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#### The roll of the ballot is to answer the resolutional question “whether topical action is better then the status quo or competitive option”

#### “Resolved” before a colon reflects a legislative forum

**Army Officer School 2005**

(“# 12, Punctuation – The Colon and Semicolon”, 5-12, <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.

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

**Ericson, California Polytechnic dean emeritus, 2003**

(Jon, The Debater’s Guide, Third Edition, pg 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.

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

**Steinberg and Freeley, Miami communication studies lecturer and Boston based attorney, 2008**

(David and Austin, Argumentation and Debate: Critical Thinking for Reasoned Decision Making, pg 45)

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.

#### Deliberation is the best model-continual testing bolsters advocacy and inclusion-this means we create better methods of engagement to resolve the AFF but they don’t resolve this offense-only switching sides on a limited point of stasis maximizes this potential

**Talisse, Vanderbilt philosophy professor, 2005**

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

Nonetheless, the deliberativist conception of reasonableness differs from the activist’s in at least one crucial respect. On the deliberativist view, a necessary condition for reasonableness is the willingness not only to offer justifications for one’s own views and actions, but also to listen to criticisms, objections, and the justificatory reasons that can be given in favor of alternative proposals. In light of this further stipulation, we may say that, on the deliberative democrat’s view, reasonable citizens are responsive to reasons, their views are ‘reason tracking’. Reasonableness, then, entails an acknowledgement on the part of the citizen that her current views are possibly mistaken, incomplete, and in need of revision. Reasonableness is hence a two-way street: the reasonable citizen is able and willing to offer justifications for her views and actions, but is also prepared to consider alternate views, respond to criticism, answer objections, and, if necessary, revise or abandon her views. In short, reasonable citizens do not only believe and act for reasons, they aspire to believe and act according to the best reasons; consequently, they recognize their own fallibility in weighing reasons and hence engage in public deliberation in part for the sake of improving their views.15 ‘Reasonableness’ as the deliberative democrat understands it is constituted by a willingness to participate in an ongoing public discussion that inevitably involves processes of self-examination by which one at various moments rethinks and revises one’s views in light of encounters with new arguments and new considerations offered by one’s fellow deliberators. Hence Gutmann and Thompson write: Citizens who owe one another justifications for the laws that they seek to impose must take seriously the reasons their opponents give. Taking seriously the reasons one’s opponents give means that, at least for a certain range of views that one opposes, one must acknowledge the possibility that an opposing view may be shown to be correct in the future. This acknowledgement has implications not only for the way they regard their own views. It imposes an obligation to continue to test their own views, seeking forums in which the views can be challenged, and keeping open the possibility of their revision or even rejection.16 (2000: 172) That Young’s activist is not reasonable in this sense is clear from the ways in which he characterizes his activism. He claims that ‘Activities of protest, boycott, and disruption are more appropriate means for getting citizens to think seriously about what until then they have found normal and acceptable’ (106); activist tactics are employed for the sake of ‘bringing attention’ to injustice and making ‘a wider public aware of institutional wrongs’ (107). These characterizations suggest the presumption that questions of justice are essentially settled; the activist takes himself to know what justice is and what its implementation requires. He also believes he knows that those who oppose him are either the power-hungry beneficiaries of the unjust status quo or the inattentive and unaware masses who do not ‘think seriously’ about the injustice of the institutions that govern their lives and so unwittingly accept them. Hence his political activity is aimed exclusively at enlisting other citizens in support of the cause to which he is tenaciously committed. The activist implicitly holds that there could be no reasoned objection to his views concerning justice, and no good reason to endorse those institutions he deems unjust. The activist presumes to know that no deliberative encounter could lead him to reconsider his position or adopt a different method of social action; he ‘declines’ to ‘engage persons he disagrees with’ (107) in discourse because he has judged on a priori grounds that all opponents are either pathetically benighted or balefully corrupt. When one holds one’s view as the only responsible or just option, there is no need for reasoning with those who disagree, and hence no need to be reasonable. According to the deliberativist, this is the respect in which the activist is unreasonable. The deliberativist recognizes that questions of justice are difficult and complex. This is the case not only because justice is a notoriously tricky philosophical concept, but also because, even supposing we had a philosophically sound theory of justice, questions of implementation are especially thorny. Accordingly, political philosophers, social scientists, economists, and legal theorists continue to work on these questions. In light of much of this literature, it is difficult to maintain the level of epistemic confidence in one’s own views that the activist seems to muster; thus the deliberativist sees the activist’s confidence as evidence of a lack of honest engagement with the issues. A possible outcome of the kind of encounter the activist ‘declines’ (107) is the realization that the activist’s image of himself as a ‘David to the Goliath of power wielded by the state and corporate actors’ (106) is naïve. That is, the deliberativist comes to see, through processes of public deliberation, that there are often good arguments to be found on all sides of an important social issue; reasonableness hence demands that one must especially engage the reasons of those with whom one most vehemently disagrees and be ready to revise one’s own views if necessary. Insofar as the activist holds a view of justice that he is unwilling to put to the test of public criticism, he is unreasonable. Furthermore, insofar as the activist’s conception commits him to the view that there could be no rational opposition to his views, he is literally unable to be reasonable. Hence the deliberative democrat concludes that activism, as presented by Young’s activist, is an unreasonable model of political engagement. The dialogical conception of reasonableness adopted by the deliberativist also provides a response to the activist’s reply to the charge that he is engaged in interest group or adversarial politics. Recall that the activist denied this charge on the grounds that activism is aimed not at private or individual interests, but at the universal good of justice. But this reply also misses the force of the posed objection. On the deliberativist view, the problem with interest-based politics does not derive simply from the source (self or group), scope (particular or universal), or quality (admirable or deplorable) of the interest, but with the concept of interests as such. Not unlike ‘preferences’, ‘interests’ typically function in democratic theory as fixed dispositions that are non-cognitive and hence unresponsive to reasons. Insofar as the activist sees his view of justice as ‘given’ and not open to rational scrutiny, he is engaged in the kind of adversarial politics the deliberativist rejects. The argument thus far might appear to turn exclusively upon different conceptions of what reasonableness entails. The deliberativist view I have sketched holds that reasonableness involves some degree of what we may call epistemic modesty. On this view, the reasonable citizen seeks to have her beliefs reflect the best available reasons, and so she enters into public discourse as a way of testing her views against the objections and questions of those who disagree; hence she implicitly holds that her present view is open to reasonable critique and that others who hold opposing views may be able to offer justifications for their views that are at least as strong as her reasons for her own. Thus any mode of politics that presumes that discourse is extraneous to questions of justice and justification is unreasonable. The activist sees no reason to accept this. Reasonableness for the activist consists in the ability to act on reasons that upon due reflection seem adequate to underwrite action; discussion with those who disagree need not be involved. According to the activist, there are certain cases in which he does in fact know the truth about what justice requires and in which there is no room for reasoned objection. Under such conditions, the deliberativist’s demand for discussion can only obstruct justice; it is therefore irrational. It may seem that we have reached an impasse. However, there is a further line of criticism that the activist must face. To the activist’s view that at least in certain situations he may reasonably decline to engage with persons he disagrees with (107), the deliberative democrat can raise the phenomenon that Cass Sunstein has called ‘group polarization’ (Sunstein, 2003; 2001a: ch. 3; 2001b: ch. 1). To explain: consider that political activists cannot eschew deliberation altogether; they often engage in rallies, demonstrations, teach-ins, workshops, and other activities in which they are called to make public the case for their views. Activists also must engage in deliberation among themselves when deciding strategy. Political movements must be organized, hence those involved must decide upon targets, methods, and tactics; they must also decide upon the content of their pamphlets and the precise messages they most wish to convey to the press. Often the audience in both of these deliberative contexts will be a self-selected and sympathetic group of like-minded activists. Group polarization is a well-documented phenomenon that has ‘been found all over the world and in many diverse tasks’; it means that ‘members of a deliberating group predictably move towards a more extreme point in the direction indicated by the members’ predeliberation tendencies’ (Sunstein, 2003: 81–2). Importantly, in groups that ‘engage in repeated discussions’ over time, the polarization is even more pronounced (2003: 86). Hence discussion in a small but devoted activist enclave that meets regularly to strategize and protest ‘should produce a situation in which individuals hold positions more extreme than those of any individual member before the series of deliberations began’ (ibid.).17 The fact of group polarization is relevant to our discussion because the activist has proposed that he may reasonably decline to engage in discussion with those with whom he disagrees in cases in which the requirements of justice are so clear that he can be confident that he has the truth. Group polarization suggests that deliberatively confronting those with whom we disagree is essential even when we have the truth. For even if we have the truth, if we do not engage opposing views, but instead deliberate only with those with whom we agree, our view will shift progressively to a more extreme point, and thus we lose the truth. In order to avoid polarization, deliberation must take place within heterogeneous ‘argument pools’ (Sunstein, 2003: 93). This of course does not mean that there should be no groups devoted to the achievement of some common political goal; it rather suggests that engagement with those with whom one disagrees is essential to the proper pursuit of justice. Insofar as the activist denies this, he is unreasonable.

#### Effective deliberative discourse is the lynchpin to solving existential social and political problems

**Lundberg, UNC Chapel Hill communications professor, 2010**

(Christian, Tradition of Debate in North Carolina” in Navigating Opportunity: Policy Debate in the 21st Century, pg 311-3)

The second major problem with the critique that identifies a naivety in articulating debate and democracy is that it presumes that the primary pedagogical •outcome of debate is speech capacities. But the democratic capacities built by •debate are not limited to speech—as indicated earlier, debate builds capacity for critical thinking, analysis of public claims, informed decision making, and better public judgment. If the picture of modern political life that underwrites this critique of debate is a pessimistic view of increasingly labyrinthine and bureaucratic administrative politics, rapid scientific and technological change out pacing the capacities of the citizenry to comprehend them, and ever-expanding insular special-interest- and money-driven politics, it is a puzzling solution, at best, to argue that these conditions warrant giving up on debate. If democracy is open to re-articulation, it is open to re-articulation precisely because as the challenges of modern political life proliferate, the citizenry's capacities can change, which is one of the primary reasons that theorists of democracy such as Dewey in The Public and Its Problems place such a high premium on education (Dewey 1988,63,154). Debate provides an indispensible form of education in the modem articulation of democracy because it builds precisely the skills that allow the citizenry to research and be informed about policy decisions that impact them, to sort through and evaluate the evidence for and relative merits of arguments for and against a policy in an increasingly information-rich environment, and to prioritize their time and political energies toward policies that matter the most to them. The merits of debate as a tool for building democratic capacity-building take on a special significance in the context of information literacy. John Larkin (2005, 140) argues that one of the primary failings of modern colleges and universities is that they have not changed curriculum to match with the challenges of a new information environment. This is a problem for the course of academic study in our current context, but perhaps more important, argues Larkin, for the future of a citizenry that will need to make evaluative choices against an increasingly complex and multi-mediated information environment (ibid.), Larkin's study tested the benefits of debate participation on information-literacy skills and concluded that in-class debate participants reported significantly higher self efficacy ratings of their ability to navigate academic search databases and to effectively search and use other Web resources: To analyze the self-report ratings of the instructional and control group students, we first conducted a multivariate analysis of variance on all of the ratings, looking jointly at the effect of instruction/no instruction and debate topic ... that it did not matter which topic students had been assigned... students in the Instructional [debate] group were significantly more confident in their ability to access information and less likely to feel that they needed help to do so.... These findings clearly indicate greater self-efficacy for online searching among students who participated in [debate] These results constitute strong support for the effectiveness of the project on students' self-efficacy for online searching in the academic databases. There was an unintended effect, however: After doing ... the project, instructional group students also felt more confident than the other students in their ability to get good information from Yahoo and Google. It may be that the library research experience increased self-efficacy for any searching, not just in academic databases. (Larkin 2005, 144) Larkin's study substantiates Thomas Worthen and Gaylen Pack's (1992, 3) claim that debate in the college classroom plays a critical role in fostering the kind of problem-solving skills demanded by the increasingly rich media and information environment of modernity. Though their essay was written in 1992 on the cusp of the eventual explosion of the Internet as a medium, Worthen and Pack's framing of the issue was prescient: the primary question facing today's student has changed from how to best research a topic to the crucial question of learning how to best evaluate which arguments to cite and rely upon from an easily accessible and veritable cornucopia of materials. There are, without a doubt, a number of important criticisms of employing debate as a model for democratic deliberation. But cumulatively, the evidence presented here warrants strong support for expanding debate practice in the as a technology for enhancing democratic deliberative capacities. The unique combination of critical-thinking skills, research and information-skills, oral-communication skills, and capacities for listening and thoughtful, open engagement with hotly contested issues argues for debate as a crucial component of a rich and vital democratic life. In-class debate practice both aids students in achieving the best goals of college and university education and serves as an unmatched practice for creating thoughtful, engaged, open-minded, and self-critical students who are open to the possibilities of meaningful political engagement and new articulations of democratic life. Expanding this practice is crucial, if only because the more we produce citizens who can actively and effectively engage the political process, the more likely we are to produce revisions of democratic life that are necessary if democracy is not only to survive, but to thrive and to deal with systemic threats that risk our collective extinction. Democratic societies face a myriad of challenges, including: domestic and international issues of class, gender, and racial justice; wholesale environmental destruction and the potential for rapid climate change; emerging threats to international stability in the form of terrorism, intervention, and new possibilities for great power conflict; and increasing challenges of rapid globalization, including an increasingly volatile global economic structure. More than any specific policy or proposal, an informed and active citizenry that deliberates with greater skill and sensitivity provides one of the best hopes for responsive and effective democratic governance, and by extension, one of the last best hopes for dealing with the existential challenges to democracy in an increasingly complex world. Given the challenge of perfecting our collective political skill, and in drawing on the best of our collective creative intelligence, it is incumbent on us to both make the case for and, more important, to do the concrete work to realize an expanded commitment to debate at colleges and universities.

#### Maintaining even division of ground and contestability is key to maintain debate’s unique potential for educational dialogue-alternative interpretations-guarantee uneducational monologues.

**Hanghoj, Aarhus education assistant professor, 2008**

(Thorkild, “Playful Knowledge An Explorative Study of Educational Gaming”, <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).

#### Dialogue is the biggest impact—the process of discussion precedes any truth claim by magnifying the benefits of any discussion

**Morson, Northwestern professor, 2004**

(Gary, 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.

#### Debating the intricacies of the topic is key reverse excessive presidential authority-impact is constant and unlimited military actions

Kelly Michael Young 13, Associate Professor of Communication and Director of Forensics at Wayne State University, "Why Should We Debate About Restriction of Presidential War Powers", 9/4, public.cedadebate.org/node/13

Beyond its obviously timeliness, we believed debating about presidential war powers was important because of the stakes involved in the controversy. Since the Korean War, scholars and pundits have grown increasingly alarmed by the growing scope and techniques of presidential war making. In 1973, in the wake of Vietnam, Congress passed the joint War Powers Resolution (WPR) to increase Congress’s role in foreign policy and war making by requiring executive consultation with Congress prior to the use of military force, reporting within 48 hours after the start of hostiles, and requiring the close of military operations after 60 days unless Congress has authorized the use of force. Although the WPR was a significant legislative feat, 30 years since its passage, presidents have frequently ignores the WPR requirements and the changing nature of conflict does not fit neatly into these regulations. After the terrorist attacks on 9-11, many experts worry that executive war powers have expanded far beyond healthy limits. Consequently, there is a fear that continued expansion of these powers will undermine the constitutional system of checks and balances that maintain the democratic foundation of this country and risk constant and unlimited military actions, particularly in what Stephen Griffin refers to as a “long war” period like the War on Terror (http://www.hup.harvard.edu/catalog.php?isbn=9780674058286). In comparison, pro-presidential powers advocates contend that new restrictions undermine flexibility and timely decision-making necessary to effectively counter contemporary national security risks. Thus, a debate about presidential wars powers is important to investigate a number of issues that have serious consequences on the status of democratic checks and national security of the United States.¶ Lastly, debating presidential war powers is important because we the people have an important role in affecting the use of presidential war powers. As many legal scholars contend, regardless of the status of legal structures to check the presidency, an important political restrain on presidential war powers is the presence of a well-informed and educated public. As Justice Potter Stewart explains, “the only effective restraint upon executive policy and power…may lie in an enlightened citizenry – in an informed and critical public opinion which alone can protect the values of a democratic government” (http://www.law.cornell.edu/supct/html/historics/USSC\_CR\_0403\_0713\_ZC3.html). As a result, this is not simply an academic debate about institutions and powers that that do not affect us. As the numerous recent foreign policy scandals make clear, anyone who uses a cell-phone or the internet is potential affected by unchecked presidential war powers. Even if we agree that these powers are justified, it is important that today’s college students understand and appreciate the scope and consequences of presidential war powers, as these students’ opinions will stand as an important potential check on the presidency.

#### Switching sides is key

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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.

### Case

#### No risk of endless warfare

**Gray 7**—Director of the Centre for Strategic Studies and Professor of International Relations and Strategic Studies at the University of Reading, graduate of the Universities of Manchester and Oxford, Founder and Senior Associate to the National Institute for Public Policy, formerly with the International Institute for Strategic Studies and the Hudson Institute (Colin, July, “The Implications of Preemptive and Preventive War Doctrines: A Reconsideration”, <http://www.ciaonet.org/wps/ssi10561/ssi10561.pdf>)

7. A policy that favors preventive warfare expresses a futile quest for absolute security. It could do so. Most controversial policies contain within them the possibility of misuse. In the hands of a paranoid or boundlessly ambitious political leader, prevention could be a policy for endless warfare. However, the American political system, with its checks and balances, was designed explicitly for the purpose of constraining the executive from excessive folly. Both the Vietnam and the contemporary Iraqi experiences reveal clearly that although the conduct of war is an executive prerogative, in practice that authority is disciplined by public attitudes. Clausewitz made this point superbly with his designation of the passion, the sentiments, of the people as a vital component of his trinitarian theory of war. 51 It is true to claim that power can be, and indeed is often, abused, both personally and nationally. It is possible that a state could acquire a taste for the apparent swift decisiveness of preventive warfare and overuse the option. One might argue that the easy success achieved against Taliban Afghanistan in 2001, provided fuel for the urge to seek a similarly rapid success against Saddam Hussein’s Iraq. In other words, the delights of military success can be habit forming. On balance, claim seven is not persuasive, though it certainly contains a germ of truth. A country with unmatched wealth and power, unused to physical insecurity at home—notwithstanding 42 years of nuclear danger, and a high level of gun crime—is vulnerable to demands for policies that supposedly can restore security. But we ought not to endorse the argument that the United States should eschew the preventive war option because it could lead to a futile, endless search for absolute security. One might as well argue that the United States should adopt a defense policy and develop capabilities shaped strictly for homeland security approached in a narrowly geographical sense. Since a president might misuse a military instrument that had a global reach, why not deny the White House even the possibility of such misuse? In other words, constrain policy ends by limiting policy’s military means. This argument has circulated for many decades and, it must be admitted, it does have a certain elementary logic. It is the opinion of this enquiry, however, that the claim that a policy which includes the preventive option might lead to a search for total security is **not at all convincing**. Of course, folly in high places is always possible, which is one of the many reasons why popular democracy is the superior form of government. It would be absurd to permit the fear of a futile and dangerous quest for absolute security to preclude prevention as a policy option. Despite its absurdity, this rhetorical charge against prevention is a stock favorite among prevention’s critics. It should be recognized and dismissed for what it is, a debating point with little pragmatic merit. And strategy, though not always policy, **must be nothing if not pragmatic**.

#### Their critique makes solving terrorism impossible

Anderson 13 (Kenneth, professor of international law at Washington College of Law, American University, Washington, visiting fellow at Hoover “The Case for Drones,” http://www.realclearpolitics.com/articles/2013/05/24/the\_case\_for\_drones\_118548-full.html)

Other critics argue that drone warfare is ineffective because killing one operational commander merely means that another rises to take his place. This is the source of the oft-heard remark that drone warfare is a “whack-a-mole” strategy: Kill one here and another pops up there. Drone warfare is nothing more than a tactic masquerading as a strategy, it is said. Worse, it indulges one of the oldest and most seductive quests of modern military technology, the one that says you can win a war from the air alone. The whack-a-mole criticism is wildly overstated and, as a matter of terrorist leadership, simply not true. Captured terrorist communications show that qualified and experienced operational commanders are not so easy to come by. One can argue that the failure to carry off large-scale attacks in the West is the result of the defensive hardening of targets and better homeland security, which is certainly true; but culling the ranks of terrorist leaders and the resulting inability to plan another 9/11 is also critical. Drone warfare today is integrated with a much larger strategic counterterrorism target—one in which, as in Afghanistan in the late 1990s, radical Islamist groups seize governance of whole populations and territories and provide not only safe haven, but also an honored central role to transnational terrorist groups. This is what current conflicts in Yemen and Mali threaten, in counterterrorism terms, and why the United States, along with France and even the UN, has moved to intervene militarily. Drone warfare is just one element of overall strategy, but it has a clear utility in disrupting terrorist leadership. It makes the planning and execution of complex plots difficult if only because it is hard to plan for years down the road if you have some reason to think you will be struck down by a drone but have no idea when. The unpredictability and terrifying anticipation of sudden attack, which terrorists have acknowledged in communications, have a significant impact on planning and organizational effectiveness.

#### They’ll target undersea cables-they have the means

Krepinevich 11**,** Center for Strategic and Budgetary Assessments president

(Andrew, “The Terrorist Threat Beneath the Waves”, 11-2, <http://online.wsj.com/article/SB10001424052970203687504577005811739173268.html>, ldg)

This vast infrastructure was built with the assumption that while it would have to weather natural disasters, it would not be a target in war. In military parlance, much of the infrastructure comprises "soft" targets that would not require much in the way of explosives to cause significant, and perhaps catastrophic, damage. Fortunately many of these targets have not been easy to reach—until now. This brings us to the second development: the diffusion of military technology and weaponry that can threaten the undersea economy with a new form of commerce raiding. In recent years, Latin-American narco-cartels have begun moving their cargo by submarine. While not even remotely in a class with the U.S. Navy's submarines, these simple boats are nevertheless capable of operating undersea in littoral waters while moving tons of cocaine. They have a range of up to 2,000 miles and cost but a few million dollars to build. These submarines can submerge to depths of a few dozen feet, which is sufficient to make detection difficult, allowing them to approach offshore oil platforms with little or no warning. Even more disturbing is the proliferation of unmanned underwater vehicles, or UUVs, which were once almost exclusively operated by Western militaries. With the growth of the undersea economy, civilian development and production took off in the 1980s. UUVs are now widely used for a variety of commercial and scientific purposes. These UUVs are perhaps best known for their role in locating sunken ships. Unlike the small submarines operated by narco-cartels, UUVs can descend to the ocean floor. If adapted for military purposes, they could carry mines and other explosives, as well as cameras and electronic sensors. They are also becoming cheaper, with a wide variety of systems available for sale in the private sector. Then there are naval mines, now manufactured in more than 30 countries. Some producers, like Russia, are developing mines with better sensors, target-recognition systems, stealthy coatings, and self-propulsion systems to enable them to move about. But mines don't need to be sophisticated to be effective, especially against the thousands of soft targets populating the continental shelf. While narco-cartels are interested in making money, not war, this is not the case with radical nonstate entities or their state sponsors. Some groups, including al Qaeda, seek to achieve victory not by defeating their enemies on the battlefield but by inflicting unacceptable pain or damage, either against defenseless civilians or economic infrastructure. Toward this end, radical Islamists have undertaken attacks, employing far less sophisticated means and with minimal success, on an oil tanker in the Gulf of Aden in October 2002 and Saudi oil production facilities in February 2006. Should the U.S. find itself in a confrontation with Iran, it might employ proxies to achieve similar ends. For a relatively small effort on their part, in short, America's enemies could potentially impose enormous costs on its undersea economy, including loss of energy resources, damaged infrastructure and environmental degradation.

#### Undersea cables are the lynchpin of the global economy and US warfighting

Matis 12, USNA commander and Master in Strategic Studies,

(Michael, “The Protection of Undersea Cables: A Global Security Threat”, July, online pdf, ldg)

Undersea cables are a valuable commodity in the 21st century global communication environment. The undersea consortium is owned by various international companies such as ATT, and these companies provide high-speed broadband connectivity and capacity for large geographic areas that are important entities of trade and communications around the globe.41 For example, the U.S. Clearing House Interbank Payment System processes in excess of $1 trillion a day for investment companies, securities and commodities exchange organizations, banks, and other financial institutions from more than 22 countries.42 The majority of their transactions are transmitted via undersea cables. In addition, the Department of Defense’s (DoD’s) <<NCW>> net-centric warfare and Global Information Grid <<GIG>> rely on the same undersea cables that service the information and economic spheres.43 If undersea cables were cut or disrupted outside of the U.S. territorial waters, even for a few hours, the capability of modern U.S warfare that encompasses battle space communications and awareness, protection, and the stability of the financial networks would be at risk. As one analyst has noted, “the increase demand is being driven primarily from data traffic that is becoming an integral part of the everyday telecommunications infrastructure and has no boundaries.44 Maintaining the viability of these cables is extremely important. An example of the magnitude of data that reaches the international market every day is demonstrated by the Society for Worldwide Interbank Financial Telecommunications (SWIFT), which is the global provider of secure financial messaging services.45 This organization transmits financial data between 208 countries via undersea fiber optic cables.46 In addition, the security of international transactions via undersea cables could create chaos for global markets if the cables linking U.S., Europe and/or Asia were cut. The disproportionate importance of these cables to the nation’s communication infrastructure cannot be overestimated. If all of these cables were suddenly cut, only seven percent of the U. S. traffic could be restored using every single satellite in the sky.47 Satellites were important to the global communication industry but, were overtaken by undersea fiber-optic cable technology in terms of volume and/or capacity amongst users in 1986.48 There is a misconception amongst telephone, cell phones, and internet recipients around the globe that believe satellites are the primary means of communicating. There are significant limitations utilizing satellites as an efficient means of communication. Finn and Yang, note that satellites take a quarter of a second for signals to make the round trip to and from a geostationary orbit 22,000 miles above the Earth and one bounce is enough to throw off the verbal timing of a conversation. Also, the transmission quality of the satellite system could be erratic with echoes, screeches or dead-air calls.49 A major portion of DoD data traveling on undersea cables is unmanned aerial vehicle (UAV) video. In 2010, UAVs flew 190,000 hours, and the Air Force estimates that it will need more than one million UAV hours annually to be prepared for future wars.50 The Department of State and its diplomatic and consular posts are also heavily dependent on uninterrupted global undersea cable traffic. The importance of these cables makes them a potential target for other states or terrorists.

#### Rejecting war collapses deterrence and risks nuclear war

Dipert 6 (Randall, PhD, Professor of Philosophy, University at Buffalo, Buffalo, “Preventive War and the Epistemological Dimension of the Morality of War,” https://www.law.upenn.edu/live/files/1291-dipert-preventive-war)

One might think that this principle would give little guidance in recommending anticipatory wars. However, let us suppose that John Rawls, following Raymond Aron and others, is correct in claiming that democratic states (‘liberal constitutional democracies’) have very few except legitimate reasons to go to war, and consequently rarely do go to war for ‘bad’ reasons (Rawls 1999: 47).42 Some wars might still occur because of epistemic mistakes or from (legitimate) mutual fear and distrust trust\*/something Rawls seems not to consider. Let us further suppose that this general level of warfare in a region or in the world gradually decreases in those places where there exist nothing but constitutional democracies. Let us further suppose that democracy can be imposed, or the conditions for democracy can be created, by the correct application of military force. Then there are circumstances in which, if the conditions for the permissibility of preventive of war are met, then preventive war is further recommended by this second principle. There is an interesting question here, beyond philosophical considerations, about whether a nation should formulate and announce policies of exactly what conditions will, and what conditions will not, trigger preventive war. 43 But there is another and telling side of this coin: what if we should have and announce a policy of never engaging in any preemptive or preventive war? Here I think we are encouraging a hostile enemy to prepare an offensive, including weapons development, right up an actual attack. If there do exist, or can possibly exist, truly devastating weapons, this is to invite their development and one’s own annihilation. Even a small nuclear power with ballistic missiles (perhaps positioning missiles on ocean freighters on the high seas) would be free to inflict devastating attacks. While large, stable countries such as China and the former USSR, have historically been deterred by the policy of massive nuclear retaliation, it is unlikely that all nuclear nations with ballistic missiles (including terrorist organizations), will remain deterrable. I believe that such a policy of banning or foreswearing preventive war would almost certainly result in more, rather than fewer, wars and deaths, because it would embolden more state-like entities to believe that they could succeed in an unjust war, especially in ideological wars whose ‘success’ consists simply in inflicting harm on its enemy at all costs.44 To announce a policy of rejecting any preemptive or preventive war is thus almost certainly mistaken and violates my second principle insofar as it increases possible threats. The rare and careful use of restricted preemptive and preventive war, under unspecified conditions, in the world we are likely to have for centuries\*/without, for example, militarily dominant international organizations willing to punish with force the illegitimate use of force\*/is actually likely to make the world more safe. This is not a conclusion that I am especially happy with.45

#### Regardless of relative power, military operations solve all conflict.

Kagan and O’Hanlon 7

Frederick Kagan and Michael O’Hanlon, Fred’s a resident scholar at AEI, Michael is a senior fellow in foreign policy at Brookings, “The Case for Larger Ground Forces”, April 24, 2007, <http://www.aei.org/files/2007/04/24/20070424_Kagan20070424.pdf>

We live at a time when wars not only rage in nearly every region but threaten to erupt in many places where the current relative calm is tenuous. To view this as a strategic military challenge for the United States is not to espouse a specific theory of America’s role in the world or a certain political philosophy. Such an assessment flows directly from the basic bipartisan view of American foreign policy makers since World War II that overseas threats must be countered before they can directly threaten this country’s shores, that the basic stability of the international system is essential to American peace and prosperity, and that no country besides the United States is in a position to lead the way in countering major challenges to the global order. Let us highlight the threats and their consequences with a few concrete examples, emphasizing those that involve key strategic regions of the world such as the Persian Gulf and East Asia, or key potential threats to American security, such as the spread of nuclear weapons and the strengthening of the global Al Qaeda/jihadist movement. The Iranian government has rejected a series of international demands to halt its efforts at enriching uranium and submit to international inspections. What will happen if the US—or Israeli—government becomes convinced that Tehran is on the verge of fielding a nuclear weapon? North Korea, of course, has already done so, and the ripple effects are beginning to spread. Japan’s recent election to supreme power of a leader who has promised to rewrite that country’s constitution to support increased armed forces—and, possibly, even nuclear weapons— may well alter the delicate balance of fear in Northeast Asia fundamentally and rapidly. Also, in the background, at least for now, SinoTaiwanese tensions continue to flare, as do tensions between India and Pakistan, Pakistan and Afghanistan, Venezuela and the United States, and so on. Meanwhile, the world’s nonintervention in Darfur troubles consciences from Europe to America’s Bible Belt to its bastions of liberalism, yet with no serious international forces on offer, the bloodletting will probably, tragically, continue unabated. And as bad as things are in Iraq today, they could get worse. What would happen if the key Shiite figure, Ali al Sistani, were to die? If another major attack on the scale of the Golden Mosque bombing hit either side (or, perhaps, both sides at the same time)? Such deterioration might convince many Americans that the war there truly was lost—but the costs of reaching such a conclusion would be enormous. Afghanistan is somewhat more stable for the moment, although a major Taliban offensive appears to be in the offing. Sound US grand strategy must proceed from the recognition that, over the next few years and decades, the world is going to be a very unsettled and quite dangerous place, with Al Qaeda and its associated groups as a subset of a much larger set of worries. The only serious response to this international environment is to develop armed forces capable of protecting America’s vital interests throughout this dangerous time. Doing so requires a military capable of a wide range of missions—including not only deterrence of great power conflict in dealing with potential hotspots in Korea, the Taiwan Strait, and the Persian Gulf but also associated with a variety of Special Forces activities and stabilization operations. For today’s US military, which already excels at high technology and is increasingly focused on re-learning the lost art of counterinsurgency, this is first and foremost a question of finding the resources to field a large-enough standing Army and Marine Corps to handle personnel intensive missions such as the ones now under way in Iraq and Afghanistan.

#### Consequences must come first

Williams 2000 (Michael, Professor of International Politics at the University of Wales—Aberystwyth, The Realist Tradition and the Limits of International Relations, p. 174-176)

A **commitment to an ethic of consequences reflects a deeper ethic of criticism**, of ‘self-clarification’, and thus of reflection upon the values adopted by an individual or a collectivity. It is part of an attempt to make critical evaluation an intrinsic element of responsibility. Responsibility to this more fundamental ethic gives the ethic of consequences meaning. Consequentialism and responsibility are here drawn into what Schluchter, in terms that will be familiar to anyone conversant with constructivism in International Relations, has called a ‘reflexive principle’. In the wilful Realist vision, **scepticism and consequentialism are linked in an attempt to construct not just** a more substantial vision of **political responsibility, but also the kinds of actors who might adopt it, and the kinds of social structures that might support it**. A consequentialist ethic is not simply a choice adopted by actors: it is a means of trying to foster particular kinds of self-critical individuals and societies, and in so doing to encourage a means by which one can justify and foster a politics of responsibility. **The ethic** of responsibility in wilful Realism **thus involves a commitment to both autonomy and limitation, to freedom and restraint, to an acceptance of limits and the criticism of limits**. Responsibility clearly involves prudence and an accounting for current structures and their historical evolution; but it is not limited to this, for it seeks ultimately the creation of responsible subjects within a philosophy of limits. Seen in this light, the Realist commitment to objectivity appears quite differently. Objectivity in terms of consequentialist analysis does not simply take the actor or action as given, it is a political practice — an attempt to foster a responsible self, undertaken by an analyst with a commitment to objectivity which is itself based in a desire to foster a politics of responsibility. **Objectivity in the sense of coming to terms with the ‘reality’ of contextual conditions and likely outcomes** of action **is not only necessary for success, it is vital for self-reflection, for sustained engagement with the practical and ethical adequacy of one’s views**. The blithe, self-serving, and **uncritical stances of abstract moralism** or rationalist objectivism **avoid self-criticism by refusing to engage with the intractability of the world ‘as it is’. Reducing the world to an expression of their** theoretical models, political platforms, or **ideological programmes, they fail to engage with this reality, and thus avoid the process of self-reflection at the heart of responsibility**. By contrast, Realist objectivity takes an engagement with this intractable ‘object’ that is not reducible to one’s wishes or will as a necessary condition of ethical engagement, self-reflection, and self-creation.7 Objectivity is not a naïve naturalism in the sense of scientific laws or rationalist calculation; it is a necessary engagement with a world that eludes one’s will. **A recognition of the limits imposed by ‘reality’ is a condition for a recognition of one’s own limits — that the world is not simply an extension of one’s own will.** **But it is also a challenge to use that intractability as a source of possibility, as providing a set of openings** within which a suitably chastened and yet paradoxically energised will to action can responsibly be pursued. In the wilful Realist tradition, the essential opacity of both the self and the world are taken as limiting principles. **Limits upon** understanding provide chastening parameters for claims about the world and actions within it. But they also **provide challenging and creative openings within which diverse forms of life can be developed: the limited unity of the self and the political order is the precondition for freedom.** **The** ultimate **opacity of the world is not to be despaired of: it is a condition of possibility for the wilful, creative construction of selves and social orders which embrace the diverse human potentialities** which this lack of essential or intrinsic order makes possible.8 But it is also to be aware of the less salutary possibilities this involves. Indeterminacy is not synonymous with absolute freedom — it is both a condition of, and imperative toward, responsibility.

#### The state of exception can be contained---no impact

Jennifer Mitzen 11, PhD, University of Chicago, Associate Professor of Political Science at Ohio State University, Michael E. Newell, “Crisis Authority, the War on Terror and the Future of Constitutional Democracy,” PDF

But what Agamben has potentially overlooked is the conversation between the government, public and media concerning the state of exception. Waever’s desecuritization theory tells us that it is possible for continued debate and media coverage to desecuritize a threat in whole or in part (Waever, 1995). As the War on Terror progressed, more academics and government officials began to speak out against the usefulness of interrogations, the reality of the terrorist threat and the morality of the administration’s policies. Some critics suggested that the terrorist threat was not as imminent as the Administration made it appear, and that “…fears of the omnipotent terrorist…may have been overblown, the threat presented within the United States by al Qaeda greatly exaggerated” (Mueller, 2006). Indeed, as Mueller points out, there have been no terrorist attacks in the United States five years prior and five years after September 11th. The resignation of administration officials, such as Jack Goldsmith, who, it was later learned, sparred with the administration over Yoo’s torture memos, their wiretapping program and their trial of suspected terrorists also contributed to this shift in sentiment (Rosen, 2007). The use of the terms “torture,” and “prisoner abuse,” that began to surface in critical media coverage of the War on Terror framed policies as immoral. As the public gradually learned more from media coverage, academic discourse, and protests from government officials, the administration and its policies saw plummeting popularity in the polls. Two-thirds of the country did not approve of Bush’s handling of the War on Terror by the end of his presidency (Harris Poll) and as of February 2009 two-thirds of the country wanted some form of investigation into torture and wiretapping policies (USA Today Poll, 2009).¶ In November 2008 a Democratic President was elected and Democrats gained substantial ground in Congress partly on promises of changing the policies in the War on Terror. Republican presidential nominees, such as Mitt Romney, who argued for the continuance of many of the Bush administration’s policies in the War on Terror, did not see success at the polls. Indeed, this could be regarded as Waever’s “speech-act failure” which constitutes the moment of desecuritization (Waever, 1995). In this sense, Agamben’s warning of “pure de-facto rule” in the War on Terror rings hollow because of one single important fact: the Bush administration peacefully transferred power

 to their political rivals after the 2008 elections. The terrorist threat still lingers in the far reaches of the globe, and a strictly Agamben-centric analysis would suggest that the persistence of this threat would allow for the continuance of the state of exception. If Agamben was correct that the United States was under “pure de-facto rule” then arguably its rulers could decide to stay in office and to use the military to protect their position. Instead, Bush and his administration left, suggesting that popular sovereignty remained intact.

## 2NC

---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).

#### Generalities are not enough; Debating specific policies on both sides 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

#### ---There is no prerequisite to imagining new forms of institutions --- Their deferral from fiat and the imagination of material change collapses effective politics and ends in totalitarianism.

Leung 2012

Gilbert, University of London, Quoting Slavoj Zizek in ‘Rights, Politics and Paradise: Notes on Zizek’s Silent Voice of a New Beginning,’ Critical Legal Thinking, http://criticallegalthinking.com/2012/03/14/rights-politics-and-paradise-notes-on-zizek/

Zizek has been arguing for a long time that to effect real change, the first step we need to take is a backwards one, to retreat from pseudo-​​activities that make us feel as if we are doing something — including ad hoc and ephemeral protests — but which in reality change nothing. Such a retreat he has called “passive aggressivity”: the potent gesture of withdrawal from systems of ideological repres­sion, the dignified and even Ghandian refusal to parti­cip­ate. In this con­text, the title of his talk makes sense: the silent voice of a new beginning is the withdrawal from hegemonic discourses, the ‘no, we would prefer not to’ that precedes the ‘yes, we demand’. Today, Zizek sees the need for more. Saying ‘no’ is the first step, but the sub­sequent affirmation of the necessity for change requires not only the formulation of political demands, but also some idea of how an alternative society can be organized; or in his words: “ … I think it is important that we start to shift focus from the purely, let me call it ‘negative gesture’ — we reject this debt — to at least try to play with, to imagine, alternative modes of organization” [58m22s]. Zizek is concerned with ensuring the protests effect real change and with how any change can be maintained while avoiding the spectre of totalitarianism. Using Greece as an example, he wonders how things would be organized if the State were to collapse and the ‘people’ were to take over. What would happen at such a juncture? At this point there is an interesting and polemical intervention by Costas Douzinas, who suggests that Zizek has the problem the wrong way round. The question of what happens after some new régime takes over will involve, in Douzinas’s words, a “long process in which programmes will be created … a long democratic process”. The real problem, therefore, is not what is going to happen after any revolution, but how to get there in the first place. Following a series of arguments and counter-arguments over the pertinence, amongst other things, of direct democracy, the debate quickly escalates: Zizek: This is for me the crucial problem and when you say, “well, it’s a long process, we will find it”, it’s just rhetorics. Of course it’s a long process … but your position is basically, if I’ve got it correctly, we cannot say anything, we will see what happens. I mean this is for me a little bit too risky … The big problem is: can we imagine another way of what Gramsci called the “new order” of things functioning normally in a different way. Douzinas: But what you’re saying … the “new order” — this is total eschatology. Zizek: No, because I’m not saying that this is the end of history. Douzinas: No no, what you’re telling us is we have to know how paradise is. Before we know what paradise is we’re not going to make any attempt to get there. And what I’m say­ing is that it is much more import­ant to try to get to para­dise and once we get there we’ll work it out. Because your recipe and your advice all over the world to these move­ments, to people who are stand­ing up and mobil­iz­ing and so on, is that before you have a full blue­print of how soci­ety is going to be after the change you should not do any­thing. Do a bit of protest, do a bit of hippy­dom here and hippy­dom there, and since you do not have your full con­sti­tu­tional order and party in place, for­get it! Zizek: I never said this. What I said is, on the con­trary, that if you just want to go to a paradise without knowing where you are going you can well end in hell. Douz­i­nas: Indeed, this is the chance you take. As [Wal­ter] Ben­jamin said, the worst and best are very close to one another, but unless you aim for the best you don’t get anywhere. Zizek: Let me be concrete. I never spoke about what will be. Who knows what will be? … But my point is this one: I don’t think you can simply say how to get to paradise. Paradise is there. If there is a lesson to be drawn from the sad 20th century experience, it is that the germs of paradise must be already here in how we are organizing … and direct democracy is not enough … Douz­i­nas: You’re a very ima­gin­at­ive guy so use your ima­gin­a­tion and give us some alternative … Zizek: … our focus should … be … on different forms of representation. There lies the true creative work. In normal times, you cannot have permanent activity [in terms of horizontal or direct democracy], you need representation, but you need a type of representation, maybe even less democratic, I don’t know. Douzinas: I don’t think we disagree. Zizek: Yeah … can’t you see what worries me is that we will have a beautiful protest and then this protest will disappear and then all that will remain is that we will feel very well: what a nice time we had dur­ing the protest. Show me what will remain, show me what will remain as new institutional forms!

### 2NC – identity

#### Voting negative is not a condemnation of their identity---we recognize that the political is not equally assessable and we in no way exclude or critique the insertion of personal experience, narratives from debate---ontologically grounding identity makes shared forms of rationality impossible which undermines the vitality and accuracy of academic knowledge production

Anderson 5 (Amanda Professor for the Humanities at Brown University. She is Director of the School of Criticism and Theory at Cornell University “The Way We Argue Now,” http://press.princeton.edu/chapters/i8065.pdf)

At the same time, however, the book engages in an internal critique or 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 dis- tance on one's social or cultural positioning. As a result of poststructural- ism's insistence on the forms of finitudc—linguistic, psychological, and cultural—that limit individual agency, and multiculturalism's insistence on the primacy of ascribed group identity and its accompanying perspec- tives, the concept of critical distance has been seriously discredited, even as it necessarily informs many of the very accounts that announce its 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 un­ derstanding 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 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 often opposed themselves to theoretical approaches.4 Within theory it­ self, 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 examination 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—variously 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 ethico political life.6 The conviction that identity is fundamentally 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 ethico political options that often seem to be on offer: on the one hand, there is a strong theoretical tradition, deriving from post structuralism 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.\* 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-communitaran 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."

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

### 2NC – Simulation Good

#### Simulated national security law debates preserve agency and enhance decision-making---avoids cooption

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

The concept of simulations as an aspect of higher education, or in the law school environment, is not new.164 Moot court, after all, is a form of simulation and one of the oldest teaching devices in the law. What is new, however, is the idea of designing a civilian national security course that takes advantage of the doctrinal and experiential components of law school education and integrates the experience through a multi-day simulation. In 2009, I taught the first module based on this design at Stanford Law, which I developed the following year into a full course at Georgetown Law. It has since gone through multiple iterations. The initial concept followed on the federal full-scale Top Official (“TopOff”) exercises, used to train government officials to respond to domestic crises.165 It adapted a Tabletop Exercise, designed with the help of exercise officials at DHS and FEMA, to the law school environment. The Tabletop used one storyline to push on specific legal questions, as students, assigned roles in the discussion, sat around a table and for six hours engaged with the material. The problem with the Tabletop Exercise was that it was too static, and the rigidity of the format left little room, or time, for student agency. Unlike the government’s TopOff exercises, which gave officials the opportunity to fully engage with the many different concerns that arise in the course of a national security crisis as well as the chance to deal with externalities, the Tabletop focused on specific legal issues, even as it controlled for external chaos. The opportunity to provide a more full experience for the students came with the creation of first a one-day, and then a multi-day simulation. The course design and simulation continues to evolve. It offers a model for achieving the pedagogical goals outlined above, in the process developing a rigorous training ground for the next generation of national security lawyers.166 A. Course Design The central idea in structuring the NSL Sim 2.0 course was to bridge the gap between theory and practice by conveying doctrinal material and creating an alternative reality in which students would be forced to act upon legal concerns.167 The exercise itself is a form of problem-based learning, wherein students are given both agency and responsibility for the results. Towards this end, the structure must be at once bounded (directed and focused on certain areas of the law and legal education) and flexible (responsive to student input and decisionmaking). Perhaps the most significant weakness in the use of any constructed universe is the problem of authenticity. Efforts to replicate reality will inevitably fall short. There is simply too much uncertainty, randomness, and complexity in the real world. One way to address this shortcoming, however, is through design and agency. The scenarios with which students grapple and the structural design of the simulation must reflect the national security realm, even as students themselves must make choices that carry consequences. Indeed, to some extent, student decisions themselves must drive the evolution of events within the simulation.168 Additionally, while authenticity matters, it is worth noting that at some level the fact that the incident does not take place in a real-world setting can be a great advantage. That is, the simulation creates an environment where students can make mistakes and learn from these mistakes – without what might otherwise be devastating consequences. It also allows instructors to develop multiple points of feedback to enrich student learning in a way that would be much more difficult to do in a regular practice setting. NSL Sim 2.0 takes as its starting point the national security pedagogical goals discussed above. It works backwards to then engineer a classroom, cyber, and physical/simulation experience to delve into each of these areas. As a substantive matter, the course focuses on the constitutional, statutory, and regulatory authorities in national security law, placing particular focus on the interstices between black letter law and areas where the field is either unsettled or in flux. A key aspect of the course design is that it retains both the doctrinal and experiential components of legal education. Divorcing simulations from the doctrinal environment risks falling short on the first and third national security pedagogical goals: (1) analytical skills and substantive knowledge, and (3) critical thought. A certain amount of both can be learned in the course of a simulation; however, the national security crisis environment is not well-suited to the more thoughtful and careful analytical discussion. What I am thus proposing is a course design in which doctrine is paired with the type of experiential learning more common in a clinical realm. The former precedes the latter, giving students the opportunity to develop depth and breadth prior to the exercise. In order to capture problems related to adaptation and evolution, addressing goal [1(d)], the simulation itself takes place over a multi-day period. Because of the intensity involved in national security matters (and conflicting demands on student time), the model makes use of a multi-user virtual environment. The use of such technology is critical to creating more powerful, immersive simulations.169 It also allows for continual interaction between the players. Multi-user virtual environments have the further advantage of helping to transform the traditional teaching culture, predominantly concerned with manipulating textual and symbolic knowledge, into a culture where students learn and can then be assessed on the basis of their participation in changing practices.170 I thus worked with the Information Technology group at Georgetown Law to build the cyber portal used for NSL Sim 2.0. The twin goals of adaptation and evolution require that students be given a significant amount of agency and responsibility for decisions taken in the course of the simulation. To further this aim, I constituted a Control Team, with six professors, four attorneys from practice, a media expert, six to eight former simulation students, and a number of technology experts. Four of the professors specialize in different areas of national security law and assume roles in the course of the exercise, with the aim of pushing students towards a deeper doctrinal understanding of shifting national security law authorities. One professor plays the role of President of the United States. The sixth professor focuses on questions of professional responsibility. The attorneys from practice help to build the simulation and then, along with all the professors, assume active roles during the simulation itself. Returning students assist in the execution of the play, further developing their understanding of national security law. Throughout the simulation, the Control Team is constantly reacting to student choices. When unexpected decisions are made, professors may choose to pursue the evolution of the story to accomplish the pedagogical aims, or they may choose to cut off play in that area (there are various devices for doing so, such as denying requests, sending materials to labs to be analyzed, drawing the players back into the main storylines, and leaking information to the media). A total immersion simulation involves a number of scenarios, as well as systemic noise, to give students experience in dealing with the second pedagogical goal: factual chaos and information overload. The driving aim here is to teach students how to manage information more effectively. Five to six storylines are thus developed, each with its own arc and evolution. To this are added multiple alterations of the situation, relating to background noise. Thus, unlike hypotheticals, doctrinal problems, single-experience exercises, or even Tabletop exercises, the goal is not to eliminate external conditions, but to embrace them as part of the challenge facing national security lawyers. The simulation itself is problem-based, giving players agency in driving the evolution of the experience – thus addressing goal [2(c)]. This requires a realtime response from the professor(s) overseeing the simulation, pairing bounded storylines with flexibility to emphasize different areas of the law and the students’ practical skills. Indeed, each storyline is based on a problem facing the government, to which players must then respond, generating in turn a set of new issues that must be addressed. The written and oral components of the simulation conform to the fourth pedagogical goal – the types of situations in which national security lawyers will find themselves. Particular emphasis is placed on nontraditional modes of communication, such as legal documents in advance of the crisis itself, meetings in the midst of breaking national security concerns, multiple informal interactions, media exchanges, telephone calls, Congressional testimony, and formal briefings to senior level officials in the course of the simulation as well as during the last class session. These oral components are paired with the preparation of formal legal instruments, such as applications to the Foreign Intelligence Surveillance Court, legal memos, applications for search warrants under Title III, and administrative subpoenas for NSLs. In addition, students are required to prepare a paper outlining their legal authorities prior to the simulation – and to deliver a 90 second oral briefing after the session. To replicate the high-stakes political environment at issue in goals (1) and (5), students are divided into political and legal roles and assigned to different (and competing) institutions: the White House, DoD, DHS, HHS, DOJ, DOS, Congress, state offices, nongovernmental organizations, and the media. This requires students to acknowledge and work within the broader Washington context, even as they are cognizant of the policy implications of their decisions. They must get used to working with policymakers and to representing one of many different considerations that decisionmakers take into account in the national security domain. Scenarios are selected with high consequence events in mind, to ensure that students recognize both the domestic and international dimensions of national security law. Further alterations to the simulation provide for the broader political context – for instance, whether it is an election year, which parties control different branches, and state and local issues in related but distinct areas. The media is given a particularly prominent role. One member of the Control Team runs an AP wire service, while two student players represent print and broadcast media, respectively. The Virtual News Network (“VNN”), which performs in the second capacity, runs continuously during the exercise, in the course of which players may at times be required to appear before the camera. This media component helps to emphasize the broader political context within which national security law is practiced. Both anticipated and unanticipated decisions give rise to ethical questions and matters related to the fifth goal: professional responsibility. The way in which such issues arise stems from simulation design as well as spontaneous interjections from both the Control Team and the participants in the simulation itself. As aforementioned, professors on the Control Team, and practicing attorneys who have previously gone through a simulation, focus on raising decision points that encourage students to consider ethical and professional considerations. Throughout the simulation good judgment and leadership play a key role, determining the players’ effectiveness, with the exercise itself hitting the aim of the integration of the various pedagogical goals. Finally, there are multiple layers of feedback that players receive prior to, during, and following the simulation to help them to gauge their effectiveness. The Socratic method in the course of doctrinal studies provides immediate assessment of the students’ grasp of the law. Written assignments focused on the contours of individual players’ authorities give professors an opportunity to assess students’ level of understanding prior to the simulation. And the simulation itself provides real-time feedback from both peers and professors. The Control Team provides data points for player reflection – for instance, the Control Team member playing President may make decisions based on player input, giving students an immediate impression of their level of persuasiveness, while another Control Team member may reject a FISC application as insufficient. The simulation goes beyond this, however, focusing on teaching students how to develop (6) opportunities for learning in the future. Student meetings with mentors in the field, which take place before the simulation, allow students to work out the institutional and political relationships and the manner in which law operates in practice, even as they learn how to develop mentoring relationships. (Prior to these meetings we have a class discussion about mentoring, professionalism, and feedback). Students, assigned to simulation teams about one quarter of the way through the course, receive peer feedback in the lead-up to the simulation and during the exercise itself. Following the simulation the Control Team and observers provide comments. Judges, who are senior members of the bar in the field of national security law, observe player interactions and provide additional debriefing. The simulation, moreover, is recorded through both the cyber portal and through VNN, allowing students to go back to assess their performance. Individual meetings with the professors teaching the course similarly follow the event. Finally, students end the course with a paper reflecting on their performance and the issues that arose in the course of the simulation, develop frameworks for analyzing uncertainty, tension with colleagues, mistakes, and successes in the future. B. Substantive Areas: Interstices and Threats As a substantive matter, NSL Sim 2.0 is designed to take account of areas of the law central to national security. It focuses on specific authorities that may be brought to bear in the course of a crisis. The decision of which areas to explore is made well in advance of the course. It is particularly helpful here to think about national security authorities on a continuum, as a way to impress upon students that there are shifting standards depending upon the type of threat faced. One course, for instance, might center on the interstices between crime, drugs, terrorism and war. Another might address the intersection of pandemic disease and biological weapons. A third could examine cybercrime and cyberterrorism. This is the most important determination, because the substance of the doctrinal portion of the course and the simulation follows from this decision. For a course focused on the interstices between pandemic disease and biological weapons, for instance, preliminary inquiry would lay out which authorities apply, where the courts have weighed in on the question, and what matters are unsettled. Relevant areas might include public health law, biological weapons provisions, federal quarantine and isolation authorities, habeas corpus and due process, military enforcement and posse comitatus, eminent domain and appropriation of land/property, takings, contact tracing, thermal imaging and surveillance, electronic tagging, vaccination, and intelligence-gathering. The critical areas can then be divided according to the dominant constitutional authority, statutory authorities, regulations, key cases, general rules, and constitutional questions. This, then, becomes a guide for the doctrinal part of the course, as well as the grounds on which the specific scenarios developed for the simulation are based. The authorities, simultaneously, are included in an electronic resource library and embedded in the cyber portal (the Digital Archives) to act as a closed universe of the legal authorities needed by the students in the course of the simulation. Professional responsibility in the national security realm and the institutional relationships of those tasked with responding to biological weapons and pandemic disease also come within the doctrinal part of the course. The simulation itself is based on five to six storylines reflecting the interstices between different areas of the law. The storylines are used to present a coherent, non-linear scenario that can adapt to student responses. Each scenario is mapped out in a three to seven page document, which is then checked with scientists, government officials, and area experts for consistency with how the scenario would likely unfold in real life. For the biological weapons and pandemic disease emphasis, for example, one narrative might relate to the presentation of a patient suspected of carrying yersinia pestis at a hospital in the United States. The document would map out a daily progression of the disease consistent with epidemiological patterns and the central actors in the story: perhaps a U.S. citizen, potential connections to an international terrorist organization, intelligence on the individual’s actions overseas, etc. The scenario would be designed specifically to stress the intersection of public health and counterterrorism/biological weapons threats, and the associated (shifting) authorities, thus requiring the disease initially to look like an innocent presentation (for example, by someone who has traveled from overseas), but then for the storyline to move into the second realm (awareness that this was in fact a concerted attack). A second storyline might relate to a different disease outbreak in another part of the country, with the aim of introducing the Stafford Act/Insurrection Act line and raising federalism concerns. The role of the military here and Title 10/Title 32 questions would similarly arise – with the storyline designed to raise these questions. A third storyline might simply be well developed noise in the system: reports of suspicious activity potentially linked to radioactive material, with the actors linked to nuclear material. A fourth storyline would focus perhaps on container security concerns overseas, progressing through newspaper reports, about containers showing up in local police precincts. State politics would constitute the fifth storyline, raising question of the political pressures on the state officials in the exercise. Here, ethnic concerns, student issues, economic conditions, and community policing concerns might become the focus. The sixth storyline could be further noise in the system – loosely based on current events at the time. In addition to the storylines, a certain amount of noise is injected into the system through press releases, weather updates, private communications, and the like. The five to six storylines, prepared by the Control Team in consultation with experts, become the basis for the preparation of scenario “injects:” i.e., newspaper articles, VNN broadcasts, reports from NGOs, private communications between officials, classified information, government leaks, etc., which, when put together, constitute a linear progression. These are all written and/or filmed prior to the exercise. The progression is then mapped in an hourly chart for the unfolding events over a multi-day period. All six scenarios are placed on the same chart, in six columns, giving the Control Team a birds-eye view of the progression. C. How It Works As for the nuts and bolts of the simulation itself, it traditionally begins outside of class, in the evening, on the grounds that national security crises often occur at inconvenient times and may well involve limited sleep and competing demands.171 Typically, a phone call from a Control Team member posing in a role integral to one of the main storylines, initiates play. Students at this point have been assigned dedicated simulation email addresses and provided access to the cyber portal. The portal itself gives each team the opportunity to converse in a “classified” domain with other team members, as well as access to a public AP wire and broadcast channel, carrying the latest news and on which press releases or (for the media roles) news stories can be posted. The complete universe of legal authorities required for the simulation is located on the cyber portal in the Digital Archives, as are forms required for some of the legal instruments (saving students the time of developing these from scratch in the course of play). Additional “classified” material – both general and SCI – has been provided to the relevant student teams. The Control Team has access to the complete site. For the next two (or three) days, outside of student initiatives (which, at their prompting, may include face-to-face meetings between the players), the entire simulation takes place through the cyber portal. The Control Team, immediately active, begins responding to player decisions as they become public (and occasionally, through monitoring the “classified” communications, before they are released). This time period provides a ramp-up to the third (or fourth) day of play, allowing for the adjustment of any substantive, student, or technology concerns, while setting the stage for the breaking crisis. The third (or fourth) day of play takes place entirely at Georgetown Law. A special room is constructed for meetings between the President and principals, in the form of either the National Security Council or the Homeland Security Council, with breakout rooms assigned to each of the agencies involved in the NSC process. Congress is provided with its own physical space, in which meetings, committee hearings and legislative drafting can take place. State government officials are allotted their own area, separate from the federal domain, with the Media placed between the three major interests. The Control Team is sequestered in a different area, to which students are not admitted. At each of the major areas, the cyber portal is publicly displayed on large flat panel screens, allowing for the streaming of video updates from the media, AP wire injects, articles from the students assigned to represent leading newspapers, and press releases. Students use their own laptop computers for team decisions and communication. As the storylines unfold, the Control Team takes on a variety of roles, such as that of the President, Vice President, President’s chief of staff, governor of a state, public health officials, and foreign dignitaries. Some of the roles are adopted on the fly, depending upon player responses and queries as the storylines progress. Judges, given full access to each player domain, determine how effectively the students accomplish the national security goals. The judges are themselves well-experienced in the practice of national security law, as well as in legal education. They thus can offer a unique perspective on the scenarios confronted by the students, the manner in which the simulation unfolded, and how the students performed in their various capacities. At the end of the day, the exercise terminates and an immediate hotwash is held, in which players are first debriefed on what occurred during the simulation. Because of the players’ divergent experiences and the different roles assigned to them, the students at this point are often unaware of the complete picture. The judges and formal observers then offer reflections on the simulation and determine which teams performed most effectively. Over the next few classes, more details about the simulation emerge, as students discuss it in more depth and consider limitations created by their knowledge or institutional position, questions that arose in regard to their grasp of the law, the types of decision-making processes that occurred, and the effectiveness of their – and other students’ – performances. Reflection papers, paired with oral briefings, focus on the substantive issues raised by the simulation and introduce the opportunity for students to reflect on how to create opportunities for learning in the future. The course then formally ends.172 Learning, however, continues beyond the temporal confines of the semester. Students who perform well and who would like to continue to participate in the simulations are invited back as members of the control team, giving them a chance to deepen their understanding of national security law. Following graduation, a few students who go in to the field are then invited to continue their affiliation as National Security Law fellows, becoming increasingly involved in the evolution of the exercise itself. This system of vertical integration helps to build a mentoring environment for the students while they are enrolled in law school and to create opportunities for learning and mentorship post-graduation. It helps to keep the exercise current and reflective of emerging national security concerns. And it builds a strong community of individuals with common interests. CONCLUSION The legal academy has, of late, been swept up in concern about the economic conditions that affect the placement of law school graduates. The image being conveyed, however, does not resonate in every legal field. It is particularly inapposite to the burgeoning opportunities presented to students in national security. That the conversation about legal education is taking place now should come as little surprise. Quite apart from economic concern is the traditional introspection that follows American military engagement. It makes sense: law overlaps substantially with political power, being at once both the expression of government authority and the effort to limit the same. The one-size fits all approach currently dominating the conversation in legal education, however, appears ill-suited to address the concerns raised in the current conversation. Instead of looking at law across the board, greater insight can be gleaned by looking at the specific demands of the different fields themselves. This does not mean that the goals identified will be exclusive to, for instance, national security law, but it does suggest there will be greater nuance in the discussion of the adequacy of the current pedagogical approach. With this approach in mind, I have here suggested six pedagogical goals for national security. For following graduation, students must be able to perform in each of the areas identified – (1) understanding the law as applied, (2) dealing with factual chaos and uncertainty, (3) obtaining critical distance, (4) developing nontraditional written and oral communication skills, (5) exhibiting leadership, integrity, and good judgment in a high-stakes, highly-charged environment, and (6) creating continued opportunities for self-learning. They also must learn how to integrate these different skills into one experience, to ensure that they will be most effective when they enter the field. The problem with the current structures in legal education is that they fall short, in important ways, from helping students to meet these goals. Doctrinal courses may incorporate a range of experiential learning components, such as hypotheticals, doctrinal problems, single exercises, extended or continuing exercises, and tabletop exercises. These are important classroom devices. The amount of time required for each varies, as does the object of the exercise itself. But where they fall short is in providing a more holistic approach to national security law which will allow for the maximum conveyance of required skills. Total immersion simulations, which have not yet been addressed in the secondary literature for civilian education in national security law, may provide an important way forward. Such simulations also cure shortcomings in other areas of experiential education, such as clinics and moot court. It is in an effort to address these concerns that I developed the simulation model above. NSL Sim 2.0 certainly is not the only solution, but it does provide a starting point for moving forward. The approach draws on the strengths of doctrinal courses and embeds a total immersion simulation within a course. It makes use of technology and physical space to engage students in a multi-day exercise, in which they are given agency and responsibility for their decision making, resulting in a steep learning curve. While further adaptation of this model is undoubtedly necessary, it suggests one potential direction for the years to come.

### 2NC – A/T Autoimmune

#### Debates about the state are key to norm setting - open up the need to revisit the work of law – only way to understand the camp.

Huysmans 8 (Jef, Chair in Security Studies, director of the Centre for Citizenship, Identities, Governance (CCIG) at the Faculty of Social Sciences, “The Jargon of Exception – On Schmitt, Agamben and the Absence of Political Society”, International Political Sociology (2008) 2, p. 179)

Looked at from this perspective, debates about the reconciliation of liberty and security, for example, are not, as Agamben argues, an ideological practice that hides the fundamental break down of the dialectic between law and anomie that has been central to modern politics (Agamben 2003:144–148). Rather these debates insert questions of and challenges to the role of law and generalized norm-setting in highly charged biopolitical governance of insecurities. Instead of collapsing the dialectic between law and anomie, contestation of the protection of civil liberties, demands for re-negotiating balances between liberties and security are neither simply to be taken at face value as a matter of the necessity of balancing and rebalancing nor to be seen as the endgame of the validity of legal mediations of politics and life. Rather they open up a need to revisit the particular kind of work that law does and does not do in specific sites (Neocleous 2006), such as camps, and what the practices possibly tell us about if and how the dialectic between law and anomie operates in biopolitical governance. Fleur Johns’s analysis of the camp in Guantanamo Bay is one such example (Johns 2005). She argues that the camp is penetrated by a form of norm setting, thus implying that a dialectic between norms and anomie, political transgression and law is not absent from the organization and governing practice in the camp. Unlike some other analyses that focus on constitutional transgressions and battles in the constitutional courts, Johns emphasizes the importance for biopolitical governance of the detailed and in a sense banal regulations that seek to structure the everyday practices of the guards, the administrators and the prisoners. The norm setting is thus not primarily constitutional but administrative. The important point for this essay is that analyses like Fleur John’s unpack the contemporary predicaments and political stakes in a site like Guantanamo Bay by taking the practices and governmental technologies at face value and interpret the specific work they do for making camps possible within democratic polities. The understanding of the camp transfigures from an absolute limit that defines the fundamental nature of modern politics to a phenomenon that is constituted and contested by various banal practices and governmental techniques. The question becomes how these practices and sites we call camps are rendered within and through modern democratic governance in a biopolitical age. Such an approach does not read the nature of politics off of its limits but through the multiple relations that are shaped by means of objectified mediations and the struggles over them.

### 2NC A/T Technocrats

#### Our framework doesn’t create technocrats and we don’t have to have our hands on the levers of power-maximizing deliberative spaces creates self-reflexivity and social empowerment that should be prioritized-limits are key

**Dryzek, Australian national university Social and Political Theory Programme head, 2008**

(John, “Democratization as Deliberative Capacity Building”, 7-16, [www.bids.unibe.ch/unibe/rechtswissenschaft/oefre/bids/content/e3409/e3822/e3824/linkliste3831/Dryzek.pdf](http://www.bids.unibe.ch/unibe/rechtswissenschaft/oefre/bids/content/e3409/e3822/e3824/linkliste3831/Dryzek.pdf), DOA: 3-3-13)

Communications are deliberative to the degree they can induce reflection about the preferences that individuals hold, are non-coercive, and able to relate the particular interests of individuals and groups to more universal principles (Dryzek, 2000, p. 68). Gutmann and Thompson (1996) define the key deliberative virtue as reciprocity, making arguments in terms others can accept. Bearing in mind communication other than argument, this virtue can be stated as communicating in terms others can accept. So for example rhetoric can be used to inflame the passions of one’s own religious, ethnic, or national group, and so merit condemnation. But in a context where there are other identities, religions, ethnicities, or nationalities, a speaker’s rhetoric can try to appeal to the symbols valued by these other groups in order to induce reflection on their part. Political systems are deliberatively undemocratic to the extent they minimize opportunities for individuals to reflect freely upon their political preferences. Autocracies may be interested in individuals’ preferences, but only to convince people to accept the regime’s doctrine, backed by a threat of coercion. If demagogues appeal to ethnic nationalist values then the criterion of connection to more universal principles is violated. Authoritarians might appeal to general principles: so for example the Soviet leadership would justify its actions in terms of Marxist principles generalizable to humanity. However, that kind of justification cannot reach those who do not share a well-defined ideological framework, thus violating reciprocity. The same might be said of those invoking economic efficiency as a non-negotiable principle for marketizing government. Applying deliberative principles to evaluate particular instances of communication in democratic terms does not automatically translate to a concept that is useful in analyzing and evaluating whole regimes or political systems. For that we need an account of deliberative capacity. Deliberative capacity may be defined as the extent to which a political system possesses structures to host deliberation that is authentic, inclusive, and consequential. Pursuit of this capacity does not connote any particular institutional prescription (be it competitive elections, a constitution, or a set of forums), but may be secured in connection with different sorts of institutions and practices. Authenticity can be understood in light of the tests just introduced (deliberation must induce reflection in noncoercive fashion, connect particular claims to more general principles, and exhibit reciprocity). Inclusiveness applies to the range of interests and discourses present in a political setting. Without inclusiveness, there may be deliberation, but not deliberative democracy. (Mutz, 2006 worries that deliberation works against inclusion because ‘hearing the other side’ induces people to participate less. But Mutz is referring only to unstructured talk in everyday life, not deliberation, still less deliberation tied to particular locations in a political system.) ‘Consequential’ means that deliberative processes must have an impact upon collective decisions, or social outcomes. This impact need not be direct – **deliberation need not involve the actual making of policy** decisions. For example, public deliberation might have an influence on decision makers who are not themselves participants in deliberation. This might occur when an informal deliberative forum makes recommendations that are subsequently taken into account by policy makers. Nor need the outcomes in question be explicit policy decisions; they might (for example) be informal products of a network, entailing ‘governance without government.’ A polity with a high degree of authentic, inclusive, and consequential deliberation will have an effective deliberative system. Before describing the conceptually necessary features of such a system, I will enumerate some political sites that might feed in to it. Where Can Deliberation be Found? We can begin with the central institutions of states, such as legislatures, cabinets, corporatist councils that empower representatives of labor and business federations as well as government executives, and constitutional courts. (Rawls, 1993, p. 231 believes the US Supreme Court is an exemplary deliberative institution.) Designed forums such as citizens’ juries, citizens’ assemblies, deliberative polls, consensus conferences, and stakeholder dialogues can also contribute – and these have appeared in developing countries, so are not just an attribute of developed liberal democracies. For example, a widely praised and occasionally copied deliberative approach to participatory civic budgeting has been developed in Brazil, notably in Porto Alegre (Fung, 2003, pp. 360-2). Benhabib (1996) and Habermas (1996) stress the informal public sphere, where deliberation generates public opinion which then ought to influence deliberation in the legislature. The public sphere may play an especially important role in countries where formal legislative deliberation is weak or absent. For example, Poland in the early 1980s featured no legislature with any deliberative capacity. But Poland did have a flourishing public sphere associated with the Solidarity movement in which deliberation was practiced and deliberative capacity built. Ekiert and Kubik (1999) argue that even after 1989, the public sphere in Poland was a kind of remedial site that compensated for deliberative failure in state institutions. But the public sphere in any democracy is where perspectives and ideas are generated, policy decisions are questioned, and citizen competences are developed. Different sites can contribute to deliberative capacity in different proportions in different societies and systems. We should not fixate on any one particular institutional contributor to this mix and assume it is the key to deliberative capacity. For example, we might dismiss contemporary China as thoroughly lacking in deliberative capacity if we focused on central state institutions and the public sphere, severely circumscribed by controls over the media and restrictions on association, advocacy, and expression. If China does have any deliberative capacity, it might be found in participatory innovations at the local level, designed in part to cope with the unwanted side-effects of rapid economic growth. Those interested in the democratization of China could look for ways of building up from this localized capacity. Some members of the Communist Party leadership have seemed receptive to such possibilities. Li Junru, Vice President of the Central Party School, in 2005 called for the expansion of deliberative democracy in China (He & Leib, 2006, p. 8). Skeptics can point to particular local assemblies that 6 remain controlled by party officials. But cases do exist where forums have overruled the decisions of party officials. Deliberative democratization need not be top-down reform of central state institutions. Deliberative capacity can also be sought in non-traditional institutional forms such as governance networks (Sørensen & Torfing, 2006). Networks transcend formal political institutions, and sometimes cross state boundaries. They can be made up of a variety of public and private actors. Sometimes they are purely informal, sometimes their role is validated by governments or inter-governmental organizations. Sometimes they have little deliberative capacity. So global financial networks as described by Castells (1996) work on the basis of unreflective shared commitment to market-oriented neoliberalism. However, the webs of transnational regulation described by Braithwaite and Drahos (2000) involve NGOs, businesses, activists, publicists, and government officials in relationships that need to develop deliberative capacity, because interactions begin with competing understandings and values that need to be bridged in order to craft effective regulation in the absence of sovereign authority. When networks transcend state boundaries they may still contribute to the deliberative capacity of states. For example, the fact that the transnational network monitoring social and ecological certification of forest products actively engages timber producers and government officials in timber exporters such as Indonesia through the Forest Stewardship Council scheme may contribute to the deliberative capacity of Indonesia. On one account, governance networks are increasingly displacing the sovereign state in the production of collective outcomes. Internally, the state is ‘hollowed out’ (Rhodes, 1994). Externally, transnational networks overshadow the decisive policy actions of states. It is not necessary to take a position on these controversial propositions here. It should simply be noted that a conceptualization of democratization as deliberative capacity can be applied to governance networks – whereas electoral approaches to democratization cannot. Networks do not hold elections, nor do they have constitutions. The Deliberative System Analysis of democratization in terms of deliberative capacity building requires a way to account for the degree of completeness of a deliberative system, which for Mansbridge (1999) reaches from ‘everyday talk’ to representative legislatures. This notion is extended by Hendriks (2006), who shows how informal public spheres can be linked to deliberation in more formal governmental settings, with a crucial role for designed forums populated by a mix of public and private actors. Parkinson (2006, pp.166-73) shows how different actors and institutions (activists, experts, bureaucracy, designed forums, media, legislature, and referenda or petitions) can combine to generate deliberative legitimation in public policy. In this system, different kinds of communication might be appropriate in different places: Parkinson thinks that rhetoric has a place in agenda-setting by activists, but not elsewhere (p. 172). Constitutional courts (which could easily be added to Parkinson’s scheme) may feature skillful application of argument in public interest terms to legal and policy issues – but rarely do justices (at least on the US Supreme Court) actually talk to each other, still less subject themselves to public accountability. This sort of scheme can accommodate the paradox that effective deliberation sometimes benefits from moments of secrecy, allowing representatives to try to understand each other without immediately being pulled back by 7 skeptical constituents (Chambers, 2004). Publicity can enter later, or elsewhere in the deliberative system. The specific deliberative systems sketched by Mansbridge, Hendriks, and Parkinson are too tied to the institutional details of developed liberal democracies to be applicable in the comparative study of democratization. For we can imagine deliberative systems without (say) a legislature, or internally deliberative political parties, or designed forums, or elections. A more general scheme for a deliberative system would be composed of the following elements: 1. Public Space. A deliberative space (or spaces) with few restrictions on who can participate, and few legal restrictions on what they can say, thus featuring a diversity of viewpoints. Such spaces may be found in connection with the media, social movements, activist associations, physical locations where people can gather and talk (cafés, classrooms, bars, public squares), the internet, public hearings, and designed citizen forums of various sorts (which restrict on the basis of numbers, but not on the kinds of persons who can deliberate). 2. Empowered space. A deliberative space for actors recognizably part of institutions producing collective decisions. Such a space might be home to or constituted by a legislature, a corporatist council, sectoral committees in a corporatist system, a cabinet, a constitutional court, or an empowered stakeholder dialogue. The institution itself need not be formally empowered; so a network producing collective outcomes would also constitute one such space. Public space and empowered space can both be tested for the degree to which they are inclusive of relevant interests and voices. 3. Transmission. Some means by which public space can influence empowered space. These means might involve political campaigns, or the deployment of rhetoric, or the making of arguments, or cultural change effected by social movements that come to pervade the understandings of formally empower actors, or personal links between actors in the two kinds of spaces. The relationship between public space and empowered space can be critical, or it can be supportive, or it might be both. 4. Accountability. Some means whereby empowered space is accountable to public space. Such accountability is key to the generation of broad deliberative legitimacy for collective outcomes. The specific elements mentioned under (2) might also act as accountability mechanisms, as might election campaigns where empowered politicians have to justify positions taken to a broader public. 5. Decisiveness. Some means whereby these first four elements are consequential in influencing the content of collective decisions. It is possible, for example, that a parliament may be a flourishing deliberative chamber under (2) – but have no impact on the decisions of a president who rules by decree (such as Boris Yeltsin in Russia in the 1990s). Or a government may look internally deliberative – but have its key policy decisions dictated by international financial institutions. The kinds of communication present in elements 1-4 can be more or less deliberative according to the ‘authenticity’ criteria introduced earlier. An empirical measure of deliberative authenticity has been developed by Steiner et al (2004), in the form of a discourse quality index. Applying this index involves parsing the transcript of a debate and coding each intervention in the debate on multiple criteria. The scores for each contribution are summed and averaged to give a measure of the quality of the debate as a whole. Steiner et al then compare similar types of debates in similar institutions in different countries, finding that parliamentary discourse quality is facilitated by presidential, consensual, and bicameral features of state institutions. To date Steiner et al have compared only developed liberal democracies, but it would be a straightforward matter to extend their analysis to other systems in a research program on the institutional determinants of deliberative authenticity. However, a system featuring quality legislative deliberation may conceivably have poor deliberation when it comes to other parts of empowered space, or public space. Ideally we would want to apply a discourse quality index to communication in all these locations. The deliberative system as a whole is diminished by any non-deliberative substitute for any element. For example, transmission might be secured by those in empowered space fearing the political instability that those in public space might unleash if they are ignored. This means might be the only one available for local deliberations in China to have a cumulative impact on (currently non-deliberative) empowered space in modifying China’s developmental path (He & Warren, 2008). Or accountability might be sought in a plebiscite with no opposition allowed to campaign. While I have given examples, no particular institution is required by any of the elements of a deliberative system. There are potentially many kinds of deliberative systems; and the kind we see in (say) a transnational network will not resemble what we see in an adversarial Anglo-American liberal democracy, which will not resemble what we see in the European Union, which will not resemble what we see in a more consensual Confucian state. Particular deliberative systems may have peculiar or unique features. In transnational regulatory networks, empowered space may be coterminous with public space, as the content of (say) forest certification regulation is negotiated in dialogue encompassing NGOs, timber corporations, certifiers, government officials, and consumer representatives. This particular deliberative system falls short on decisiveness given the extent of timber production not regulated by the network. In the European Union, the open method of coordination linking the European Commission and the policy decisions of member states is a unique deliberative form in empowered space that is decisive in producing collective outcomes (Eriksen, Joerges, & Neyer, 2003). In EU institutions more generally, the norm is that member state representatives have to argue in terms of shared legal principles and/or common interest justifications. The EU falls short on public space, given the lack of a European public sphere, with NGOs, parties, and the media all organized on a national basis. Accountability is weak, as European elections are fought by national parties on national issues, and no accountability mechanism effectively substitutes for elections. A system with high deliberative capacity will feature authentic deliberation in elements 1-4, will be inclusive in elements 1-2, and will also be decisive. Real-world political systems will fall short to greater or lesser degree; and may conceivably be missing one or more elements entirely. These five logical requirements constitute a starting point for the description and evaluation of all real world deliberative systems, and their comparison across space and time. It is in this sense that deliberative capacity building provides the basis for a comprehensive approach to the study of democratization. Democratization requires the development of all five elements, but it does not necessitate any specific institutions, be they competitive elections or a constitutional separation of powers. Thus some of the problems democracy promotion has when it is tied to a particular liberal electoral blueprint can be avoided. As Carothers (2002) points out, democracy promoters are often perplexed when specific elements of the blueprint (such as truly competitive elections) seem unattainable; thinking in terms of deliberative capacity would give them more options. Institutions can constitute, and interact within, a deliberative system in intricate and variable ways. Seemingly low deliberative quality in one location (say, corporatist state institutions) may be compensated by, or even inspire, higher deliberative quality in another location (say, a flourishing public sphere). Conversely, high deliberative quality in one location may undermine deliberative quality in another location. For example, if legislators know that their more dubious collective decisions will be overruled by a constitutional court, they are free to engage in irresponsible rhetoric. Thus we should always keep our eye on whole systems. Quantitative measures of deliberative authenticity can inform comparison but cannot tell the whole story. Histories of the development (or attenuation) of deliberative capacity with time can be investigated, and comparative case study may be especially useful in locating the aspects of capacity present in one society but not in another. In tracking deliberative capacity over time, we can evaluate continuous and long drawn out processes of democratization, such as that which unfolded over several centuries in the UK. But the deliberative approach can also be applied to the kinds of cases that now preoccupy democratization scholars, involving a disruptive transition in which an authoritarian regime gives way to a more democratic one. The concepts of transition and consolidation have been problematized by democratization scholars (Carothers, 2002; Schedler, 1998). Many hybrid regimes, including successors to clearly authoritarian regimes, fall far short of liberal democratic ideals, and show few signs of moving closer with time. It is possible to assess and explain the democratic fortunes of these and other sorts of regimes using the notion of deliberative capacity without mentioning either transition or consolidation. However, these two concepts remain important touchstones, and so I will organize the discussion in the next two sections through reference to them. Deliberation in Transition Breakdown of an authoritarian regime is more likely to yield a democratic replacement when there is deliberative capacity present under the old regime, because that capacity affects the background and capabilities that key actors bring to the political crisis. If opponents of the old regime come from a deliberative public space as opposed to (for example) a militarized resistance movement or a network of exiles involved in strategic machinations, then they can bring to the crisis some clear democratic commitments that stem from abiding by deliberative precepts. This was the sense in which civil society was idealized in pre-1989 East Central Europe. Democratic credentials are not easily established or developed in electoral or constitutional terms, because authoritarian regimes by definition lack free and fair elections under a constitution. Leaders with a background in deliberative public space are more likely to see transition in terms of establishing a democracy – rather than putting themselves in power. The public space in question need not involve large numbers of people, as the 1989 experience of Czechoslovakia shows. Deliberative participation in oppositional civil society comes with a self-limiting obligation that may be carried into the transitional crisis. This may also explain why figures with this background often subsequently prove no match for strategic power-seeking politicians more ruthless in seeking electoral advantage and building coalitions. Deliberative capacity under authoritarian regimes may be found most straightforwardly in oppositional public spheres. But it is conceivable the old regime itself may develop some such capacity; in which case those schooled in it may be more likely to talk to rather than repress opponents as crisis looms. Deliberative capacity may also develop within society **at a distance from state power**, not clearly oppositional but not part of the administrative structure. While participants in such processes are unlikely to play a part in peak political events in the transitional crisis, they may be more likely to support a new democratic regime. He and Warren (2008) have this hope for China. Deliberation may also be found in the crisis itself. At the peak level, this can come in negotiations between old regime leaders and their opponents. It is possible to analyze such talks in purely strategic terms, as positional bargaining in which authoritarian leaders give up power in return for guarantees about their status in the new order. However, as Elster (1998, p. 105) points out, roundtable talks in Poland and (especially) Hungary in 1989 involved deliberation as well as bargaining. Participants made warnings about what might happen (that had to be explained and justified), not threats about what they could do to the other side; and argued in terms of the public interest. While the latter could be seen as hypocrisy on the part of old regime participants, as Elster argues, if public interest justifications were transparently dishonest, they would persuade nobody and there would be no point in making them. One indicator of dishonesty is perfect correspondence between one’s own interest and the alleged public interest, so this mode of arguing forces participants to shift away from pure self-interest. Threats and self-interested argument would, on Elster’s account, have risked breakdown of the talks. More widespread public deliberation may enter the crisis, as with ‘people power’ in the Philippines in 1986, the ‘autumn of the people’ in 1989 East Central Europe, or the ‘color revolutions’ in Georgia (2003) and Ukraine (2004/5). To the extent that participants in such movements abide by deliberative precepts of non-coercive communication that induces reflection and connects particular demands to more general principles, they are a moral force for democracy – rather than a mob seeking revenge against oppressors. And this force is felt by elite negotiators. Deliberation in Consolidation Democratic consolidation is a concept with multiple meanings. Schedler (1998) argues we should restrict the concept to regime survival, entailing only avoidance of breakdown and erosion of democracy. He thinks we should not apply it to the building of democracy. For ‘the concepts of “democratic quality” and “democratic deepening” are still unclear and controversial’, such that conceptualizing consolidation as deepening ‘amounts to a free-for-all’ (Schedler, 1998, p. 104). However, at the core of the idea of deliberation is a developed notion of democratic quality, such that the greater the deliberative capacity of a system, the higher the quality of its democracy. The deliberative effects enumerated below can contribute to regime survival. But in potentially making regimes more legitimate, more effective in coping with divisions and solving social problems, better able to solve the basic problems of social choice, and more reflexive in correcting their own deficiencies, they increase democratic quality. Legitimacy Any new regime is faced with the challenge of securing legitimacy in the eyes of its people. Legitimacy can be achieved in many different ways, not all of them democratic. But in a democracy, reflective acceptance of collective decisions by actors who have had a chance to participate in consequential deliberation is an especially secure basis. This claim is at the heart of deliberative theory, which began as an account of legitimacy. Empirical study has lagged behind, but Parkinson (2006) shows how deliberative legitimacy can be generated by a combination of multiple forums and practices in a deliberative system for health policy making. Deliberative legitimacy can either substitute for or supplement other sources of legitimacy (such as consistency of a process with constitutional rules or traditional practices). Coping with Deep Division. Democratization in many societies is challenged by deep division on ethnic, racial, national, religious, or linguistic lines. While a number of solutions have been proposed to this problem, notably consociational power sharing (Lijphart 1977), deliberation too can play a part in healing division. Quite where this might be accomplished is an open question. O’Flynn (2006) seeks more deliberation linked to consociational institutions themselves. Dryzek (2005) stresses interactive forums composed of individuals from different blocks at a distance from contests about the construction of sovereign authority, concerned more with particular needs and concrete problems. Examples include mixedrace discussion groups in post-apartheid South Africa, and District Policing Partnerships in Northern Ireland. A large literature in conflict resolution emphasizes the effectiveness of deliberation among key parties to a dispute in producing durable solutions to conflicts, especially in mediation and through ‘consensus-building’ exercises (Susskind, McKearnan, & Thomas-Larmer, 1999). These exercises yield not consensus interpreted as universal agreement on a course of action and the reasons for it, but rather an agreement to which all sides can reflectively assent – if for different reasons (including fear of what might otherwise happen). In this light, agonistic **critics** of deliberation across identity difference such as Mouffe (1999) **who allege a deadening emphasis on consensus** miss the point (as well as providing no alternative way to reach collective decisions in the more passionate encounters of agonism). Deliberation can have a social learning aspect that helps determine how different segments live together, without necessarily being validated in explicit policy decisions. Kanra (2005) shows that in Turkey, there are in fact substantial possibilities for deliberative learning across Islamists and secular left-liberals that cannot easily be expressed in public policy because of the way polarization between military-nationalist Kemalists and Islamists has been entrenched in electoral politics. Such social learning could nevertheless have consequences for political reconfiguration and social peace. Deliberation’s particular contribution to conflict resolution comes with mutual recognition of the legitimacy of disputed values and identities (Dryzek & Niemeyer, 2006, pp. 639-40). The absence of such recognition means politics becomes not a contest in which some losses and compromises are acceptable, but a fight to eradicate the values of the other side. This absence defines for example religious fundamentalisms that cannot tolerate in their societies what they see as sinful behavior or heresy. Neither side in such a contest can accept the possibility of even temporary defeat; and collective outcomes will lack legitimacy in the eyes of whichever side they disadvantage. Functioning democracies, in contrast, feature substantial normative meta-consensus on the legitimacy of disputed values. Meta-consensus has force in structuring political interaction across division to the degree it is reflectively accepted by key political actors; for that, deliberation is needed. Tractability in Collective Choice Deliberation offers one way – perhaps **the most effective** democratic way - to dispel the problems of instability and arbitrariness that some social choice theorists believe ought to plague democracies, as clever politicians wreak havoc in their strategic games by introducing new options and new dimensions of choice. Such problems may be especially acute in new democracies **with unclear rules and** contested **procedural understandings**. Riker (1982) suggests that this is in fact the normal condition of democratic politics – and not just in new democracies. So, for example, he blames the outbreak of the US Civil War on the machinations of elected politicians taking advantage of opportunities to manipulate agendas and votes. Van Mill (1996) argues that the **conditions of free deliberation are** exactly those **likely to exacerbate the problems** Riker identifies. The puzzle then becomes why we observe so little chaos in established liberal democracies (Mackie, 2003). One answer is that mature democracies have developed mechanisms endogenous to deliberation that can structure interaction and so overcome the dire predictions of Riker’s theory (Dryzek & List, 2003). Deliberation can produce agreement on a single dimension on which preferences are arrayed, thus ruling out the introduction of other dimensions to confound collective choice on the part of clever strategists (Miller, 1992). It can also produce agreement on the range of alternatives considered acceptable. As Arrow’s (1963) theorem implies, if democratic processes cannot find a way to induce such agreements, the main available alternative is dictatorship. To the extent new democracies develop deliberative capacity, they can cope with the dangers identified by social choice theory: arbitrariness, instability, civil conflict, and a lapse into dictatorship. Voting in both elections and in the legislature can then proceed without fear. Effectiveness in Solving Social Problems Deliberation is also a means for joint resolution of social problems. Of course problems can be resolved in top-down, technocratic fashion; or allocated to quasi-market mechanisms. But a large public policy literature points to the effectiveness of deliberation on the part of those concerned with a common problem in generating solutions that are both effective and mutually acceptable (see for example Innes & Booher, 2003) – and which can work when top-down solutions are resisted by those whose interests and arguments are overridden. This is not the place to assess the effectiveness of deliberation in comparison with its alternatives in social problem-solving. But as long as some degree of pluralism of perspectives is seen as instrumental to effective decision (a staple of liberal democracy), deliberation can help generate mutual acceptance of the credibility of disputed beliefs. Such mutual acceptance ought to be promoted to the degree actors try to state positions, and supporting beliefs, in terms acceptable to actors on the other side of an issue. Again, reciprocity comes into play. The absence of such acceptance means the other side is seen as trafficking in falsehoods – rather than a different perspective on common problems. Such alleged falsehoods might concern economic doctrines (Marxist or market liberal), interpretations of history (identifying oppressors, liberators, friends, and enemies), or theories about the impact of policy. Reflexivity Elster, Offe, and Preuss (1998) liken the democratization and marketization of postcommunist systems to ‘rebuilding the ship at sea’ – as opposed to the construction of a new ship from a set of plans. One aspect of deliberative capacity is a distributed ability to reflect critically on preferences, including preferences about the structure of the political system itself. Thus deliberative capacity ought to promote the ability of a system to identify its own shortcomings and further reform itself. Without this ability, reformers may be tempted by more authoritarian pathways. The anti-deliberationist Adam Przeworski (1991, p. 183) inadvertently puts the issue into stark perspective when he states that post-transition economic reforms ‘are based on a model of economic efficiency that is highly technical. They involve choices that are not easy to explain to the general public and decisions that do not always make sense to popular opinion”. Similarly, Brucan (1992, p. 24) argues that ‘A reform policy is not one that emerges from broad participation, from a consensus among all the affected interests, from compromises’. Przeworski and Brucan may be right; but only to the extent the society in question lacks deliberative capacity. This reflexive quality may be enhanced inasmuch as the experience of deliberation itself increases the competence of political actors. There is some evidence that participating in a deliberative forum has an enduring effect on the political efficacy of citizen-participants (Delli Carpini, Cook & Jacobs, 2004, p. 334). However, this evidence to date comes mainly from deliberative polls in developed democracies, so it is not clear how generalizable the effect is – nor whether the effect extends to partisan political actors, as opposed to ordinary citizens.

### A2: Green and 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

#### Fourth generation threats is the most accurate description of modern war- escalation is likely if uncontained- executive authority is key to counter these threats

**Li, Georgetown Journal of law public policy, 2009**

(Zheyoa, “War Powers for the Fourth Generation: Constitutional Interpretation in the Age of Asymmetric Warfare”, 7 Geo. J.L. & Pub. Pol'y 373, lexis, ldg)

Even as the quantity of nation-states in the world has increased dramatically since the end of World War II, the institution of the nation-state has been in decline over the past few decades. Much of this decline is the direct result of the waning of major interstate war, which primarily resulted from the introduction of nuclear weapons. 122 The proliferation of nuclear weapons, and their immense capacity for absolute destruction, has ensured that conventional wars remain limited in scope and duration. Hence, "both the size of the armed forces and the quantity of weapons at their disposal has declined quite sharply" since 1945. 123 At the same time, concurrent with the decline of the nation-state in the second half of the twentieth century, non-state actors have increasingly been willing and able to use force to advance their causes. In contrast to nation-states, who adhere to the Clausewitzian distinction between the ends of policy and the means of war to achieve those ends, non-state actors do not necessarily fight as a mere means of advancing any coherent policy. Rather, they see their fight as a life-and-death struggle, wherein the ordinary terminology of war as an instrument of policy breaks down because of this blending of means and ends. 124It is the existential nature of this struggle and the disappearance of the Clausewitzian distinction between war and policy that has given rise to a new generation of warfare. The concept of fourth-generational warfare was first articulated in an influential article in the Marine Corps Gazette in 1989, which has proven highly prescient. In describing what they saw as the modern trend toward a new phase of warfighting, the authors argued that:[\*395] In broad terms, fourth generation warfare seems likely to be widely dispersed and largely undefined; the distinction between war and peace will be blurred to the vanishing point. It will be nonlinear, possibly to the point of having no definable battlefields or fronts. The distinction between "civilian" and "military" may disappear. Actions will occur concurrently throughout all participants' depth, including their society as a cultural, not just a physical, entity. Major military facilities, such as airfields, fixed communications sites, and large headquarters will become rarities because of their vulnerability; the same may be true of civilian equivalents, such as seats of government, power plants, and industrial sites (including knowledge as well as manufacturing industries). 125 It is precisely this blurring of peace and war and the demise of traditionally definable battlefields that provides the impetus for the formulation of a new theory of war powers. As evidenced by Part III, supra, the constitutional allocation of war powers, and the Framers' commitment of the war power to two co-equal branches, was not designed to cope with the current international system, one that is characterized by the persistent machinations of international terrorist organizations, the rise of multilateral alliances, the emergence of rogue states, and the potentially wide proliferation of easily deployable weapons of mass destruction, nuclear and otherwise.

### Preemption Key – Generic

#### Preemption is key to rapid action- that’s most important for assymetric threats

**Royal, Institute of World Politics, 2011**

(John Paul, “War Powers and the Age of Terrorism”, Center for the Study of the Presidency & Congress The Fellows Review, <http://www.thepresidency.org/storage/Fellows2011/Royal-_Final_Paper.pdf>, ldg)

The international system itself and national security challenges to the United States in particular, underwent rapid and significant change in the first decade of the twenty-first century. War can no longer be thought about strictly in the terms of the system and tradition created by the Treaty of Westphalia over three and a half centuries ago. Non-state actors now possess a level of destructiveness formerly enjoyed only by nation states. Global terrorism, coupled with the threat of weapons of mass destruction developed organically or obtained from rogue regimes, presents new challenges to U.S. national security and place innovative demands on the Constitution’s system of making war. In the past, as summarized in the 9/11 Commission Report, threats emerged due to hostile actions taken by enemy states and their ability to muster large enough forces to wage war: “Threats emerged slowly, often visibly, as weapons were forged, armies conscripted, and units trained and moved into place. Because large states were more powerful, they also had more to lose. They could be deterred" (National Commission 2004, 362). This mindset assumed that peace was the default state for American national security. Today however, we know that threats can emerge quickly. Terrorist organizations half-way around the world are able to wield weapons of unparalleled destructive power. These attacks are more difficult to detect and deter due to their unconventional and asymmetrical nature. In light of these new asymmetric threats and the resultant changes to the international system, peace can no longer be considered the default state of American national security.Many have argued that the Constitution permits the president to use unilateral action only in response to an imminent direct attack on the United States. In the emerging security environment described above, pre-emptive action taken by the executive branch may be needed more often than when nation-states were the principal threat to American national interests. Here again, the 9/11 Commission Report is instructive as it considers the possibility of pre-emptive force utilized over large geographic areas due to the diffuse nature of terrorist networks: In this sense, 9/11 has taught us that terrorism against American interests “over there” should be regarded just as we regard terrorism against America “over here.” In this sense, the American homeland is the planet (National Commission 2004, 362). Furthermore, the report explicitly describes the global nature of the threat and the global mission that must take place to address it. Its first strategic policy recommendation against terrorism states that the: U.S. government must identify and prioritize actual or potential terrorist sanctuaries. For each, it should have a realistic strategy to keep possible terrorists insecure and on the run, using all elements of national power (National Commission 2004, 367). Thus, fighting continues against terrorists in Afghanistan, Yemen, Iraq, Pakistan, the Philippines, and beyond, as we approach the tenth anniversary of the September 11, 2001 attacks. Proliferation of weapons of mass destruction (WMD), especially nuclear weapons, into the hands of these terrorists is the most dangerous threat to the United States. We know from the 9/11 Commission Report that Al Qaeda has attempted to make and obtain nuclear weapons for at least the past fifteen years. Al Qaeda considers the acquisition of weapons of mass destruction to be a religious obligation while “more than two dozen other terrorist groups are pursing CBRN [chemical, biological, radiological, and nuclear] materials” (National Commission 2004, 397). Considering these statements, rogue regimes that are openly hostile to the United States and have or seek to develop nuclear weapons capability such as North Korea and Iran, or extremely unstable nuclear countries such as Pakistan, pose a special threat to American national security interests. These nations were not necessarily a direct threat to the United States in the past. Now, however, due to proliferation of nuclear weapons and missile technology, they can inflict damage at considerably higher levels and magnitudes than in the past. In addition, these regimes may pursue proliferation of nuclear weapons and missile technology to other nations and to allied terrorist organizations. The United States must pursue condign punishment and appropriate, rapid action against hostile terrorist organizations, rogue nation states, and nuclear weapons proliferation threats in order to protect American interests both at home and abroad. Combating these threats are the “top national security priority for the United States…with the full support of Congress, both major political parties, the media, and the American people” (National Commission 2004, 361). Operations may take the form of pre-emptive and sustained action against those who have expressed hostility or declared war on the United States. Only the executive branch can effectively execute this mission, authorized by the 2001 AUMF. If the national consensus or the nature of the threat changes, Congress possesses the intrinsic power to rescind and limit these powers.

### Impact – EXTN

#### Emboldened rogue states threaten nuclear war --- crisis management is key to solve

**Dibb, ANU emeritus IR professor, 2006**

(Paul, “As one nuclear flashpoint reaches a lull, another simmers away”, Sydney Morning Herald, lexis, ldg)

NOW that the building blocks for achieving a cessation in hostilities in the crisis involving Israel and Hezbollah in Lebanon are in place, the focus can shift back to the main game - Iran and North Korea. Both flashpoints have the potential to escalate out of control if they are not managed carefully. Yet neither region is noted for the success of its diplomacy. Both the Middle East and North-East Asia are heavily armed parts of the world characterised by deep-seated hatreds and long-standing territorial disputes. Historically, such situations have been a recipe for disaster. Not so long ago we were being told that we were living in a peaceful, interdependent world. Yet the fact is that the constraints and understandings of the bipolar Cold War world have been replaced by a more uncertain world, where there is much more jockeying for position and influence. In the Middle East, the destruction of Saddam Hussein's regime and its replacement, at least for now, by a weakened Iraq has allowed Iran to become the dominant regional power. The regime in Tehran is hell-bent on exporting terrorism and acquiring nuclear weapons. For Israel, the ceasefire may stall the military action, but the longer-term real strategic threat it faces - the spectre of a nuclear-armed Iran equipped with ballistic missiles of sufficient range and accuracy to target Israel without taking out Palestinian or neighbouring Arab territories - will not go away. Israel will not tolerate this and the US needs to make it clear to Tehran that any such attack on Israel will bring about Iran's destruction. That was a good enough understanding with the USSR at the height of the Cold War. But this discipline no longer applies because now there is only one superpower, which cannot control both Israel and Arab-Iranian protagonists. In North Korea a similar situation applies. Having seen the destruction of Saddam's regime, North Korea's Kim Jong-il is intent on acquiring nuclear weapons to preserve his regime. But the end of the Cold War has eroded the influence of North Korea's allies over its military ambitions and sense of security. China has been embarrassed by its inability to restrain North Korea from testing nuclear-capable ballistic missiles and Russia no longer wields any influence over the rogue state. In many ways, the situation in North-East Asia is potentially even more dire than in the Middle East. North Korea's recalcitrance in dismantling its nuclear weapons program comes at a time of unprecedented tensions between China and Japan and South Korea and Japan where one false move could spell disaster. North Korea is playing a dangerous game of bellicose brinkmanship; it continues to keep more than a million troops on high-alert status, including heavy artillery concentrations only 50 kilometres from Seoul, a city of more than 10 million people. North Korea's acquisition of nuclear weapons threatens to seriously destabilise North-East Asia and result in a nuclear arms race developing there. As it is, the North's belligerence is encouraging Japan to build up its military capabilities. This at a time when China's poor relations with Japan are worrying. The Chinese communist leadership drums up anti-Japanese nationalism whenever it suits, while China's military build-up greatly concerns Japan. The pace of Beijing's defence spending is puzzling, particularly as China faces no military threat for the first time in many decades. Similarly, Japan's relations with South Korea are at a low point, partly over Japan's view of the history of World War II but also because of territorial disputes, which Seoul has elevated to the level of national pride, threatening the use of military force. This is occurring when, from Tokyo's perspective, South Korea is drifting from the orbit of the US alliance and getting uncomfortably close to China, as well as appeasing North Korea. All this is an unhealthy mix of great power tensions and deep-seated historical distrust and growing military capabilities. The bigger worry is that Pyongyang's adventurism will incinerate any efforts to stabilise a region full of dangerous rivalries, as will the inevitable collision between Iran and Israel in the Middle East.