in must share an under­standing of the complaint at hand. And a demonstrator's audience must know what is being resisted. In short, the contesting of an idea presumes some agreement about what that idea is and how one might go about intelligibly contesting it. In other words, contestation rests on some basic agreement or harmony.

#### Dialogue is critical to education, well prepared 2 way exchanges are better than monologues

Morson 4 (Gary, Northwestern professor, Bakhtinian Perspectives on Language, Literacy, and Learning “Learning in Doing: Social, Cognitive and Computational Perspectives,” pg 330-2)

A belief in truly dialogic ideological becoming would lead to schools that were quite different. In such schools, the mind would be populated with a complexity of voices and perspectives it had not known, and the student would learn to think with those voices, to test ideas and experiences against them, and to shape convictions that are innerly persuasive in response. This very process would be central. Students would sense that whatever word they believed to be innerly persuasive was only tentatively so: the process of dialogue continues.We must keep the conversation going, and formal education only initiates the process. The innerly persuasive discourse would not be final, but would be, like experience itself, ever incomplete and growing. As Bakhtin observes of the innerly persuasive word: Its creativity and productiveness consist precisely in the fact that such a word awakens new and independent words, that it organizes masses of our words from within, and does not remain in an isolated and static condition. It is not so much interpreted by us as it is further, that is, freely, developed, applied to new material, new conditions; it enters into interanimating relationships with new contexts. . . . The semantic structure of an innerly persuasive discourse is not finite, it is open; in each of the new contexts that dialogize it, this discourse is able to reveal ever newer ways to mean. (DI, 345–6) We not only learn, we also learn to learn, and we learn to learn best when we engage in a dialogue with others and ourselves. We appropriate the world of difference, and ourselves develop new potentials. Those potentials allow us to appropriate yet more voices. Becoming becomes endless becoming. We talk, we listen, and we achieve an open-ended wisdom. Difference becomes an opportunity (see Freedman and Ball, this volume). Our world manifests the spirit that Bakhtin attributed to Dostoevsky: “nothing conclusive has yet taken place in the world, the ultimate word of the world and about the world has not yet been spoken, the world is open and free, everything is in the future and will always be in the future.”3 Such a world becomes our world within, its dialogue lives within us, and we develop the potentials of our ever-learning selves. Letmedraw some inconclusive conclusions, which may provoke dialogue. Section I of this volume, “Ideologies in Dialogue: Theoretical Considerations” and Bakhtin’s thought in general suggest that we learn best when we are actually learning to learn. We engage in dialogue with ourselves and others, and the most important thing is the value of the open-ended process itself. Section II, “Voiced, Double Voiced, and Multivoiced Discourses in Our Schools” suggests that a belief in truly dialogic ideological becoming would lead to schools that were quite different. In such schools, the mind would be populated with a complexity of voices and perspectives it had not known, and the student would learn to think with those voices, to test ideas and experiences against them, and to shape convictions that are innerly persuasive in response. Teachers would not be trying to get students to hold the right opinions but to sense the world from perspectives they would not have encountered or dismissed out of hand. Students would develop the habit of getting inside the perspectives of other groups and other people. Literature in particular is especially good at fostering such dialogic habits. Section III, “Heteroglossia in a Changing World” may invite us to learn that dialogue involves really listening to others, hearing them not as our perspective would categorize what they say, but as they themselves would categorize what they say, and only then to bring our own perspective to bear. We talk, we listen, and we achieve an open-ended wisdom. The chapters in this volume seem to suggest that we view learning as a perpetual process. That was perhaps Bakhtin’s favorite idea: that to appreciate life, or dialogue, we must see value not only in achieving this or that result, but also in recognizing that honest and open striving in a world of uncertainty and difference is itself the most important thing. What we must do is keep the conversation going.

#### Generalities are not enough; Debating specific policies on both sides of the targeted killing debate is critical to make us better advocates against government violence—criticizing war without being willing to discuss actual policy details is a bankrupt strategy for social resistance.

--we can use these categories to critique them; simulation does not undercut our potential for critique

--have to roll-play the enemy to know their language and learn their strategies

Mellor 13 (Ewan E. Mellor – European University Institute, Why policy relevance is a moral necessity: Just war theory, impact, and UAVs, Paper Prepared for BISA Conference 2013, accessed: http://www.academia.edu/Documents/in/Drones\_Targeted\_Killing\_Ethics\_of\_War)

This section of the paper considers more generally the need for just war theorists to engage with policy debate about the use of force, as well as to engage with the more fundamental moral and philosophical principles of the just war tradition. It draws on John Kelsay’s conception of just war thinking as being a social practice,35 as well as on Michael Walzer’s understanding of the role of the social critic in society.36 It argues that the just war tradition is a form of “practical discourse” which is concerned with questions of “how we should act.”37 Kelsay argues that: [T]he criteria of jus ad bellum and jus in bello provide a framework for structured participation in a public conversation about the use of military force . . . citizens who choose to speak in just war terms express commitments . . . [i]n the process of giving and asking for reasons for going to war, those who argue in just war terms seek to influence policy by persuading others that their analysis provides a way to express and fulfil the desire that military actions be both wise and just.38 He also argues that “good just war thinking involves continuous and complete deliberation, in the sense that one attends to all the standard criteria at war’s inception, at its end, and throughout the course of the conflict.”39 This is important as it highlights the need for just war scholars to engage with the ongoing operations in war and the specific policies that are involved. The question of whether a particular war is just or unjust, and the question of whether a particular weapon (like drones) can be used in accordance with the jus in bello criteria, only cover a part of the overall justice of the war. Without an engagement with the reality of war, in terms of the policies used in waging it, it is impossible to engage with the “moral reality of war,”40 in terms of being able to discuss it and judge it in moral terms. Kelsay’s description of just war thinking as a social practice is similar to Walzer’s more general description of social criticism. The just war theorist, as a social critic, must be involved with his or her own society and its practices. In the same way that the social critic’s distance from his or her society is measured in inches and not miles,41 the just war theorist must be close to and must understand the language through which war is constituted, interpreted and reinterpreted.42 It is only by understanding the values and language that their own society purports to live by that the social critic can hold up a mirror to that society to demonstrate its hypocrisy and to show the gap that exists between its practice and its values.43 The tradition itself provides a set of values and principles and, as argued by Cian O’Driscoll, constitutes a “language of engagement” to spur participation in public and political debate.44 This language is part of “our common heritage, the product of many centuries of arguing about war.”45 These principles and this language provide the terms through which people understand and come to interpret war, not in a deterministic way but by providing the categories necessary for moral understanding and moral argument about the legitimate and illegitimate uses of force.46 By spurring and providing the basis for political engagement the just war tradition ensures that the acts that occur within war are considered according to just war criteria and allows policy-makers to be held to account on this basis. Engaging with the reality of war requires recognising that war is, as Clausewitz stated, a continuation of policy. War, according to Clausewitz, is subordinate to politics and to political choices and these political choices can, and must, be judged and critiqued.47 Engagement and political debate are morally necessary as the alternative is disengagement and moral quietude, which is a sacrifice of the obligations of citizenship.48 This engagement must bring just war theorists into contact with the policy makers and will require work that is accessible and relevant to policy makers, however this does not mean a sacrifice of critical distance or an abdication of truth in the face of power. By engaging in detail with the policies being pursued and their concordance or otherwise with the principles of the just war tradition the policy-makers will be forced to account for their decisions and justify them in just war language. In contrast to the view, suggested by Kenneth Anderson, that “the public cannot be made part of the debate” and that “[w]e are necessarily committed into the hands of our political leadership”,49 it is incumbent upon just war theorists to ensure that the public are informed and are capable of holding their political leaders to account. To accept the idea that the political leadership are stewards and that accountability will not benefit the public, on whose behalf action is undertaken, but will only benefit al Qaeda,50 is a grotesque act of intellectual irresponsibility. As Walzer has argued, it is precisely because it is “our country” that we are “especially obligated to criticise its policies.”51 Conclusion This paper has discussed the empirics of the policies of drone strikes in the ongoing conflict with those associate with al Qaeda. It has demonstrated that there are significant moral questions raised by the just war tradition regarding some aspects of these policies and it has argued that, thus far, just war scholars have not paid sufficient attention or engaged in sufficient detail with the policy implications of drone use. As such it has been argued that it is necessary for just war theorists to engage more directly with these issues and to ensure that their work is policy relevant, not in a utilitarian sense of abdicating from speaking the truth in the face of power, but by forcing policy makers to justify their actions according to the principles of the just war tradition, principles which they invoke themselves in formulating policy. By highlighting hypocrisy and providing the tools and language for the interpretation of action, the just war tradition provides the basis for the public engagement and political activism that are necessary for democratic politics.52

No offense, their critiques of debate miss the point --- Defending a topic that involves the state for the sake of deliberation is distinct from accepting it, and limiting out some arguments for the sake of that deliberation is a more productive discourse that solves the aff better

Talisse 2005 Robert, philosophy professor at Vanderbilt, Philosophy & Social Criticism, 31.4, “Deliberativist responses to activist challenges” \*note: gendered language in this article refers to arguments made by two specific individuals in an article by Iris Young

These two serious activist challenges may be summarized as follows. First, the activist has claimed that political discussion must always take place within the context of existing institutions that due to structural inequality grant to certain individuals the power to set discussion agendas and constrain the kinds of options open for consideration prior to any actual encounter with their deliberative opponents; the deliberative process is in this sense rigged from the start to favor the status quo and disadvantage the agents of change. Second, the activist has argued that political discussion must always take place by means of antecedent ‘discourses’ or vocabularies which establish the conceptual boundaries of the deliberation and hence may themselves be hegemonic or systematically distorting; the deliberative process is hence subject to the distorting influence of ideology at the most fundamental level, and deliberative democrats do not have the resources by which such distortions can be addressed. As they aim to establish that the deliberativist’s program is inconsistent with her own democratic objectives, this pair of charges is, as Young claims, serious (118). However, I contend that the deliberativist has adequate replies to them both. Part of the response to the first challenge is offered by Young herself. The deliberative democrat does not advocate public political discussion only at the level of state policy, and so does not advocate a program that must accept as given existing institutional settings and contexts for public discussion. Rather, the deliberativist promotes an ideal of democratic politics according to which deliberation occurs at all levels of social association, including households, neighborhoods, local organizations, city boards, and the various institutions of civil society. The longrun aim of the deliberative democrat is to cultivate a more deliberative polity, and the deliberativist claims that this task must begin at more local levels and apart from the state and its policies. We may say that deliberativism promotes a ‘decentered’ (Habermas, 1996: 298) view of public deliberation and a ‘pluralistic’ (Benhabib, 2002: 138) model of the public sphere; in other words, the deliberative democrat envisions a ‘multiple, anonymous, heterogeneous network of many publics and public conversations’ (Benhabib, 1996b: 87). The deliberativist is therefore committed to the creation of ‘an inclusive deliberative setting in which basic social and economic structures can be examined’; these settings ‘for the most part must be outside ongoing settings of official policy discussion’ (115). Although Young characterizes this decentered view of political discourse as requiring that deliberative democrats ‘withdraw’ (115) from ‘existing structural circumstances’ (118), it is unclear that this follows. There certainly is no reason why the deliberativist must choose between engaging arguments within existing deliberative sites and creating new ones that are removed from established institutions. There is no need to accept Young’s dichotomy; the deliberativist holds that work must be done both within existing structures and within new contexts. As Bohman argues, Deliberative politics has no single domain; it includes such diverse activities as formulating and achieving collective goals, making policy decisions and means and ends, resolving conflicts of interest and principle, and solving problems as they emerge in ongoing social life. Public deliberation therefore has to take many forms. (1996: 53) The second challenge requires a detailed response, so let us begin with a closer look at the proposed argument. The activist has moved quickly from the claim that discourses can be systematically distorting to the claim that all political discourse operative in our current contexts is systematically distorting. The conclusion is that properly democratic objectives cannot be pursued by deliberative means. The first thing to note is that, as it stands, the conclusion does not follow from the premises; the argument is enthymematic. What is required is the additional premise that the distorting features of discussion cannot be corrected by further discussion. That discussion cannot rehabilitate itself is a crucial principle in the activist’s case, but is nowhere argued. Moreover, the activist has given no arguments to support the claim that present modes of discussion are distorting, and has offered no analysis of how one might detect such distortions and discern their nature.20 Rather than providing a detailed analysis of the phenomenon of systematic distortion, Young provides (in her own voice) two examples of discourses that she claims are hegemonic. First she considers discussions of poverty that presume the adequacy of labor market analyses; second she cites discussions of pollution that presume that modern economies must be based on the burning of fossil-fuels. In neither case does she make explicit what constitutes the distortion. At most, her examples show that some debates are framed in ways that render certain types of proposals ‘out of bounds’. But surely this is the case in any discussion, and it is not clear that it is in itself always a bad thing or even ‘distorting’. Not all discursive exclusions are distortions because the term ‘distortion’ implies that something is being excluded that should be included. Clearly, then, there are some dialectical exclusions that are entirely appropriate. For example, it is a good thing that current discussions of poverty are often cast in terms that render white supremacist ‘solutions’ out of bounds; it is also good that pollution discourses tend to exclude fringe-religious appeals to the cleansing power of mass prayer. This is not to say that opponents of market analyses of poverty are on par with white supremacists or that Greens are comparable to fringe-religious fanatics; it is rather to press for a deeper analysis of the discursive hegemony that the activist claims undermines deliberative democracy. It is not clear that the requested analysis, were it provided, would support the claim that systematic distortions cannot be addressed and remedied within the processes of continuing discourse. There are good reasons to think that continued discussion among persons who are aware of the potentially hegemonic features of discourse can correct the distorting factors that exist and block the generation of new distortions. As Young notes (116), James Bohman (1996: ch. 3) has proposed a model of deliberation that incorporates concerns about distorted communication and other forms of deliberative inequality within a general theory of deliberative democracy; the recent work of Seyla Benhabib (2002) and Robert Goodin (2003: chs 9–11) aims for similar goals. Hence I conclude that, as it stands, the activist’s second argument is incomplete, and as such the force of the difficulty it raises for deliberative democracy is not yet clear. If the objection is to stick, the activist must first provide a more detailed examination of the hegemonic and distorting properties of discourse; he must then show both that prominent modes of discussion operative in our democracy are distorting in important ways and that further discourse cannot remedy these distortions.

#### 2. Switch Side Debate The forum of college debate is vitally important for creating effective forms of public deliberation necessary to challenge illegitimate national security policy-switch side debate is intrinsically linked to this process.

Kurr-Ph.D. student Communication, Penn State-9/5/13

Bridging Competitive Debate and Public Deliberation on Presidential War Powers

http://public.cedadebate.org/node/14

The second major function concerns the specific nature of deliberation over war powers. Given the connectedness between presidential war powers and the preservation of national security, deliberation is often difficult. Mark Neocleous describes that when political issues become securitized; it “helps consolidate the power of the existing forms of social domination and justifies the short-circuiting of even the most democratic forms.” (2008, p. 71). Collegiate debaters, through research and competitive debate, serve as a bulwark against this “short-circuiting” and help preserve democratic deliberation. This is especially true when considering national security issues. Eric English contends, “The success … in challenging the dominant dialogue on homeland security politics points to efficacy of academic debate as a training ground.” Part of this training requires a “robust understanding of the switch-side technique” which “helps prevent misappropriation of the technique to bolster suspect homeland security policies” (English et. al, 2007, p. 224). Hence, competitive debate training provides foundation for interrogating these policies in public. Alarmism on the issues of war powers is easily demonstrated by Obama’s repeated attempts to transfer detainees from Guantanamo Bay. Republicans were able to launch a campaign featuring the slogan, “not in my backyard” (Schor, 2009). By locating the nexus of insecurity as close as geographically possible, the GOP were able to instill a fear of national insecurity that made deliberation in the public sphere not possible. When collegiate debaters translate their knowledge of the policy wonkery on such issues into public deliberation, it serves to cut against the alarmist rhetoric purported by opponents. In addition to combating misperceptions concerning detainee transfers, the investigative capacity of collegiate debate provides a constant check on governmental policies. A new trend concerning national security policies has been for the government to provide “status updates” to the public. On March 28, 2011, Obama gave a speech concerning Operation Odyssey Dawn in Libya and the purpose of the bombings. Jeremy Engels and William Saas describe this “post facto discourse” as a “new norm” where “Americans are called to acquiesce to decisions already made” (2013, p. 230). Contra to the alarmist strategy that made policy deliberation impossible, this rhetorical strategy posits that deliberation is not necessary. Collegiate debaters researching war powers are able to interrogate whether deliberation is actually needed. Given the technical knowledge base needed to comprehend the mechanism of how war powers operate, debate programs serve as a constant investigation into whether deliberation is necessary not only for prior action but also future action. By raising public awareness, there is a greater potential that “the public’s inquiry into potential illegal action abroad” could “create real incentives to enforce the WPR” (Druck, 2010, p. 236). While this line of interrogation could be fulfilled by another organization, collegiate debaters who translate their competitive knowledge into public awareness create a “space for talk” where the public has “previously been content to remain silent” (Engels & Saas, 2013, p. 231). Given the importance of presidential war powers and the strategies used by both sides of the aisle to stifle deliberation, the import of competitive debate research into the public realm should provide an additional check of being subdued by alarmism or acquiescent rhetorics. After creating that space for deliberation, debaters are apt to influence the policies themselves. Mitchell furthers, “Intercollegiate debaters can play key roles in retrieving and amplifying positions that might otherwise remain sedimented in the policy process” (2010, p. 107). With the timeliness of the war powers controversy and the need for competitive debate to reorient publicly, the CEDA/Miller Center series represents a symbiotic relationship that ought to continue into the future. Not only will collegiate debaters become better public advocates by shifting from competition to collaboration, the public becomes more informed on a technical issue where deliberation was being stifled. As a result, debaters reinvigorate debate.

#### This doesn’t preclude finding personal meanings, having to research all sides allows you to maintain your ethical beliefs while also being able to advocate for them better

Zwarensteyn 2012

Ellen C., Masters Candidate in Communications at Grand Valley State University, High School Policy Debate as an Enduring Pathway to Political Education: Evaluating Possibilities for Political Learning, Masters Theses. Paper 35, http://scholarworks.gvsu.edu/theses/35

As discussed previously, sources of political information matters to how politically pluralistic the general public is. Mutz (2007) and Mutz and Martin (2001) fear the public is selfselecting both the source of their news along with their peer groups preventing the airing and hearing of multiple sides of an argument. This study suggests debate has two supportive roles to help resolve these fears. First, to debate outsiders, the resolution may appear obscure, boring, or isolated from their daily lives. For debaters, however, they must embrace the resolution and soon come to realize a rich complexity of argumentative potential permitting students (or teams and squads) to choose areas of the topic that are intellectually intriguing, competitively beneficial, and/or personally rewarding. The resolution then requires switch-side debating – enabling a depth of argument unrivaled by other high school experiences. Benefits to switchside debates have been offered by Galloway (2007), Harrigan (2008), and Mitchell (2010). Speaking to the intellectual flexibility required of policy debaters, this study concurs how switch side debating enables a range and intensity of argument and how switch-side debating indirectly encourages students to find personal meaning in argumentation. Many debaters interviewed compared their experiences to other high school opportunities and identified a depth of argument in debate unparalleled by civics, government, student councils, other simulation activities, or various service learning opportunities. The competitive necessity to anticipate and research all sides of an argument prior to being in a competitive round encourages a thorough examination of relevant political literature. In a debate rounds, debaters must listen to all of another’s argument, answer the argument at its best intention, consider strategic compromise on argumentation, anticipate the competitive direction of the argument, and directly compare arguments against each other. This practice demands a practice of open political inquiry. As a result of the demand for open inquiry, students are challenged “…to rethink unsubstantiated claims or arguing for positions they personally do not hold, playing devil’s advocate to make sure the full range of positions are well represented or to challenge a too-simple formation that has not grappled with possible objections” (Colby, Beaumont, Ehrlich, and Corngold, 2007, p. 74). Second, debaters must present multiple sides of an issue. This practice enables hearing legitimacy in opposing argumentation as debaters do not have the luxury to entirely self selecting arguments for presentation or for defense. Thus, debate releases an umbrella of intellectual ideas. Once the ideas are released, debaters can develop personal advocacies and identities through argument. Even after establishing argumentative preferences, students recognized their success was tied to an intellectual flexibility to respond to numerous arguments. This study confirms the work of Galloway (2007) by establishing debate as a dialogical imperative whereby planning, listening, and responding may help establish empathy through seeing the humanity and credibility in one another’s arguments.

The impact is an engaged citizenry which has the capacity and the will power to reign in the worst of ideological extremism

Zwarensteyn 2012

Ellen C., Masters Candidate in Communications at Grand Valley State University, High School Policy Debate as an Enduring Pathway to Political Education: Evaluating Possibilities for Political Learning, Masters Theses. Paper 35, http://scholarworks.gvsu.edu/theses/35

The background of many conversations relating to secondary education concerns the appropriateness of teaching politics. As referenced in chapter two, Daily (2006) and White (2009) stress the importance of early political identity formation. While the American polity recognizes the necessity of a political education both in the home and in the schools, the education received may not be as authentic as perceived. One immense benefit to the policy debate experience may relate to the time and space given to political identity formation (for those without an identity), re-formation (for those with a dissonant identity), or solidification of an existing identity (for those with a consistent identity). Switch-side debating combined with the personal distance from argument, provides a relatively safe space for playing with argumentation. Policy debate participation may uniquely answer White’s (2009) concern regarding the indoctrination of unquestioned patriotism, religiosity, and militarism in American schools. Participation in policy debate forces an intelligent academic defense, unraveling, or navigation through these concerns. Many debaters unlearn their ‘America can do no wrong’ perspective and develop an ability to understand and qualify American policy decisions both at home and abroad. This practice is inherently and genuinely political. As Colby (2008) concurs, political leaning does not compromise one’s political ideology but rather aids in intellectual integrity and clear critical thinking (p. 6). Revisiting Galloway (2007) emphasis on dialogue, debate helps students realize positions outside their own have meaning. This practice opens students up to new intellectual and academic perspectives and values. Overall, this study finds debate may help aid the development of an authentic political identity. “Evaluating competing arguments in this way causes students to think harder about things they have previously taken for granted” (Colby, Beaumont, Ehrlich, and Corngold, 2007, p. 115).

This is empirically proven---Neal Katyal used training he got from switch side debate techniques to challenge post 9/11 combat definitions

English et al 2007

Eric English, Stephen Llano, Gordon R. Mitchell, Catherine E. Morrison, John Rief and Carly Woods, Communications—University of Pittsburg “Debate as a Weapon of Mass Destruction,” Communication and Critical/Cultural Studies, Volume 4, Number 2, June, http://www.pitt.edu/~gordonm/JPubs/EnglishDAWG.pdf

It is our position, however, that rather than acting as a cultural technology expanding American exceptionalism, switch-side debating originates from a civic attitude that serves as a bulwark against fundamentalism of all stripes. Several prominent voices reshaping the national dialogue on homeland security have come from the academic debate community and draw on its animating spirit of critical inquiry. For example, Georgetown University law professor Neal Katyal served as lead plaintiff ’s counsel in Hamdan , which challenged post-9/11 enemy combat defini- tions.12 The foundation for Katyal’s winning argument in Hamdan was laid some four years before, when he collaborated with former intercollegiate debate champion Laurence Tribe on an influential Yale Law Journal addressing a similar topic.13 Tribe won the National Debate Tournament in 1961 while competing as an undergraduate debater for Harvard University. Thirty years later, Katyal represented Dartmouth College at the same tournament and finished third. The imprint of this debate training is evident in Tribe and Katyal’s contemporary public interventions, which are characterized by meticulous research, sound argumentation, and a staunch commitment to democratic principles. Katyal’s reflection on his early days of debating at Loyola High School in Chicago’s North Shore provides a vivid illustration. ‘‘I came in as a shy freshman with dreams of going to medical school. Then Loyola’s debate team opened my eyes to a different world: one of argumentation and policy.’’ As Katyal recounts, ‘‘the most important preparation for my career came from my experiences as a member of Loyola’s debate team.’’14 The success of former debaters like Katyal, Tribe, and others in challenging the dominant dialogue on homeland security points to the efficacy of academic debate as a training ground for future advocates of progressive change. Moreover, a robust understanding of the switch-side technique and the classical liberalism which underpins it would help prevent misappropriation of the technique to bolster suspect homeland security policies. For buried within an inner-city debater’s files is a secret threat to absolutism: the refusal to be classified as ‘‘with us or against us,’’ the embracing of intellectual experimentation in an age of orthodoxy, and reflexivity in the face of fundamentalism. But by now, the irony of our story should be apparent \*the more effectively academic debating practice can be focused toward these ends, the greater the proclivity of McCarthy’s ideological heirs to brand the activity as a ‘‘weapon of mass destruction.’’

#### 3.Policy expertise---refusing to confront military policy doesn’t make it go away; it just leaves its injustice unexamined; you can’t be concerned with the “silencing” of our framework argument when you don’t care about equality, researching direct policy prescriptions is key to effective scholarship to reign in militarism

Mazur 5 (Diane H. Mazur is a Research Foundation Professor of Law, University of Florida Levin College of Law, “ARTICLE: A Blueprint for Law School Engagement with the Military,” Lexis)

Law schools have settled into a policy of aloof disengagement in matters concerning the military. With rare exceptions, law schools and law faculties have turned their backs on issues related to legal and constitutional control of the military. They are simply not interested in legal reform when the law involves the military. Strangely, they are not even particularly interested in legal reform with respect to "Don't Ask, Don't Tell," the policy precipitating the Solomon controversy. It seems as if disengagement itself, provided it is sufficiently loud, is the only objective. The brief filed by the plaintiffs in the district court in FAIR v. Rumsfeld 148 revealed a great deal about the importance they assigned to actual reform of discriminatory policies. Sadly, they were willing to give away the store on "Don't Ask, Don't Tell" in order to strengthen their claim of a right to express opposition to "Don't Ask, Don't Tell" in the manner they chose. They made the extraordinary concession that a facial classification on the basis of sexual orientation should be shielded by a forgiving doctrine of judicial deference: The deference courts traditionally have afforded Congress and the Executive in matters involving military affairs and national security is appropriate when it comes to regulation of the military's internal operations, its personnel policies, its regulation of troop behavior, and its strategic decisions on how to wage war or defend our nation... . [\*511] Deference stems from such concerns as separation of powers (or other text-based commitment of authority to a realm other than the courts), institutional competence, and the absence of judicially manageable standards. 149 Plaintiffs were willing to concede that military personnel policies and military regulations concerning troop behavior - including, obviously, "Don't Ask, Don't Tell" - were not subject to meaningful judicial review. They were also willing to agree to a bizarre reading of the Constitution that removed executive or legislative action from the scope of judicial review if the subject matter of that action was specifically enumerated in Articles I or II. 150 Lastly, they conceded, for no apparent reason, that courts are institutionally incompetent to evaluate policies such as "Don't Ask, Don't Tell" and, in any event, are unable to devise manageable standards by which to evaluate them. It seems that these concessions were offered so law schools could factually distinguish Solomon protest as taking place outside the military setting: "The Solomon Amendment, however, has nothing to do with internal military operations, strategy, troop mobilization, training, discipline, or combat readiness... . To the contrary, the Solomon Amendment is about the military's insistence that it has the authority to reach beyond its own sphere and compel private organizations to reorganize themselves ... ." 151 If a bright-line standard could confine the consequences of deference to matters internal to the military, then it would be much easier to characterize legislation affecting civilian law schools as outside the scope of deference. It makes no sense for law schools to be so committed to freedom of expression that they abandon their commitment to equality. It makes no sense for law schools to criticize discriminatory policies within the military at the same time they are sabotaging the efforts of others to open the door of military service to all persons qualified to contribute. As I emphasized at the beginning of this article, law schools are right when they affirm values of equality on behalf of their faculties and their students. However, they need to evaluate whether the means they have chosen to advocate for those values - the distancing of military presence from the law school community - is appropriate. If taking a stance based on disengagement and distance from the military will ultimately feed a system in which the military is used to deny equality, then law schools should reconsider that stance. Of particular concern [\*512] is the likelihood that, if the plaintiffs prevail in FAIR v. Rumsfeld, the separation between the military and avenues of legal reform will only increase. There is much that law schools can contribute to an understanding of the constitutional relationship between civilian society and the military - one that affirms equality, not undermines it - but law schools must be willing to engage a new agenda of research that brings the military closer rather than pushing it away. Much legal scholarship about the military suffers from an author's attempt to write about military policy or military judgment without actually having to engage that policy or judgment in a direct manner. It is often a sniping, superficial academic exercise in which the author critiques some action or statement arising in a military context, while managing to remove it entirely from that military context. The matter under study is selectively lifted from its surrounding military circumstances and then transplanted into a parallel civilian universe in which the author feels more comfortable, generating a legal analysis that is usually heart-felt but rarely helpful or illuminating. To be clear, I am not suggesting that an author needs to have served in the military to write about it. The production of good legal scholarship on military-related issues has been limited precisely because so much of it tends to be written by the relatively small number of law professors who are veterans. That limitation is unnecessary. I believe that veterans and military-related scholarship are linked only because veterans are more willing - not necessarily more qualified - to engage the military on assertions of fact and law. It is as if law professors have come down with a bad case of deference themselves, one that deters them from thinking they have something useful to say about the military. Most legal scholarship related to the military written in the last fifteen years, outside of the military-affiliated law reviews, has criticized the military (and often Congress) for acts of commission or omission on issues involving the treatment of women or the exclusion of gay people. The problem is not that the scholarship inevitably charges that the military has failed. The problem is, first, that the scholarship usually reflects no effort to understand military law, the military environment, military discipline, or even actual female or gay servicemembers. Academics have offered criticism that is at best off base and at worst counter-productive to the lives and careers of servicemembers. 152 Second, this scholarship treats the military as the separate [\*513] and distant institution the Court has defined it to be. Much of it rests on a perception of military culture as fixed, unchanging, and pathological, without any awareness that military culture evolves in response to how civilian society chooses to raise military forces and how the judicial system enforces, or fails to enforce, civilian supremacy. Third, when the military subject does not involve women or "Don't Ask, Don't Tell," academic interest falls to almost zero. What follows in this Part is a blueprint for a new generation of legal scholarship involving the military that will begin to fulfill the institutional obligation law schools have to engage actively in the vital task of civilian control of the military. A. The Number One Priority: Taking Judicial Deference Seriously By now it should be clear why a doctrine of judicial deference to executive or legislative judgments involving military affairs cannot be ignored. The sloppy, one-size-fits-all version of deference set out in Parker v. Levy, 153 Rostker v. Goldberg, 154 and Goldman v. Weinberger 155 has no basis in constitutional text or in historical civil-military precedents, yet it is being applied to turn back the clock on settled understandings of equal protection. One often hears socially conservative complaints that the military is being used as a "social laboratory" for experiments in forced equality, 156 but the reality actually lies in the reverse. The military undoubtedly is being used as a social laboratory, but the experiment is the establishment of a judicially endorsed, separate society in which constitutional standards of equality do not necessarily apply. Scholars in constitutional law should build on three articles by Jonathan Turley examining the constitutional relationship between the military and the civilian society it serves. The Military Pocket Republic 157 examines the [\*514] historical development of military governance as a semi-autonomous system. Turley argues that our contemporary military "is strikingly different from the model the Framers intended when they established the first standing army." 158 In keeping with the theme of this article, he laments the lack of academic interest in constitutional civil-military relations, speculating that it may reflect "a certain academic distance from (or even disdain of) the military culture and its functions within government." 159 Turley's second and third articles in the series, Tribunals and Tribulations: The Antithetical Elements of Military Governance in a Madisonian Democracy 160 and Pax Militaris: The Feres Doctrine and the Retention of Sovereign Immunity in the Military System of Governance, 161 explore the criminal and civil aspects of the military justice system, respectively. Each article in the series treats the military as an institution that is as worthy of intellectual critique and commendation as any other function of government and, in some circumstances, even more worthy. One of the consequences of disengagement from the military is the risk that significant developments will go unrecognized. The military has changed dramatically in the last generation following the transition to an all-volunteer force. 162 It has become less politically representative of American society at large and more politically partisan, conditions never contemplated by the Constitution. 163 The military has also been changing more recently as a result [\*515] of the ongoing conflict in Iraq. For example, operational strains on American military forces have led to a massive increase in the "privatization" or "civilianization" of the conduct of war, but there has been very little study of the consequences of outsourcing war. A notable exception is Jon Michaels's Beyond Accountability: The Constitutional, Democratic, and Strategic Problems With Privatizing War. 164 Privatization, moreover, leads potentially to a new array of equal protection concerns that have so far gone unexamined. As non-combat functions are increasingly outsourced to civilian contractors and a larger percentage of duty positions within the military are combat-identified and therefore closed to women, will the role of women within the military be diminished? Will a force of civilian contractors fulfilling what was once a military function be even less politically representative than the military is now? It is telling that the Constitution mentions the militia - today's National Guard - in three places (in Article I, 165 in Article II, 166 and in the Second Amendment 167), but legal scholarship focuses on only one of those provisions. The militia is the subject of endless study relating to the scope of the Second Amendment and the history of the right to bear arms, but today's actual militia and its members seem to be of little interest. Does the Constitution contemplate, for example, indefinite reliance on the militia of the states as a force of projection and occupation overseas in Iraq? 168 There needs to be an institutional commitment on the part of law schools to become knowledgeable [\*516] participants in a discussion about legal control of the military. The principal limitation on this research agenda, however, may be an unspoken assumption that any engagement with military issues expresses agreement with the military, and that any interaction with military personnel is inconsistent with a commitment to equality.

## 2NC

### Limits

#### Moreover, arguing both sides does not mean you have to stop having an identity, it is the same as keeping an open mind, their argument are analogous to the dogmatic positions that racists and homophobes take “I don’t hate gay black people, they just go against my personal beliefs”

English et al 2007

Eric English, Stephen Llano, Gordon R. Mitchell, Catherine E. Morrison, John Rief and Carly Woods, Communications—University of Pittsburg “Debate as a Weapon of Mass Destruction,” Communication and Critical/Cultural Studies, Volume 4, Number 2, June, http://www.pitt.edu/~gordonm/JPubs/EnglishDAWG.pdf

It is our position, however, that rather than acting as a cultural technology expanding American exceptionalism, switch-side debating originates from a civic attitude that serves as a bulwark against fundamentalism of all stripes. Several prominent voices reshaping the national dialogue on homeland security have come from the academic debate community and draw on its animating spirit of critical inquiry. For example, Georgetown University law professor Neal Katyal served as lead plaintiff ’s counsel in Hamdan , which challenged post-9/11 enemy combat defini- tions.12 The foundation for Katyal’s winning argument in Hamdan was laid some four years before, when he collaborated with former intercollegiate debate champion Laurence Tribe on an influential Yale Law Journal addressing a similar topic.13 Tribe won the National Debate Tournament in 1961 while competing as an undergraduate debater for Harvard University. Thirty years later, Katyal represented Dartmouth College at the same tournament and finished third. The imprint of this debate training is evident in Tribe and Katyal’s contemporary public interventions, which are characterized by meticulous research, sound argumentation, and a staunch commitment to democratic principles. Katyal’s reflection on his early days of debating at Loyola High School in Chicago’s North Shore provides a vivid illustration. ‘‘I came in as a shy freshman with dreams of going to medical school. Then Loyola’s debate team opened my eyes to a different world: one of argumentation and policy.’’ As Katyal recounts, ‘‘the most important preparation for my career came from my experiences as a member of Loyola’s debate team.’’14 The success of former debaters like Katyal, Tribe, and others in challenging the dominant dialogue on homeland security points to the efficacy of academic debate as a training ground for future advocates of progressive change. Moreover, a robust understanding of the switch-side technique and the classical liberalism which underpins it would help prevent misappropriation of the technique to bolster suspect homeland security policies. For buried within an inner-city debater’s files is a secret threat to absolutism: the refusal to be classified as ‘‘with us or against us,’’ the embracing of intellectual experimentation in an age of orthodoxy, and reflexivity in the face of fundamentalism. But by now, the irony of our story should be apparent \*the more effectively academic debating practice can be focused toward these ends, the greater the proclivity of McCarthy’s ideological heirs to brand the activity as a ‘‘weapon of mass destruction.’’

---SSD allows us to TEST ideas and experiment with arguments---the static fixedness under their interpretation cannot result in the same educational benefits

Koehle 2010

Joe, Phd candidate in communications at Kansas, former West Georgia debater, http://mccfblog.org/actr/wp-content/uploads/2010/12/Koehle\_Paper\_ACTR-editedPDF.pdf.

Much like criticism of the sophists has persisted throughout time; **criticism of switch side debate has been a constant feature** since the advent of tournament-style debating. Harrigan documents how numerous these criticisms have been in the last century, explaining that Page 15 Koehle 15 complaints about the mode of debate are as old as the activity itself (9). **The most famous controversy** over modern switch side debate occurred in 1954, **when the U.S. military academies** and the Nebraska teachers‟ colleges **decided to boycott the resolution**: “Resolved: That the United States should extend diplomatic relations to the communist government of China.” The schools that boycotted the topic argued that it was ethically and educationally indefensible to defend a recognition of communists, and even went so far as to argue that “a pro-recognition stand by men wearing the country‟s uniforms would lead to misunderstanding on the part of our friends and to distortion by our enemies” (English et al. 221). Switch side debate was on the defensive, and debate coaches of the time were engaged in virulent debate over the how to debate. The controversy made the national news when the journalist Edward Murrow became involved and opined on the issue in front of millions of TV viewers. English et al. even go so far as to credit **the “debate about debate” with helping accelerate the implosion of the famous red- baiting Senator Joseph McCarthy** (222). The debate about debate fell back out of the national spotlight after the high-profile incident over the China resolution, but it never ended in the debate community itself. The tenor of **the debate reached a fever pitch when outright accusations of modern sophistry** (the bad kind) **were published** in the Spring 1983 edition of the National Forensic Journal, **when** **Bernard K. Duffy** wrote, “The Ethics of Argumentation in Intercollegiate Debate: A Conservative Appraisal.” Echoing the old Platonic argument against sophistic practice, **Duffy argued that switch side debate has ignored ethical considerations** in the pursuit of teaching cheap techniques for victory (66). The 1990‟s saw a divergence of criticisms into two different camps. The first camp was comprised of traditional critics who argued that debate instruction and practice promoted form over substance. For example, a coach from Boston College lamented that absent a change, “Debate instructors and their students will become the sophists of our age, susceptible to the traditional indictments elucidated by Isocrates and others” (Herbeck). Dale Bertelstein published a response to the previously cited article by Muir about switch side debate that launched into an extended discussion of debate and sophistry. This article continued the practice of coaches and communications scholars developing and applying the Platonic critique of the sophists to contemporary debate practices. Alongside this traditional criticism **a newer set of critiques of switch side debate emerged.** Armed with the language of Foucauldian criticism, Critical Legal Studies, and critiques of normativity and statism, many people who were uncomfortable with the debate tradition of arguing in favor of government action began to question the reason why one should ever be obliged to advocate government action. They began **to argue that switch side debate was a mode of debate that unnecessarily constrained people to the hegemony of debating the given topic.** These newer criticisms of switch side debate gained even more traction after the year 2000, with several skilled teams using these arguments to avoid having to debate one side of the topic. William Spanos, a professor of English at SUNY Binghamton decided to link the ethos of switch side debate to that of neo-conservatism after observing a debate tournament, saying that “the arrogant neocons who now saturate the government of the Bush…learned their „disinterested‟ argumentative skills in the high school and college debate societies and that, accordingly, they have become masters at disarming the just causes of the oppressed.” (Spanos 467) **Contemporary policy debate is now under attack from all sides**, caught in its own dissoi logoi. Given the variety of assaults upon switch side debate by both sides of the political spectrum, **how can switch side debate be justified**? Supporters of switch side debate have made many arguments justifying the value of the practice that are not related to any defense of sophist Page 17 Koehle 17 techniques. I will only briefly describe them so as to not muddle the issue, but they are worthy of at least a cursory mention. The first defense is the most pragmatic reason of all: **Mandating people debate both sides of a topic is most fair to participants** **because it helps mitigate the potential for a topic that is biased towards one side**. More theoretical justifications are given, however. Supporters of switch side debate have argued that **encouraging students to play the devil‟s advocate creates a sense of self-reflexivity that is crucial to promoting tolerance and preventing dogmatism** (Muir 287). Others have attempted to justify switch side debate in educational terms and advocacy terms, explaining that it is a path to diversifying a student‟s knowledge by encouraging them to seek out paths they may have avoided otherwise, which in turn creates better public advocates (Dybvig and Iversen). In fact, **contemporary policy debate and its reliance upon switching sides creates an oasis of argumentation free from the demands of advocacy, allowing students to test out ideas and become more well-rounded advocates** as they leave the classroom and enter the polis (Coverstone). Finally, **debate empowers individuals to become critical thinkers capable of making sound decisions** (Mitchell, “Pedagogical Possibilities”, 41).

### a/t deliberation bad

#### Question of methods not outcomes-even if deliberation is flawed it is the best available means to resolve problems-don’t let the perfect be the enemy of the good

**Talisse, Vanderbilt philosophy professor, 2005**

(Robert, “Deliberativist responses to activist challenges”, Philosophy & Social Criticism, 31.4, project muse)

The first two challenges are focused on the failure of existing political institutions and processes to satisfy the ideals of publicity, accountability, and inclusion (109) that are promoted by the deliberative democrat. First, the activist points to the exclusionary character of existing sites of deliberation, citing the prevalence of structural inequality and power (108). Second, he criticizes recent measures aimed at inclusion for falling ‘far short of providing opportunities for real voice for those less privileged in the social structures’ (112).

Insofar as the activist’s criticisms are aimed at the failure of existing institutions to live up to the deliberative ideal, they implicitly accept that ideal. Thus, as Young points out, the deliberativist can agree with the activist that current conditions fall short of the democratic ideal, and can accept the activist’s specific criticisms of the existing order (112). Again, they differ on the issue of means, not ends: the deliberativist holds that processes of continuing public discourse can reveal and remedy the shortcomings of existing institutions and practices whereas the activist doubts that rational discussion can persuade powerful social agents to adopt a more inclusive and democratic mode of politics (112). The deliberativist may further argue that even if the activist’s suspicions regarding the efficacy of political deliberation are granted, these suspicions are not in themselves sufficient grounds for rejecting deliberative democracy. Though not ideal, deliberation may still be the best option available for democracy.

### A/T Green Hicks

#### Debate is distinct from public speaking—defending something for competitive purposes generates reasoned convictions which turns their impact

**Galloway, Samford communications professor, 2007**

(Ryan, “Dinner and Conversation at the Argumentative Table: Reconceptualizing Debate as an Argumentative Dialogue”, Contemporary Argumentation and Debate, 28, ebsco)

The argument that debaters should not argue in favor of ideas that they do not believe treats debate as with a normal public speaking event. This controversy was discussed thoroughly in various speech journals throughout the 1950s and 1960s, with most authors coming to the conclusion that debate is a unique public speaking event, where participants and observers disassociate the debater from their role. Richard Murphy lays out the case that students should not be forced to say something they do not believe, a concept quite similar to modern-day advocates of the notion that affirmatives should not have to defend the topic (1957; 1963). Murphy contends, “The argument against debating both sides is very simple and consistent. Debate…is a form of public speaking. A public statement is a public commitment” (1957, p. 2). Murphy believed students should discuss and research an issue until they understood their position on the issue and then take the stand and defend only that side of the proposition. Murphy’s fear was that students risk becoming a “weather vane,” having “character only when the wind is not blowing” (1963, p. 246). In contrast, Nicholas Cripe distinguished between speaking and debating (1957, p. 210). Cripe contended that, unlike a public speaker, a debater is “not trying to convince the judges, or his opponents” of the argument but merely to illustrate that their team has done the superior debating (p. 211). Debating in this sense exists with an obligation to give each position its best defense, in much the way an attorney does for a client. Here, the process of defending a position for the purposes of debate is distinct from their advocacy for a cause in a larger sense. As such, they are like Socrates in the Phaedrus, speaking with their heads covered so as not to anger the gods (Murphy 1957, p. 3). Additionally, debate is unlike public speaking since it happens almost always in a private setting. There are several distinctions. First, very few people watch individual contest rounds. The vast majority of such rounds take place with five people in the room—the four debaters, and the lone judge. Even elimination rounds with the largest audiences have no more than approximately one hundred observers, almost all of whom are debaters. Rarely do people outside the community watch debates. Also, debate has developed a set of norms and procedures quite unlike public speaking. While some indict these norms (Warner 2003), the rapid rate of speed and heavy reliance on evidence distinguishes debate from public speaking. Our activity is more like the closed debating society that Murphy admits can be judged by “pedagogical, rather than ethical, standards” (1957, p. 7). When debates do occur that target the general public (public debates on campus for example), moderators are careful to explain that debaters may be playing devil’s advocate. Such statements prevent confusion regarding whether or not a debater speaks in a role or from personal conviction. While speaking from conviction is a political act, speaking in accordance with a role is a pedagogical one (Klopf & McCroskey, 1964, p. 37). However, this does not mean that debaters are victims. The sophistication of modern argument and the range of strategic choices available to modern debaters allow them to choose positions that are consistent with their belief structures. The rise of plan-inclusive counterplans, kritiks, and other strategies allow negative teams to largely align themselves with agreeable affirmative cases while distinguishing away narrow slivers of arguments that allow debaters to rarely argue completely against their convictions. While some contend that this undermines the value of switch-side debate (Ellis, 2008b; Shanahan, 2004), in fact, the notion that debaters employ nuanced answers to debate topics illustrates the complexity of modern debate resolutions. Those who worry that competitive academic debate will cause debaters to lose their convictions, as Greene and Hicks do in their 2005 article, confuse the cart with the horse. Conviction is not a priori to discussion, it flows from it. A. Craig Baird argued, “Sound conviction depends upon a thorough understanding of the controversial problem under consideration (1955, p. 5). Debate encourages rigorous training and scrutiny of arguments before debaters declare themselves an advocate for a given cause. Debate creates an ethical obligation to interrogate ideas from a neutral position so that they may be freely chosen subsequently.

## 1NR

### Finishing the Anderson Evidence

As is the notion that any attempt to ask people to agree upon processes of reason-giving argument is somehow necessarily to impose a coercive norm, one that will disable the free expression and performance of identities, feelings, or solidarities. Disagreement is, by the terms of my book, a form of respect, not a form of disrespect. And by disagreement, I don't mean simply to say that we should expect disagreement rather than agreement, which is a frequently voiced-if misconceived-criticism of Habermas. Of course we should expect disagreement. My point is that we should focus on the moment of dissatisfaction in the face of disagreement-the internal dynamic in argument that imagines argument might be the beginning of a process of persuasion and exchange that could end in agreement (or partial agreement). For those who advocate reconciling ourselves to disagreements rather than arguing them out, by contrast, there is a complacent-and in some versions, even celebratory-attitude toward fixed disagreement. Refusing these options, I make the case for dissatisfied disagreement in the final chapter of the book and argue that people should be willing to justify their positions in dialogue with one another, especially if they hope to live together in a post-traditional pluralist society.

One example of the trumping of argument by ethos is the form that was taken by the late stage of the Foucault/Habermas debate, where an appeal to ethos-specifically, an appeal to Foucault's style of ironic or negative critique, often seen as most in evidence in the interviews, where he would playfully refuse labels or evade direct answers-was used to exemplify an alternative to the forms of argument employed by Habermas and like-minded critics. (I should pause to say that I provide this example, and the framing summary of the book that surrounds it, not to take up airtime through expansive self-reference, but because neither of my respondents provided any contextualizing summary of the book's central arguments, though one certainly gets an incremental sense of the book's claims from Bruce Robbins. Because I don't assume that readers of this forum have necessarily read the book, and because I believe that it is the obligation of forum participants to provide sufficient context for their remarks, I will perform this task as economically as I can, with the recognition that it might have carried more weight if provided by a respondent rather than the author.)

The Foucauldian counter-critique importantly emphasizes a relation between style and position, but it obscures (1) the importance or value of the Habermasian critique and (2) the possibility that the other side of the debate might have its own ethos to advocate, one that has precisely to do with an ethos of argument, an ideal of reciprocal debate that involves taking distance on one's pre-given forms of identity or the norms of one's community, both so as to talk across differences and to articulate one's claims in relation to shared and even universal ideals. And this leads to the second thesis of the book, the insistence that an emphasis on ethos and character is interestingly present if not widely recognized in contemporary theory, and one of the ways its vitality and existential pertinence makes itself felt (even despite the occurrence of the kinds of unfair trumping moves I have mentioned). We often fail to notice this, because identity has so uniformly come to mean sociological, ascribed, or group identity-race, gender, class, nationality, ethnicity, sexuality, and so forth. Instances of the move toward character and ethos include the later Foucault (for whom ethos is a central concept), cosmopolitanism (whose aspiration it is to turn universalism into an ethos), and, more controversially, proceduralist ethics and politics (with its emphasis on sincerity and civility). Another version of this attentiveness to ethos and character appears in contemporary pragmatism, with its insistence on casualness of attitude, or insouciance in the face of contingency-recommendations that get elevated into full-fledged exemplary personae in Richard Rorty's notion of the "ironist" or Barbara Herrnstein Smiths portrait of the "postmodern skeptic." These examples-and the larger claim they support-are meant to defend theory as still living, despite the many reports of its demise, and in fact still interestingly and incessantly re-elaborating its relation to practice. This second aspect of the project is at once descriptive, motivated by the notion that characterology within theory is intrinsically interesting, and critical, in its attempt to identify how characterology can itself be used to cover or evade the claims of rational argument, as in appeals to charismatic authority or in what I identify as narrow personifications of theory (pragmatism, in its insistence on insouciance in the face of contingency, is a prime example of this second form). And as a complement to the critical agenda, there is a reconstructive agenda as well, an attempt to recuperate liberalism and proceduralism, in part by advocating the possibility, as I have suggested, of an ethos of argument.

Robbins, in his extraordinarily rich and challenging response, zeroes in immediately on a crucial issue: who is to say exactly when argument is occurring or not, and what do we do when there is disagreement over the fundamentals (the primary one being over what counts as proper reasoning)? Interestingly, Robbins approaches this issue after first observing a certain tension in the book: on the one hand, The Way We Argue Now calls for dialogue, debate, argument; on the other, its project is "potentially something a bit stricter, or pushier: getting us all to agree on what should and should not count as true argument." What this point of entry into the larger issue reveals is a kind of blur that the book, I am now aware, invites. On the one hand, the book anatomizes academic debates, and in doing so is quite "debaterly" This can give the impression that what I mean by argument is a very specific form unique to disciplinary methodologies in higher education. But the book is not generally advocating a narrow practice of formal and philosophical argumentation in the culture at large, however much its author may relish adherence to the principle of non-contradiction in scholarly argument. I take pains to elaborate an ethos of argument that is linked to democratic debate and the forms of dissent that constitutional patriotism allows and even promotes. In this sense, while argument here is necessarily contextualized sociohistorically, the concept is not merely academic. It is a practice seen as integral to specific political forms and institutions in modern democracies, and to the more general activity of critique within modern societies-to the tradition of the public sphere, to speak in broad terms. Additionally, insofar as argument impels one to take distance on embedded customs, norms, and senses of given identity, it is a practice that at once acknowledges identity, the need to understand the perspectives of others, and the shared commitment to commonality and generality, to finding a way to live together under conditions of difference.

More than this: the book also discusses at great length and from several different angles the issue that Robbins inexplicably claims I entirely ignore: the question of disagreement about what counts as argument. In the opening essay, "Debatable Performances," I fault the proponents of communicative ethics for not having a broader understanding of public expression, one that would include the disruptions of spectacle and performance. I return to and underscore this point in my final chapter, where I espouse a democratic politics that can embrace and accommodate a wide variety of expressions and modes. This is certainly a discussion of what counts as dialogue and hence argument in the broad sense in which I mean it, and in fact I fully acknowledge that taking distance from cultural norms and given identities can be advanced not only through critical reflection, but through ironic critique and defamiliarizing performance as well. But I do insist-and this is where I take a position on the fundamental disagreements that have arisen with respect to communicative ethics-that when they have an effect, these other dimensions of experience do not remain unreflective, and insofar as they do become reflective, they are contributing to the very form of reasoned analysis that their champions sometimes imagine they must refuse in order to liberate other modes of being (the affective, the narrative, the performative, the nonrational). If a narrative of human rights violation is persuasive in court, or in the broader cultural public sphere, it is because it draws attention to a violation of humanity that is condemned on principle; if a performance jolts people out of their normative understandings of sexuality and gender, it prompts forms of understanding that can be affirmed and communicated and also can be used to justify political positions and legislative agendas.

### A2: Can’t Access Resolution

#### Identity is obviously valuable to discussion, but to reduce identity to the point where it inhibits intersubjective dialogue about the resolution amounts to cultural reductionism that makes communal democratic politics impossible

Amanda Anderson 6, prof of English at Johns Hopkins The Way We Argue Now, 2-5

At the same time, however, the book engages in an internal critique of certain tendencies within the field of theory. These essays repeatedly draw attention to the underdeveloped and often incoherent evaluative stance of contemporary theory, its inability to clearly avow the norms and values underlying its own critical programs. In particular, I contest the prevalent skepticism about the possibility or desirability of achieving reflective distance on one's social or cultural positioning. As a result of poststructuralism's insistence on the forms of finitude--linguistic, psychological, and cultural--that limit individual agency, and multiculturalism's insistence on the primacy of ascribed group identity and its accompanying perspectives, the concept of critical distance has been seriously discredited, even as it necessarily informs many of the very accounts that announce its ¶ 2¶ bankruptcy. The alliance between the poststructuralist critique of reason and the form of sociological reductionism that governs the politics of identity threatens to undermine the vitality of both academic and political debate insofar as it becomes impossible to explore shared forms of rationality. Given these conditions, in fact, this book might well have been called "The Way We Fail to Argue Now."2¶ To counter the tendencies of both poststructuralism and identity politics, I advance a renewed assessment of the work of philosopher Jürgen Habermas, whose interrelated theories of communicative action, discourse ethics, and democratic proceduralism have provoked continued and often dismissive critique from theorists in the fields of literary studies, cultural studies, and political theory. The book is in no way an uncritical embrace of Habermas's theory, however. Rather, it offers a renewed assessment of the notions of critical distance and procedural democracy in light of the arguments that have been waged against them. In part I do this by giving airtime to those debates in which Habermas and like-minded critics have engaged poststructuralism. But I also try to give Habermas a new hearing by showing the ways in which his theories promote an understanding of reflective distance as an achieved and lived practice, one with an intimate bearing on questions of ethos and character. Typically dismissed as impersonal, abstract, and arid, rational discourse of the kind associated with the neo-Kantianism of Habermas and his followers is often employed as a contrast to valorized ideals of embodied identities, feelings and passions, ethics and politics--in short, all the values that are seen to imbue theoretical practice with existential meaningfulness and moral force. This very opposition, which has effectively structured many influential academic debates, involves a serious misreading and reduction of the rationalist tradition, which at its most compelling seeks precisely to understand communicative reason and the aspiration to critical distance as an embedded practice, as an ongoing achievement rather than a fantasmatic imposition. This aspiration, moreover, also characterizes collective forms of liberal politics, including the practices and procedures that constitute the democratic tradition and are so vital to its ongoing health and stability.¶ More generally, and throughout the book, I draw out the practical ¶ 3¶ imagination of theories in order to contest the assumption that theory is overly abstract, irrelevant, or elitist and to draw attention to an all but ubiquitous pull, even in theories from very different and even antagonistic traditions, toward questions of embodiment and enactment--questions of practice, that is. With varying degrees of explicitness and self-awareness, I argue, contemporary theories present themselves as ways of living, as practical philosophies with both individualist and collective aspirations. Indeed, many recent theoretical projects join in a desire to correct for, or answer to, the overly abstract elements of earlier forms of theory. This movement manifests itself in various and not entirely commensurate ways; within literary studies, to take a central example, it appears in a keen attention to the social position of writers, readers, and characters, an increasing focus on the sensibility or location of the critic or theorist, and a concern with the ethics of reading and criticism more broadly. It is my contention that these developments reflect a persistent existential movement toward thicker characterological conceptions of theoretical postures and stances, though it is rarely put in these terms. Indeed, the interest in characterological enactment often operates below the radar, or with only half-lit awareness. One symptom of the underdeveloped yet nonetheless insistent nature of this aspect of contemporary theory is the fact that the term "ethos," which reflects a general interest in the ethical texture of theory's project, appears regularly across recent work in literature and political theory.3¶ I am interested in exploring this turn toward the existential dimensions of theory, claiming it as a kind of dialectical advance, and using it to reconsider our understanding of those forms of political theory--rationalism and proceduralism--that have been framed as most ethos-deficient. But the story is somewhat more complicated and internally contested than this brief summary might lead one to expect. These complexities have largely to do with a point I raised at the outset: namely, that highly constrained sociological forms have governed the analysis of subjectivity and personal experience in literary and cultural studies after poststructuralism. In the late 1980s, an interest in first-person perspectives and in the lived experiences of diverse social groups emerged among critics who felt that the high altitudes at which theory operated failed to capture the density and meaningfulness of individual and collective life. There were a series of famous "confessional writings" by critics, which ¶ 4¶ often opposed themselves to theoretical approaches.4 Within theory itself, there was also an increasing attention to subjective effects and enactment, and a subsequent tendency to focus the lens on the middle distance and the close up, to relinquish the panoramas and the aerial views. Thus, not only did a new subjectivism emerge in opposition to theory, it also began to affect theory itself as an internal pressure. The most telling example here would be the dramatic late turn in the work of Michel Foucault, which set aside the far-reaching examinination of modern power and modern institutions to explore the "care of the self" within antiquity and, to a lesser degree, within modernity, as well. While Foucault's previous work had been interested in the forms of subjectivity engendered by modern disciplinary power, the later Foucault was interested in the manner in which individuals understood, conducted, and therefore in some sense owned, their moral, social, and physical lives.5¶ What should be noted about much of this work on the individual subject, however, is that it gave preeminence to sociological or group identity--varionsly defined by the categories of class, race, ethnicity, nationality, gender, and sexuality. One of the recurrent themes of this book is that a narrow understanding of selfhood and practice results from an overemphasis on sociological, ascribed, or group identity. Intellectual practices over the past several decades have been profoundly enriched and advanced through analysis of the ways that identity categories shape bodies of knowledge, cultural life, and relations of power. But it is also the case that contemporary forms of sociological and cultural reductionism limit how critics and theorists imagine the relation between intellectual and ethicopolitical life.6 The conviction that identity is fundamentally ¶ 5¶ status-based, pregiven in some fundamental way by the groups or categories that make up the sociological map, constrains the resources of practical and ethical discourses in key ways.7 This discursive poverty is evidenced by the two ethicopolitical options that often seem to be on offer: on the one hand, there is a strong theoretical tradition, deriving from poststructuralism and queer theory, that advocates the subversion of identity by any means possible--the denaturalization of what are nonetheless inescapably imposed identities by means of parody, irony, or resignification.8 On the other hand, by those more interested in the virtues of mosaic diversity and more convinced of the importance of socialized belonging, there is a quasi-communitarian commitment to the notion that forms of cultural affiliation must be acknowledged, defended, or cushioned, particularly from what is seen as the evacuating force of liberal or rational agendas.9¶ The "politics of identity" (to suggest something less reified and discredited than "identity politics") is a theoretically and practically significant dimension of contemporary historical and sociological life. It is not my aim or desire to somehow argue it out of existence (as though that were possible). But limitations ensue when the politics of identity is imagined to cover all available intellectual and ethicopolitical space. The privileging of only those forms of critique that are associated with the postmodern modes of irony and negative freedom, moreover, results in a widespread and deleterious rejection of the resources of the Kantian and liberal traditions. I question the assumptions fueling this recurrent bias and advance a defense of critical reason, discourse ethics, and those political forms and institutions that seek reflectively to realize liberal and democratic principles.¶ From a somewhat different but equally important angle, I explore how contemporary theory is already pursuing a less constrained understanding

### A2: Policing

#### They say deferring agency to the government is an attempt at controlling Juanita’s body and reduces them to objects to have violence done against them but our arguments stand or fall based on whether they are good – nothing more nothing less – the negatives argument isn’t policing

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

Lets first examine the claim that my book is "unwittingly" inviting a resurrection of the "Enlightenment-equals-totalitarianism position." How, one wonders, could a book promoting argument and debate, and promoting reason-giving practices as a kind of common ground that should prevail over assertions of cultural authenticity, somehow come to be seen as a dangerous resurgence of bad Enlightenment? Robbins tells us why: I want "argument on my own terms"-that is, I want to impose reason on people, which is a form of power and oppression. But what can this possibly mean? Arguments stand or fall based on whether they are successful and persuasive, even an argument in favor of argument. It simply is not the case that an argument in favor of the importance of reasoned debate to liberal democracy is tantamount to oppressive power. To assume so is to assume, in the manner of Theodor Adorno and Max Horkheimer, that reason is itself violent, inherently, and that it will always mask power and enforce exclusions. But to assume this is to assume the very view of Enlightenment reason that Robbins claims we are "thankfully" well rid of. (I leave to the side the idea that any individual can proclaim that a debate is over, thankfully or not.) But perhaps Robbins will say, "I am not imagining that your argument is directly oppressive, but that what you argue for would be, if it were enforced." Yet my book doesn't imagine or suggest it is enforceable; I simply argue in favor of, I promote, an ethos of argument within a liberal democratic and proceduralist framework. As much as Robbins would like to think so, neither I nor the books I write can be cast as an arm of the police. Robbins wants to imagine a far more direct line of influence from criticism to political reality, however, and this is why it can be such a bad thing to suggest norms of argument. Watch as the gloves come off: Faced with the prospect of submitting to her version of argument roughly, Habermass version-and of being thus authorized to disagree only about other, smaller things, some may feel that there will have been an end to argument, or an end to the arguments they find most interesting. With current events in mind, I would be surprised if there were no recourse to the metaphor of a regular army facing a guerilla insurrection, hinting that Anderson wants to force her opponents to dress in uniform, reside in well-demarcated camps and capitals that can be bombed, fight by the rules of states (whether the states themselves abide by these rules or not), and so on-in short, that she wants to get the battle onto a terrain where her side will be assured of having the upper hand. Lets leave to the side the fact that this is a disowned hypothetical criticism. (As in, "Well, okay, yes, those are my gloves, but those are somebody elses hands they will have come off of.") Because far more interesting, actually, is the sudden elevation of stakes. It is a symptom of the sorry state of affairs in our profession that it plays out repeatedly this tragicomic tendency to give a grandiose political meaning to every object it analyzes or confronts. We have evidence of how desperate the situation is when we see it in a critic as thoughtful as Bruce Robbins, where it emerges as the need to allegorize a point about an argument in such a way that it gets cast as the equivalent of war atrocities. It is especially ironic in light of the fact that to the extent that I do give examples of the importance of liberal democratic proceduralism, I invoke the disregard of the protocols of international adjudication in the days leading up to the invasion of Iraq; I also speak about concerns with voting transparency. It is hard for me to see how my argument about proceduralism can be associated with the policies of the Bush administration when that administration has exhibited a flagrant disregard of democratic procedure and the rule of law. I happen to think that a renewed focus on proceduralism is a timely venture, which is why I spend so much time discussing it in my final chapter. But I hasten to add that I am not interested in imagining that proceduralism is the sole political response to the needs of cultural criticism in our time: my goal in the book is to argue for a liberal democratic culture of argument, and to suggest ways in which argument is not served by trumping appeals to identity and charismatic authority. I fully admit that my examples are less political events than academic debates; for those uninterested in the shape of intellectual arguments, and eager for more direct and sustained discussion of contemporary politics, the approach will disappoint. Moreover, there will always be a tendency for a proceduralist to under-specify substance, and that is partly a principled decision, since the point is that agreements, compromises, and policies get worked out through the communicative and political process. My book is mainly concentrated on evaluating forms of arguments and appeals to ethos, both those that count as a form of trump card or distortion, and those that flesh out an understanding of argument as a universalist practice. There is an intermittent appeal to larger concerns in the political democratic culture, and that is because I see connections between the ideal of argument and the ideal of deliberative democracy. But there is clearly, and indeed necessarily, significant room for further elaboration here.

#### Effective argumentation is better able to create broader inclusion---radical rejection of existing systems as exclusionary is ineffective and reductionist

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

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.

### AT: Violence Domestic

#### Their claim that we should first erase the violence of the body associated with class violence which occurs everyday as opposed to the violence that occurs “over there” – the violence that the topic calls into question – wrongly assumes that imperialism is something conducted elsewhere abroad. Criticisms of state violence are inclusive of the way imperialism manifests itself domestically and do not shut them off from these discussions. Their focus on domestic violence obscures the violence done in all of our names abroad

--The perm solves their argument, but theirs does not spillover to solve ours

McClintock 9 (Anne, is a Professor of English and Women’s and Gender Studies at the University of Wisconsin, “Paranoid Empire: Specters from Guantánamo and Abu Ghraib,” Project Muse)

By now it is fair to say that the United States has come to be dominated by two grand and dangerous hallucinations: the promise of benign US globalization and the permanent threat of the “war on terror.” I have come to feel that we cannot understand the extravagance of the violence to which the US government has committed itself after 9/11—two countries invaded, thousands of innocent people imprisoned, killed, and tortured—unless we grasp a defining feature of our moment, that is, a deep and disturbing doubleness with respect to power. Taking shape, as it now does, around fantasies of global omnipotence (Operation Infinite Justice, the War to End All Evil) coinciding with nightmares of impending attack, the United States has entered the domain of paranoia: dream world and catastrophe. For it is only in paranoia that one finds simultaneously and in such condensed form both deliriums of absolute power and forebodings of perpetual threat. Hence the spectral and nightmarish quality of the “war on terror,” a limitless war against a limitless threat, a war vaunted by the US administration to encompass all of space and persisting without end. But the war on terror is not a real war, for “terror” is not an identifiable enemy nor a strategic, real-world target. The war on terror is what William Gibson calls elsewhere “a consensual hallucination,” 4 and the US government can fling its military might against ghostly apparitions and hallucinate a victory over all evil only at the cost of catastrophic self-delusion and the infliction of great calamities elsewhere. I have come to feel that we urgently need to make visible (the better politically to challenge) those established but concealed circuits of imperial violence that now animate the war on terror. We need, as urgently, to illuminate the continuities that connect those circuits of imperial violence abroad with the vast, internal shadowlands of prisons and supermaxes—the modern “slave-ships on the middle passage to nowhere”—that have come to characterize the United States as a super-carceral state. 5 Can we, the uneasy heirs of empire, now speak only of national things? If a long-established but primarily covert US imperialism has, since 9/11, manifested itself more aggressively as an overt empire, does the terrain and object of intellectual inquiry, as well as the claims of political responsibility, not also extend beyond that useful fiction of the “exceptional nation” to embrace the shadowlands of empire? If so, how can we theorize the phantasmagoric, imperial violence that has come so dreadfully to constitute our kinship with the ordinary, but which also at the same moment renders extraordinary the ordinary bodies of ordinary people, an imperial violence which in collusion with a complicit corporate media would render itself invisible, casting states of emergency into fitful shadow and fleshly bodies into specters? For imperialism is not something that happens elsewhere, an offshore fact to be deplored but as easily ignored. Rather, the force of empire comes to reconfigure, from within, the nature and violence of the nation-state itself, giving rise to perplexing questions: Who under an empire are “we,” the people? And who are the ghosted, ordinary people beyond the nation-state who, in turn, constitute “us”? We now inhabit a crisis of violence and the visible. How do we insist on seeing the violence that the imperial state attempts to render invisible, while also seeing the ordinary people afflicted by that violence? For to allow the spectral, disfigured people (especially those under torture) obliged to inhabit the haunted no-places and penumbra of empire to be made visible as ordinary people is to forfeit the long-held US claim of moral and cultural exceptionalism, the traditional self-identity of the United States as the uniquely superior, universal standard-bearer of moral authority, a tenacious, national mythology of originary innocence now in tatters. The deeper question, however, is not only how to see but also how to theorize and oppose the violence without becoming beguiled by the seductions of spectacle alone. 6 Perhaps in the labyrinths of torture we must also find a way to speak with ghosts, for specters disturb the authority of vision and the hauntings of popular memory disrupt the great forgettings of official history. Paranoia Even the paranoid have enemies. —Donald Rumsfeld Why paranoia? Can we fully understand the proliferating circuits of imperial violence—the very eclipsing of which gives to our moment its uncanny, phantasmagoric cast—without understanding the pervasive presence of the paranoia that has come, quite violently, to manifest itself across the political and cultural spectrum as a defining feature of our time? By paranoia, I mean not simply Hofstadter’s famous identification of the US state’s tendency toward conspiracy theories. 7 Rather, I conceive of paranoia as an inherent contradiction with respect to power: a double-sided phantasm that oscillates precariously between deliriums of grandeur and nightmares of perpetual threat, a deep and dangerous doubleness with respect to power that is held in unstable tension, but which, if suddenly destabilized (as after 9/11), can produce pyrotechnic displays of violence. The pertinence of understanding paranoia, I argue, lies in its peculiarly intimate and peculiarly dangerous relation to violence. 8 Let me be clear: I do not see paranoia as a primary, structural cause of US imperialism nor as its structuring identity. Nor do I see the US war on terror as animated by some collective, psychic agency, submerged mind, or Hegelian “cunning of reason,” nor by what Susan Faludi calls a national “terror dream.” 9 Nor am I interested in evoking paranoia as a kind of psychological diagnosis of the imperial nation-state. Nations do not have “psyches” or an “unconscious”; only people do. Rather, a social entity such as an organization, state, or empire can be spoken of as “paranoid” if the dominant powers governing that entity cohere as a collective community around contradictory cultural narratives, self-mythologies, practices, and identities that oscillate between delusions of inherent superiority and omnipotence, and phantasms of threat and engulfment. The term paranoia is analytically useful here, then, not as a description of a collective national psyche, nor as a description of a universal pathology, but rather as an analytically strategic concept, a way of seeing and being attentive to contradictions within power, a way of making visible (the better politically to oppose) the contradictory flashpoints of violence that the state tries to conceal. Paranoia is in this sense what I call a hinge phenomenon, articulated between the ordinary person and society, between psychodynamics and socio-political history. Paranoia is in that sense dialectical rather than binary, for its violence erupts from the force of its multiple, cascading contradictions: the intimate memories of wounds, defeats, and humiliations condensing with cultural fantasies of aggrandizement and revenge, in such a way as to be productive at times of unspeakable violence. For how else can we understand such debauches of cruelty? A critical question still remains: does not something terrible have to happen to ordinary people (military police, soldiers, interrogators) to instill in them, as ordinary people, in the most intimate, fleshly ways, a paranoid cast that enables them to act compliantly with, and in obedience to, the paranoid visions of a paranoid state? Perhaps we need to take a long, hard look at the simultaneously humiliating and aggrandizing rituals of militarized institutions, whereby individuals are first broken down, then reintegrated (incorporated) into the larger corps as a unified, obedient fighting body, the methods by which schools, the military, training camps— not to mention the paranoid image-worlds of the corporate media—instill paranoia in ordinary people and fatally conjure up collective but unstable fantasies of omnipotence. 10 In what follows, I want to trace the flashpoints of imperial paranoia into the labyrinths of torture in order to illuminate three crises that animate our moment: the crisis of violence and the visible, the crisis of imperial legitimacy, and what I call “the enemy deficit.” I explore these flashpoints of imperial paranoia as they emerge in the torture at Guantánamo and Abu Ghraib. I argue that Guantánamo is the territorializing of paranoia and that torture itself is paranoia incarnate, in order to make visible, in keeping with Hazel Carby’s brilliant work, those contradictory sites where imperial racism, sexuality, and gender catastrophically collide. 11 The Enemy Deficit: Making the “Barbarians” Visible Because night is here but the barbarians have not come. Some people arrived from the frontiers, And they said that there are no longer any barbarians. And now what shall become of us without any barbarians? Those people were a kind of solution. —C. P. Cavafy, “Waiting for the Barbarians” The barbarians have declared war. —President George W. Bush C. P. Cavafy wrote “Waiting for the Barbarians” in 1927, but the poem haunts the aftermath of 9/11 with the force of an uncanny and prescient déjà vu. To what dilemma are the “barbarians” a kind of solution? Every modern empire faces an abiding crisis of legitimacy in that it flings its power over territories and peoples who have not consented to that power. Cavafy’s insight is that an imperial state claims legitimacy only by evoking the threat of the barbarians. It is only the threat of the barbarians that constitutes the silhouette of the empire’s borders in the first place. On the other hand, the hallucination of the barbarians disturbs the empire with perpetual nightmares of impending attack. The enemy is the abject of empire: the rejected from which we cannot part. And without the barbarians the legitimacy of empire vanishes like a disappearing phantom. Those people were a kind of solution.