# Louisville

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#### A. Interpretation—the aff should defend topical action based on the resolution

#### \*\*The text of the rez calls for debate on hypothetical government action

**Ericson 3** (Jon M., Dean Emeritus of the College of Liberal Arts – California Polytechnic U., et al., The Debater’s Guide, Third Edition, p. 4)

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

#### \*\*“Topic relevance” doesn’t solve—only a precise and limited rez creates deliberation on a point of mutual difference

**Steinberg & Freeley 8** \*Austin J. Freeley is a Boston based attorney who focuses on criminal, personal injury and civil rights law, AND \*\*David L. Steinberg , Lecturer of Communication Studies @ U Miami, Argumentation and Debate: Critical Thinking for Reasoned Decision Making pp45-

Debate is a means of settling differences, so there must be a difference of opinion or a conflict of interest before there can be a debate. If everyone is in agreement on a tact or value or policy, there is no need for debate: the matter can be settled by unanimous consent. Thus, for example, it would be pointless to attempt to debate "Resolved: That two plus two equals four," because there is simply no controversy about this statement. (Controversy is an essential prerequisite of debate. Where there is no clash of ideas, proposals, interests, or expressed positions on issues, there is no debate. In addition, debate cannot produce effective decisions without clear identification of a question or questions to be answered. For example, general argument may occur about the **broad topic** of illegal immigration. How many illegal immigrants are in the United States? What is the impact of illegal immigration and immigrants on our economy? What is their impact on our communities? Do they commit crimes? Do they take jobs from American workers? Do they pay taxes? Do they require social services? Is it a problem that some do not speak English? Is it the responsibility of employers to discourage illegal immigration by not hiring undocumented workers? Should they have the opportunity- to gain citizenship? Docs illegal immigration pose a security threat to our country? Do illegal immigrants do work that American workers are unwilling to do? Are their rights as workers and as human beings at risk due to their status? Are they abused by employers, law enforcement, housing, and businesses? I low are their families impacted by their status? What is the moral and philosophical obligation of a nation state to maintain its borders? Should we build a wall on the Mexican border, establish a national identification can!, or enforce existing laws against employers? Should we invite immigrants to become U.S. citizens? Surely you can think of many more concerns to be addressed by a conversation about the topic area of illegal immigration. Participation in this "debate" is likely to be emotional and intense. However, it is not likely to be productive or useful without focus on a particular question and identification of a line demarcating sides in the controversy. To be discussed and resolved effectively, controversies must be stated clearly. **Vague understanding** results in **unfocused deliberation** and **poor decisions**, frustration, and emotional distress, as evidenced by the failure of the United States Congress to make progress on the immigration debate during the summer of 2007.

Someone disturbed by the problem of the growing underclass of poorly educated, socially disenfranchised youths might observe, "Public schools are doing a terrible job! They are overcrowded, and many teachers are poorly qualified in their subject areas. Even the best teachers can do little more than struggle to maintain order in their classrooms." That same concerned citizen, facing a complex range of issues, might arrive at an unhelpful decision, such as "We ought to do something about this" or. worse. "It's too complicated a problem to deal with." Groups of concerned citizens worried about the state of public education could join together to express their frustrations, anger, disillusionment, and emotions regarding the schools, but without a focus for their discussions, they could easily agree about the sorry state of education **without** finding points of clarity or potential solutions. A gripe session would follow. But if a **precise question** is posed—such as "What can be done to improve public education?"—then a more **profitable** area of **discussion** is opened up simply by placing a focus on the search for a concrete solution step. One or more judgments can be phrased in the form of debate propositions, motions for parliamentary debate, or bills for legislative assemblies. The statements "Resolved: That the federal government should implement a program of charter schools in at-risk communities" and "Resolved: That the state of Florida should adopt a school voucher program" more clearly identify specific ways of dealing with educational problems in a manageable form, suitable for debate. They provide specific policies to be investigated and aid discussants in identifying points of difference.

To have a productive debate, which facilitates effective decision making by directing and placing limits on the decision to be made, the basis for argument should be clearly defined. If we merely talk about "homelessness" or "abortion" or "crime'\* or "global warming" we are likely to have an interesting discussion but not to establish profitable basis for argument. For example, the statement "Resolved: That the pen is mightier than the sword" is **debatable, yet fails to provide much basis** for clear argumentation. If we take this statement to mean that the written word is more effective than physical force for some purposes, we can identify a problem area: the comparative effectiveness of writing or physical force for a specific purpose.

Although we now have a general subject, we have not yet stated a problem. It **is still too broad**, too loosely worded to promote well-organized argument. What sort of writing are we concerned with—poems, novels, government documents, website development, advertising, or what? What does "effectiveness" mean in this context? What kind of physical force is being compared—fists, dueling swords, bazookas, nuclear weapons, or what? A more specific question might be. "Would a mutual defense treaty or a visit by our fleet be more effective in assuring Liurania of our support in a certain crisis?" The basis for argument could be phrased in a debate proposition such as "Resolved: That the United States should enter into a mutual defense treatv with Laurania." Negative advocates might oppose this proposition by arguing that fleet maneuvers would be a better solution. This **is not to say that debates should** completely **avoid** creative **interpretation** of the controversy by advocates, or that good debates cannot occur over competing **interpretations** of the controversy; in fact, these sorts of debates may be very engaging. The point is that debate is best facilitated by the guidance provided by **focus on a particular point of difference**, which will be outlined in the following discussion.

#### It’s a prior question—otherwise there's nothing to require structured disagreement

Adolf G. **Gundersen,** Associate Professor of Political Science, Texas A&M, **2000**

POLITICAL THEORY AND PARTISAN POLITICS, 2000, p. 104-5. (DRGNS/E625)

Indirect political engagement is perhaps the single most important element of the strategy I am recommending here. It is also the most emblematic, as it results from a fusion of confrontation and separation. But what kind of political engagement might conceivably qualify as being both confrontational and separated from actual political decision-making? There is only one type, so far as I can see, and that is deliberation. Political deliberation is by definition a form of engagement with the collectivity of which one is a member. This is all the more true when two or more citizens deliberate together. Yet deliberation is also a form of political action that precedes the actual taking and implementation of decisions. It is thus simultaneously connected and disconnected, confrontational and separate. It is, in other words, a form of indirect political engagement. This conclusion, namely, that we ought to call upon deliberation to counter partisanship and thus clear the way for deliberation, looks rather circular at first glance. And, semantically at least, it certainly is. Yet this ought not to concern us very much. Politics, after all, is not a matter of avoiding semantic inconveniences, but of doing the right thing and getting desirable results. In political theory, therefore, the real concern is always whether a circular argument translates into a self-defeating prescription. And here that is plainly not the case, for what I am suggesting is that deliberation can diminish partisanship, which will in turn contribute to conditions amenable to continued or extended deliberation. That "deliberation promotes deliberation" is surely a circular claim, but it is just as surely an accurate description of the real world of lived politics, as observers as far back as Thucydides have documented. It may well be that deliberation rests on certain preconditions. I am not arguing that there is no such thing as a deliberative "first cause." Indeed, it seems obvious to me both that deliberators require something to deliberate about and that deliberation presumes certain institutional structure**s** and shared values. Clearly something must get the deliberative ball rolling and, to keep it rolling, the cultural terrain must be free of deep chasms and sinkholes. Nevertheless, however extensive and demanding deliberation's preconditions might be, we ought not to lose sight of the fact that, once begun, deliberation tends to be self-sustaining. Just as partisanship begets partisanship, deliberation begets deliberation. If that is so, the question of limiting partisanship and stimulating deliberation are to an important extent the same question.

#### B. Vote neg—

#### 1. Prep and clash—post facto topic change alters balance of prep, which structurally favors the aff because they speak last and use perms—key to engage a prepared adversary.

#### 2. Limits—specific topics are key to reasonable expectations for 2Ns—open subjects create incentives for avoidance—that overstretches the negative and turns participation.

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#### The aff’s not topical—the object of the resolution is “war powers authority”—that's grammatically intuitive and predictable. The aff must target this for discussion—topicality is a voter:

#### 1. It’s the basis for neg prep which is key to engage affs without unreasonable demands on 2Ns—educational debates with realistic workloads are key to any vision for the activity—also directly key to participation.

#### 2. War powers debates are good—without topicality, there’s a competitive incentive to avoid them and the neg ground associated—

#### First, they give undergrads an opportunity to uncover a debate that would otherwise be stifled in public—that challenges conventional wisdom on a timely controversy.

**Kurr 2013** – Ph.D. student in the Communication Arts & Sciences program at Pennsylvania State University and a coach for the Penn State Debate Society (9/5, UVA Miller Center & CEDA Public Debate Series, “Bridging Competitive Debate and Public Deliberation on Presidential War Powers”, http://public.cedadebate.org/node/14)

Taken together, the connection between tournament competition and a public collaboration reorients the pedagogical function of debate. Gordon Mitchell and his colleagues comment on this possibility, “The debate tournament site’s potential to work as a translational pipeline for scholarly research presents unique opportunities for colleges and universities seeking to bolster their institutional infrastructure for undergraduate research” (Mitchell et al, 2010, p. 15). Indeed, the debate series affords competitors the opportunity to become part of the discussion and inform policymakers about potential positions, as opposed to the traditional reactionary format of hosting public debates at the season’s end. Empirically, these events had the effect of “giv[ing] voice to previously buried arguments” that “subject matter experts felt reticent to elucidate because of their institutional affiliations” (Mitchell, 2010, p. 107). Given the timeliness of the topic, these debates provide a new voice into the ongoing deliberation over war powers and help make the fruits of competitive research have a public purpose.

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.

#### Second, key to education on the particulars of the US presidency—that's a prior question to any informed criticism

Mucher, 12 [“Malaise in the Classroom: Teaching Secondary Students about the Presidency” [Stephen Mucher](http://www.bard.edu/academics/faculty/faculty.php?action=details&id=1969) is assistant professor of history education in the Master of Arts in Teaching Program at Bard College, <http://www.hannaharendtcenter.org/?p=7741>]

Contemporary observers of secondary education have appropriately decried the startling lack of understanding most students possess of the American presidency. This critique should not be surprising. In textbooks and classrooms across the country, curriculum writers and teachers offer an abundance of disconnected facts about the nation’s distinct presidencies—the personalities, idiosyncrasies, and unique time-bound crises that give character and a simple narrative arc to each individual president. Some of these descriptions contain vital historical knowledge. Students should learn, for example, how a conflicted Lyndon Johnson pushed Congress for sweeping domestic programs against the backdrop of Vietnam or how a charismatic and effective communicator like Ronald Reagan found Cold War collaboration with Margaret Thatcher and Mikhail Gorbachev. But what might it mean to ask high school students to look across these and other presidencies to encourage more sophisticated forms of historical thinking? More specifically, what might teachers begin to do to promote thoughtful writing and reflection that goes beyond the respective presidencies and questions the nature of the executive office itself? And how might one teach the presidency, in Arendtian fashion, encouraging open dialogue around common texts, acknowledging the necessary uncertainty in any evolving classroom interpretation of the past, and encouraging flexibility of thought for an unpredictable future? By provocatively asking whether the president “matters,” the [2012 Hannah Arendt Conference](http://www.bard.edu/hannaharendtcenter/conference9-12/) provided an ideal setting for New York secondary teachers to explore this central pedagogical challenge in teaching the presidency. Participants in this special writing workshop, scheduled concurrently with the conference, attended conference panels and also retreated to consider innovative and focused approaches to teaching the presidency. Conference panels promoted a broader examination of the presidency than typically found in secondary curricula. A diverse and notable group of scholars urged us to consider the events and historical trends, across multiple presidencies, constraining or empowering any particular chief executive. These ideas, explored more thoroughly in the intervening writing workshops, provoked productive argument on what characteristics might define the modern American presidency. In ways both explicit and implicit, sessions pointed participants to numerous and complicated ways Congress, the judiciary, mass media, U.S. citizens, and the president relate to one another. This sweeping view of the presidency contains pedagogical potency and has a place in secondary classrooms. Thoughtful history educators should ask big questions, encourage open student inquiry, and promote civic discourse around the nature of power and the purposes of human institutions. But as educators, we also know that the aim and value of our discipline resides in place-and time-bound particulars that beg for our interpretation and ultimately build an evolving understanding of the past. Good history teaching combines big ambitious questions with careful attention to events, people, and specific contingencies. Such specifics are the building blocks of storytelling and shape the analogies students need to think through an uncertain future. Jimmy Carter’s oval office speech on July 15, 1979, describing a national “crisis of confidence” presented a unique case study for thinking about the interaction between American presidents and the populations the office is constitutionally obliged to serve. Workshop participants prepared for the conference by watching the [video footage](http://www.youtube.com/watch?v=KCOd-qWZB_g) from this address and reading parts of Kevin Mattson’s [history of the speech](http://www.nytimes.com/2009/07/15/books/excerpt-what-the-heck-mr-president.html). In what quickly became known as the “Malaise Speech,” Carter attempted a more direct and personal appeal to the American people, calling for personal sacrifice and soul searching, while warning of dire consequences if the nation did not own up to its energy dependencies. After Vietnam and Watergate, Carter believed, America needed a revival that went beyond policy recommendations. His television address, after a mysterious 10-day sequestration at Camp David, took viewers through Carter’s own spiritual journey and promoted the conclsions he drew from it. Today, the Malaise Speech has come to symbolize a failed Carter presidency. He has been lampooned, for example, on The Simpsons as our most sympathetically honest and humorously ineffectual former president. In one [episode](http://www.youtube.com/watch?v=D91IlKLtIH8), residents of Springfield cheer the unveiling of his presidential statue, emblazoned with “Malaise Forever” on the pedestal. Schools give the historical Carter even less respect. Standardized tests such as the NY Regents exam ask little if anything about his presidency. The Malaise speech is rarely mentioned in classrooms—at either the secondary or post-secondary levels. Similarly, few historians identify Carter as particularly influential, especially when compared to the leaders elected before and after him. Observers who mention his 1979 speeches are most likely footnoting a transitional narrative for an America still recovering from a turbulent Sixties and heading into a decisive conservative reaction. Indeed, workshop participants used writing to question and debate Carter’s place in history and the limited impact of the speech. But we also identified, through [primary sources](http://www.livingroomcandidate.org/commercials/1976) on the 1976 election and documents around the speech, ways for students to think expansively about the evolving relationship between a president and the people. A quick analysis of the [electoral map](http://en.wikipedia.org/wiki/File:1976prescountymap2.PNG) that brought Carter into office reminded us that Carter was attempting to convince a nation that looks and behaves quite differently than today. The vast swaths of blue throughout the South and red coastal counties in New York and California are striking. Carter’s victory map can resemble an electoral photo negative to what has now become a familiar and predictable image of specific [regional alignments](http://www.washingtonpost.com/wp-srv/politics/interactives/campaign08/election/uscounties.html) in the Bush/Obama era. The president who was elected in 1976, thanks in large part to an electorate still largely undefined by the later rise of the Christian Right, remains an historical enigma. As an Evangelical Democrat from Georgia, with roots in both farming and nuclear physics, comfortable admitting his sins in both Sunday School and Playboy, and neither energized by or defensive about abortion or school prayer, Carter is as difficult to image today as the audience he addressed in 1979. It is similarly difficult for us to imagine the Malaise Speech ever finding a positive reception. However, this is precisely what [Mattson](http://www.nytimes.com/2009/08/02/books/review/Bai-t.html) argues. Post-speech weekend polls gave Carter’s modest popularity rating a surprisingly respectable 11-point bump. Similarly, in a year when most of the president’s earlier speeches were ignored, the White House found itself flooded with phone calls and letters, almost universally positive. The national press was mixed and several prominent columnists praised the speech. This reaction to such an unconventional address, Mattson goes on to argue, suggests that the presidency can matter. Workshop participants who attended later sessions heard Walter Russell Mead reference the ways presidents can be seen as either transformative or transactional. In many ways, the “malaise moment” could be viewed as a late term attempt by a transactional president to forge a transformational presidency. In the days leading up to the speech, Carter went into self-imposed exile, summoning spiritual advisors to his side, and encouraging administration-wide soul searching. Such an approach to leadership, admirable to some and an act of desperation to others, defies conventions and presents an odd image of presidential behavior (an idea elaborated on by conference presenter Wyatt Mason). “Malaise” was never mentioned in Carter’s speech. But his transformational aspirations are hard to miss. In a nation that was proud of hard work, strong families, close-knit communities, and our faith in God, too many of us now tend to worship self-indulgence and consumption. Human identity is no longer defined by what one does, but by what one owns. But we've discovered that owning things and consuming things does not satisfy our longing for meaning. We've learned that piling up material goods cannot fill the emptiness of lives which have no confidence or purpose. It is this process—the intellectual act of interpreting Carter and his [in]famous speech as aberrant presidential behavior—that allows teachers and their students to explore together the larger question of defining the modern presidency. And it is precisely this purposeful use of a small number of primary sources that forces students to rethink, through writing and reflection, the parameters that shape how presidents relate to their electorate. In our workshop we saw how case studies, in-depth explorations of the particulars of history, precede productive debate on whether the presidency matters. The forgotten Carter presidency can play a disproportionately impactful pedagogical role for teachers interested in exploring the modern presidency. As any high school teacher knows, students rarely bring an open interpretive lens to Clinton, Bush, or Obama. Ronald Reagan, as the first political memory for many of their parents, remains a polarizing a figure. However, few students or their parents hold strong politically consequential opinions about Carter. Most Americans, at best, continue to view him as a likable, honest, ethical man who is much more effective as an ex-president than he was as president. Workshop participants learned that the initial support Carter received after the Malaise Speech faded quickly. Mattson and some members of the administration now argue that the President lacked a plan to follow up on the goodwill he received from a nation desiring leadership. Reading [Ezra Klein](http://m.newyorker.com/reporting/2012/03/19/120319fa_fact_klein), we also considered the possibility that, despite all the attention educators give to presidential speeches (as primary sources that quickly encapsulate presidential visions), there is little empirical evidence that any public address really makes much of a difference. In either case, Carter’s loss 16 months later suggests that his failures of leadership both transformational and transactional. Did Carter’s speech matter? The teachers in the workshop concluded their participation by attempting to answer this question, working collaboratively to draft a brief historical account contextualizing the 1979 malaise moment. In doing so, we engaged in precisely the type of activity missing in too many secondary school classrooms today: interrogating sources, corroborating evidence, debating conflicting interpretations, paying close attention to language, and doing our best to examine our underlying assumptions about the human condition. These efforts produced some clarity, but also added complexity to our understanding of the past and led to many additional questions, both pedagogical and historical. In short, our writing and thinking during the Arendt Conference produced greater uncertainty. And that reality alone suggests that study of the presidency does indeed matter.

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#### The 1AC ignores the *interconnectedness* and *inherent worth* of every individual; this denies us of our *morality* and *value to life*.

**Henning 09** (Brian; Associate Professor of Philosophy at Gonzaga University; “Trusting in the 'Efficacy of Beauty: A Kalocentric Approach to Moral Philosophy”; Ethics & the Environment- Volume 14, Number 1)//RSW

**Final truths** (whether in religion, morality, or science) **are unattainable** not only due to the finitude and fallibility of human inquirers, but because we live in what the theologian John F. Haught calls an "unfinished universe" (2004). The notion that one could achieve anything like a final or absolute formulation in any field of study presupposes that one's object is static. Thankfully, we do not live in such a universe. Over the last century scientists have consistently discovered that the universe is not a plenum of lifeless, valueless facts mechanistically determined by absolute laws. Rather, we live in a processive cosmos that is a dynamic field of events organized in complex webs of interdependence, rather than a collection of objects interacting via physical laws. The intuition that the universe is fundamentally a clockwork machine successfully guided science in the wake of Newton's inspirational formulation of the laws of mechanics, but this metaphor proved increasingly inadequate as Newton's work was supplanted in the early 20th century by both general relativity and quantum mechanics. Even at its peak, the [End Page 107] mechanical metaphor created difficulties for thinking about human beings, who were never effectively illuminated by the assumption that they were complex machines. At the level of elementary particles, quantum mechanics disclosed a world of wave-like particles spread out in space and inextricably entangled with other particles in the local environment. The notion of autonomous "individual" particles disappeared. Although all metaphors are misleading to some degree, the metaphor of the world as an evolving organism has become more helpful than the old mechanical model of the world as a clock. This, in a sense, is the founding insight of Whitehead's "philosophy of organism," which took as its starting point the view that individuals—particles, plants, and people—are not discrete facts walled off from each other but parts of complex and intersecting wholes. Conceived of as an organic process, every individual is inextricably intertwined and interconnected with every other. The fundamental reality is no longer individual entities but rather the ongoing processes by which they interact and create novel structures. **Once we recognize that every individual—from a subatomic event to a majestic sequoia—brings together the diverse elements in its world in just this way, just here, and just now, we see that nothing is entirely devoid of value and beauty**. This process whereby many diverse individuals are brought together into the unity of one new individual, which will eventually add its energy to future individuals, characterizes the most basic feature of reality and is what Whitehead calls the "category of creativity." On this view, reality is best characterized not as an unending march of vacuous facts, but as an incessant "creative advance" striving toward ever-richer forms of beauty and value. Noting its emphasis on interdependence and interrelation, many scholars have rightly noted that Whitehead's metaphysics is uniquely suited to provide a basis for making sense of our relationship to the natural world.10 Decades before modern ecologists taught us about ecosystems, Whitehead was describing individuals as interrelated societies of societies. No individual, Whitehead insisted, can be understood apart from its relationship to others.11 Indeed, whereas ecologists only explain how it is that macroscopic individuals are related in interdependent systems, Whitehead's organic metaphysics of process provides a rich account of how individuals at every level of complexity—from subatomic events to ecosystems, and from oak trees to galaxies—arise and are perpetuated.12 [End Page 108] What is more, Whitehead's philosophy of organism places a premium on an individual's dependence on and relationship to the larger wholes of which it is a part without making the mistake of subsuming the individual into that larger whole.13 With the philosophy of organism we need not choose between either the one or the many, "the many become one and are increased by one" (Whitehead [1929] 1978, 21). By providing a robust alternative to the various forms of reductive physicalism and destructive dualism that currently dominate many branches of science and philosophy, the philosophy of organism is an ideal position from which to address the complex social and ecological challenges confronting us. First, if who and what I am is intimately and inextricably linked to everyone and everything else in the universe, then I begin to recognize that my own flourishing and the flourishing of others are not independent. Not only do I intimately and unavoidably depend on others in order to sustain myself, with varying degrees of relevance, **how I relate to my environment is constitutive of who and what I am.** As we are quickly learning, we ignore our interdependence with our wider environment at our own peril. Moreover, in helping us to recognizing our connection to and dependence on our larger environment, an organic model forces us to abandon the various dualisms that have for too long allowed us to maintain the illusion that we are set off from the rest of nature. Adopting an organic metaphysics of process forces us finally to step down from the self-constructed pedestal from which we have for millennia surveyed nature and finally to embrace the lesson so compellingly demonstrated by Darwin: humans are not a singular exception to, but rather a grand exemplification of, the processes at work in the universe.14 In this way we ought finally to reject not only the materialisms of contemporary science, but also the dualisms that often undergird our religious, social, political, and moral understandings of ourselves and our relationship to the natural world. As John Dewey concisely put it, **"man is within nature, not a little god outside"** (1929, 351). Until we shed our self-deluding arrogance and recognize that who and what we are as a species is fundamentally bound up in and dependent on the wider scope of events unfolding in the universe, the ecological crisis will only deepen. Taken seriously, our understanding of reality as composed of vibrant, organically interconnected achievements of beauty and value, has a dramatic effect on how we conceive [End Page 109] of ourselves, of nature, and of our moral obligations—morality can no longer be limited merely to inter-human relations. In rejecting modernity's notion of lifeless matter, we come to recognize that **every form of actuality has value in and for itself, for others, and for the whole.** In aiming at and achieving an end for itself, **every individual—no matter how ephemeral or seemingly insignificant—has intrinsic value for itself and in achieving this self-value it thereby becomes a value for others and for the whole of reality.** Every individual, from the most fleeting event in deep space to centuries old redwoods, has value for itself, for others, and for the whole of reality and it is from this character of reality that our moral obligations derive (Whitehead 1938, 111). Given that every individual in our universe, no matter how small or seemingly insignificant, has some degree of value, **the scope of our direct moral concern**15 **can exclude nothing.** Thus, in rather sharp contrast to the invidious forms of anthropocentrism that characterize much of western moral thought, our scope of direct moral concern cannot be limited to humans, to sentient beings, or even to all living beings. Morality is not anthropocentric, but neither is it sentientcentric or biocentric. **In affirming the value of every individual, we must begin to recognize that every relation is potentially a moral relation.** As Whitehead vividly puts it, "The destruction of a man, or of an insect, or of a tree, or of the Parthenon, may be moral or immoral.… Whether we destroy or whether we preserve, our action is moral if we have thereby safeguarded the importance [or value] of experience so far as it depends on that concrete instance in the world's history" (1938, 14–15). Morality is not merely about how we ought to act toward and among other human beings, other sentient beings, or even other living beings. **Morality is fundamentally about how we comport ourselves in the world, how we relate to and interact with every form of existence.**

#### Anthropocentric ordering is the foundation of the war machine and drives the exclusion of populations based on race, ethnicity and gender

Kochi, 09 (Tarik, Sussex law school, Species war: Law, Violence and Animals, Law Culture and Humanities Oct 5.3)//RSW

Grotius and Hobbes are sometimes described as setting out a prudential approach, 28 or a natural law of minimal content 29 because in contrast to Aristotelian or Thomastic legal and political theory their attempt to derive the legitimacy of the state and sovereign order relies less upon a thick con-ception of the good life and is more focussed upon basic human needs such as survival. In the context of a response to religious civil war such an approach made sense in that often thick moral and religious conceptions of the good life (for example, those held by competing Christian Confessions) often drove conflict and violence. Yet, it would be a mistake to assume that the categories of “survival,” “preservation of life” and “bare life” are neutral categories. Rather **survival, preservation of life and bare life as expressed by the Westphalian theoretical tradition already contain distinctions of value** – in particular, **the specific distinction of value between human and non-human life**. “Bare life” in this sense is not “bare” but contains within it a distinction of value between the worth of human life placed above and beyond the worth of non-human animal life. In this respect bare life within this tradition contains within it a hidden conception of the good life. The foundational moment of the modern juridical conception of the law of war already contains within it the operation of species war. The Westphalian tradition puts itself forward as grounding the legitimacy of violence upon the preservation of life, however its concern for life is already marked by a hierarchy of value in which non-human animal life is violently used as the “raw material” for preserving human life. Grounded upon, but concealing the human-animal distinction, the Westphalian conception of war makes a double move: it excludes the killing of animals from its definition of “war proper,” and, through rendering dominant the modern juridical definition of “war proper” the tradition is able to further institutionalize and normalize a particular conception of the good life. Following from this original distinction of life-value realized through the juridical language of war were other forms of human life whose lives were considered to be of a lesser value under a European, Christian, “secular” 30 natural law conception of the good life. Underneath this concern with the preservation of life in general stood veiled preferences over what particu-lar forms of life (such as racial conceptions of human life) and ways of living were worthy of preservation, realization and elevation. The business contracts of early capitalism, 31 the power of white males over women and children, and, especially in the colonial context, the sanctity of European life over non-European and Christian lives over non-Christian heathens and Muslims, were some of the dominant forms of life preferred for preservation within the early modern juridical ordering of war.

#### Our alternative is to vote negative to affirm a non-anthropocentric value system for action and deliberation.

#### Opening discussion to all populations reinvigorates democracy and creates a political paradigm shift.

Sandilands 2000

Catriona Sandilands, Environmental Studies at York University, 2000 [*Ethics and the Environment* 4.2]

But it strikes me that the call for a rethinking of moral standing to include the experiences of nonhuman animals is an interesting and important trajectory for a politics of citizenship. In a phrase. the expansion of our listening to hear "other" expressions, and the legitimation of these expressions as aspects of a common world, is a call for a reconsideration of who "we" as citizens are. To explain: in a recent essay, Iris Marion Young (1996) has pointed out that the practices of deliberative citizenship currently held out as the embodiments of appropriate democratic behaviour‑civility, rational argument, persuasion‑not only rely on a highly particular and culturally bound ideal of speech, but assume a highly particular kind of actor. She argues (perhaps [ironically. in](http://ironically.in) a highly civil, rational, and persuasive sort of way), that these ideals and suppositions are highly exclusionary, banishing to "the private" certain modes of thinking. speaking, and acting that are not only highly important. but are systematically gendered. racialized. and cultured. In order to conceive of a more inclusive practice of democratic speech, we need to welcome practices of storytelling, greeting. and rhetoric, not as a way of including more and different speakers but as a way of genuinely questioning the ways in which different practices of speech engender different understandings of the world, and of learning how to listen differently to the stories that shape our common world.  In my view, this is precisely what ecofeminists are doing when they argue that we need to consider the ways in which human and nonhuman beings‑even if they are not capable of or disposed to civil rationality‑do express their needs. Although, perhaps, we might take as a starting point the need to include "other" expressions of pain and pleasure as a moral question. I think it is also an orientation to the expansion of citizenship: these "other" expressions are expressions of a relationship to a shared and common world, and we must expand the circle of discussion to include both their form and their content. In particular, the inclusion of these "other" forms of speech in the public realm demands that [we. as](http://we.as) speakers, recognize our relationships to the common world of which these "other" voices speak. The "we" expands. As legitimate voices in public conversation, "the cries of factory farm animals," to quote Quiriby (1994). require not only that we shift our listening to hear them, but that we change ourselves as a result of the hearing. The shift from moral to political consideration is a shift from empathy to citizenship: where the former, however valuable, is a relationship that develops from intimacy and intensity, the latter demands that such intimately generated knowledges be given equal consideration in public definitions of the real, the good, and the possible. Such a recognition signals political intersubjectivity, in which a careful listening reveals nonhuman‑and marginalized humyn‑actors to be equal subjects in the common world.  The third ecoferninist proposal for citizenship that I would like to highlight concerns an insight made by Tzvetan 'Iodorov, namely, that "there exist two major forms ol communication, one between [people and people, the other between people and the world (cited in Dallmayr 1996)." Qualitatively different and culturally located, these two knowledges derive, on the one hand, from "the interaction between the person and his/her social group." and on the other. from the interaction "between the per­son and the natural world, the person and the religious universe," Todorov main­[tains-actually. in](http://tains-actually.in) a discussion of the communicative dimensions of the conquest of the Americas‑that Euro-western cultures have focused on the former, and found it  more than conducive to their exploitation and obliteration of other cultures. which  have focused on the latter. In Todorov's view, the ideal of full communication must include attention not only to intrahumam conversations, but to conversations that take place with the divine and the natural, a world of signs. omens, premonitions, smells. and other sensations that overflow human speech and language.  I have written elsewhere about the ways in which this nonspeaking, nonspoken world interrupts the seamless flow of discourse and consciousness, and especially about the ways in which ecofeminism makes space for these interruptions as part of what I have called an "ethical relation to the Real" (Sandilands. 1999). What I would like to emphasize here is that ecofeminists. kindred spirits to Todorov, also insist that communication with "the world" is properly part of the common world of public discussion, an activity of citizenship. I should note here that I have no wish to subsume all modes of communication into the activities of the public sphere, and that the creation of a distinct realm of action requires a certain distinctiveness. Not all speech is public speech, nor should it be: there must be places of privacy, where experiences of wonder or ecstasy or communion are not exposed to the harsh light of public scrutiny (increasingly difficult though this night be in a world of globally‑broadcast talk shows). For things to emerge into public life, there must he spaces to emerge from as much as there must be spaces to emerge to, thus, public life is only part of the human condition. But it strikes me that the desire to communicate with "the world" through the opening of the self to alternative modes of knowing and speaking with nonhunian creatures is also a gesture toward the expansion of the common and public world. Specifically, this expansion aims to include kinds of conversation that have been systeniatically suppressed in Eurowestern traditions, including traditions of democracy.  There is a strong similarity between this proposal and the one of which I have already spoken concerning the intersubjective recognition of nonhuman beings in public life. This proposal. however, demands that we not only recognize the potential intersubjectivity of nonhuman others, but pay closer attention to the non‑intersubjective relations that lie behind and beyond our accustomed modes of human communication. Signs and omens are, Nancy Reagan notwithstanding, generally not considered legitimale information for public debate: the questions that ecoleminists pose in their discussions of spirituality, wonder, and empathic labor, call us to consider their potential place as a mode of communication with the world in the world.  Lest you think I am calling for publically appointed astrologers and oracles‑and am thus totally off my nut‑let me quickly explain. What I think ecofeminists are arguing is for a potentially political openness to nonlinguistic forms of knowledge and experience that already inform human interactions with other humans and with nonhuman natures. These interactions are culturally located and profoundly shaped by [gender. by](http://gender.by) tradition, by colonialism. In their public recognition, again, the call is both for the inclusion of particular and systematically marginalized speakers. but for an ex­panded attention to particular and systematically marginalized forms of communication. I do not mean that spirituality can or should replace public deliberation: I do mean that what Todorov calls communication with the world could he recognized in public discussion as a legitimate and negotiable form of knowledge. In particular, this proposal involves receptivity to forms of intrahuman speech that, perhaps, more profoundly capture or express these "other‑worldly" communications: again, I emphasize the possibilities of storytelling or perhaps, poetry. But, as with all practices of citizenship, this communication is accountable to other forms of knowledge in conversation: what would happen if symbolic narrative met scientific taxonomy met rhetorical persuasion in a forum in which these modes of speech were held equal and accountable? What new understandings of ourselves might we reach. and what common worlds might we discover from our collaboration? Again, the orientation is to opening, to a fuller recognition of a common world that lies between us; Arendt's table is still there. but what the table is made of has shifted.  IV. CAUTIONS ALONG THE ROAD  I would like to conclude this paper with a series of cautions that I think ecofeminissts must take into account in our formulations of citizenship. In my view, ecofeminism holds enormous promise as a politics that attempts to expand the realm of citizenship and to include and legitimate new actors and new forms of speech and knowledge as elements of a genuinely common world. But in this project, there are always dangers: the focus on inclusion, the orientation to expansion and proliferation, always carries with it the possibility of cacophony. of an unconversational repetition of difference without the crucial orientation to showing its place as an element in a common and negotiable world. And the focus on making "the subaltern speak." to borrow a phrase out of context, also carries with it the specter of the regulation of discourse and identity in any and all calls for conversation and accountability.  Ecofeminists. I think, take as their starting point the politicization of marginalized knowledges of gender and nature, the insistence that degraded and undervalued ways of being in the world must he heard in public and understood as rich, complex. and satisfying for the long‑term health of humans and other beings. The specific proposals I have mentioned‑for care as a public principle, for political intersubjectivity with nonhuman beings. and for communication with "the world as part of public discussion of the world‑are all parts of this project. Ecological citizenship requires that the circle of conversation he expanded, yet it also demands that all actors involved are oriented to the changes to self and world wrought by conversation.  This project cannot work if these kriowledges are essentialized: the point is not only to show their particularity and situated practice, but to orient their appearance to the potential creation of commonality. It is, however, the unfortunate case that many ecoleminists‑and others‑feel compelled to resort to essentialist accounts to identify or legitimate their positions. Hence my first set of cautions: one way that this essentialism occurs lies in the process by which the situated activities of caring or empathy or communication with the world are held up as epistemologically privileged for environmental politics without a deep questioning of the social, political, and economic relations in which this situating occurs. Another manifestation of essentialism lies in the political rhetoric by which the family or community or particular culture is held up as the deepest, if not the only site for the development of relations of care or intersubjective recognition. It is in the realm of public conversation, in which different experiences and knowledges of family and community and cultural location are held accountable to each other and to other experiences and knowledges deriving from other spheres of life, that the creation of a common and inclusive world, a renewed citizenship. takes place. To put it simply. citizenship is not community: to forge a relationship to the world requires that we step outside the intimate and familiar and consider ourselves accountable to others whom we may not know. But there is. here, a third problem: the mirror image of an over‑reliance on community is an over‑reliance on a sort of colonizing and equally essentialist universalism that fails to consider its own particularity. In many discussions of deliberative citizenship‑like some versions of social ecology‑there is a strong assumption that only the traditions of civil discussion that are currently understood as "democratic" are ultimately appropriate for discusions of the common world. To foster an expanded ecological citizenship, deliberation must he opened to new forms and topics of conversation so that they can he shown to the common.

#### Ethics first- how we choose to act shapes how we interact with the world.

#### Their advantages are sandcastles built into a fundamentally flawed system of anthropocentrism, accurate knowledge starts with a revaluation of the world.

Weston 09 Anthony Weston, Professor of Philosophy at Elon University, 2009

[*The Incompleat Eco-Philosopher* p. 9-11]

If the world is a collection of more or less ﬁxed facts to which we  must respond, then the task of ethics is to systematize and unify our  responses. This is the expected view, once again so taken for granted  as to scarcely even appear as a “view” at all. Epistemology is prior to  ethics. Responding to the world follows upon knowing it—and what  could be more sensible or responsible than that? If the world is not  “given,” though—if the world is what it seems to be in part because  we have made it that way, as I have been suggesting, and if therefore  the process of inviting its further possibilities into the light is funda-  mental to ethics itself—then our very knowledge of the world, of the  possibilities of other animals and the land and even ourselves in relation  to them, follows upon “invitation,” and ethics must come ﬁ rst. Ethics  is prior to epistemology—or, as Cheney and I do not say in the paper  but probably should have said, what really emerges is another kind of  epistemology—“etiquette,” in our speciﬁ c sense, as epistemology.  But then of course we are also speaking of something sharply  different from “ethics” as usually understood. We are asked not for a  set of well-defended general moral commitments in advance, but rather  for something more visceral and instinctual, a mode of comportment more than a mode of commitment, more ﬂeshy and more vulnerable.  Etiquette so understood requires us to take risks, to offer trust before  we know whether or how the offer will be received, and to move with  awareness, civility, and grace in a world we understand to be capable  of response. Thus Cheney and I conclude that ethical action itself must be “ﬁrst and foremost an attempt to open up possibilities, to enrich the world” rather than primarily an attempt to respond to the world  as already known.  Cheney, true to his nature, also takes the argument on a more  strenuous path, exploring indigenous views of ceremony and ritual.  Once again the question of epistemology turns out to be central.  Euro-Americans, Cheney says, want to know what beliefs are encoded  in the utterances of indigenous peoples. We treat their utterances as  propositional representations of Indigenous worlds. But what if these utterances function, instead, primarily to produce these worlds? Cheney  cites the indigenous scholar Sam Gill on the fundamentally performative function of language. When Gill asks Navajo elders what prayers mean, he reports, they tell him “not what messages prayers carry, but  what prayers do.” More generally, Gill asserts that “the importance of  religion as it is practiced by the great body of religious persons for  whom religion is a way of life [is] a way of creating, discovering, and  communicating worlds of meaning largely through ordinary and common actions and behavior.”11  What then, Cheney and I ask, if this performative dimension of language is fundamental not just in indigenous or obviously religious   settings, but generally? How we speak, how we move, how we carry  on, all the time, also literally brings all sorts of worlds into being—and  thus, again, the ethical challenge put mindful speech, care, and respect  ﬁrst. Indeed we would now go even further. Here it is not so much  that epistemology comes ﬁrst but that, in truth, it simply fades away.  The argument is not the usual suggestion that the West has misunderstood the world, got it wrong, and that we now need to “go back” to  the Indians to get it right. Cheney is arguing that understanding the  world is not really the point in the ﬁ rst place. We are not playing a  truth game at all. What matters is how we relate to things, not what  things are in themselves. Front, center, and always, the world responds.  The great task is not knowledge but relationship.

### 1nc k

#### Resistance via the ballot can only instill an adaptive politics of being and effaces the institutional constraints that reproduce structural violence

--resistance is seen as empowerment, but because resistance is can only be seen as in opposition to another symbol; this means that defining blackness in opposition to whiteness or the state, they forclose the ability to create other changes

Brown 95—prof at UC Berkeley (Wendy, States of Injury, 21-3)

For some, fueled by opprobrium toward regulatory norms or other mo- dalities of domination, the language of "resistance" has taken up the ground vacated by a more expansive practice of freedom. For others, it is the discourse of “empowerment” that carries the ghost of freedom's valence ¶ 22¶. Yet as many have noted, insofar as resistance is an effect of the regime it opposes on the one hand, and insofar as its practitioners often seek to void it of normativity to differentiate it from the (regulatory) nature of what it opposes on the other, it is at best politically rebellious; at worst, politically amorphous. Resistance stands against, not for; it is re-action to domination, rarely willing to admit to a desire for it, and it is neutral with regard to possible political direction. Resistance is in no way constrained to a radical or emancipatory aim. a fact that emerges clearly as soon as one analogizes Foucault's notion of resistance to its companion terms in Freud or Nietzsche. Yet in some ways this point is less a critique of Foucault, who especially in his later years made clear that his political commitments were not identical with his theoretical ones (and un- apologetically revised the latter), than a sign of his misappropriation. For Foucault, resistance marks the presence of power and expands our under- standing of its mechanics, but it is in this regard an analytical strategy rather than an expressly political one. "Where there is power, there is resistance, and yet. or rather consequently, this resistance is never in a position of exteriority to power. . . . (T]he strictly relational character of power relationships . . . depends upon a multiplicity of points of resis- tance: these play the role of adversary, target, support, or handle in power relations.\*39 This appreciation of the extent to which resistance is by no means inherently subversive of power also reminds us that it is only by recourse to a very non-Foucaultian moral evaluation of power as bad or that which is to be overcome that it is possible to equate resistance with that which is good, progressive, or seeking an end to domination. ¶ If popular and academic notions of resistance attach, however weakly at times, to a tradition of protest, the other contemporary substitute for a discourse of freedom—“empowerment”—would seem to correspond more closely to a tradition of idealist reconciliation. The language of resistance implicitly acknowledges the extent to which protest always transpires inside the regime; “empowerment,” in contrast, registers the possibility of generating one’s capacities, one’s “self-esteem,” one’s life course, without capitulating to constraints by particular regimes of power. But in so doing, contemporary discourses of empowerment too often signal an oddly adaptive and harmonious relationship with domination insofar as they locate an individual’s sense of worth and capacity in the register of individual feelings, a register implicitly located on some- thing of an other worldly plane vis-a-vis social and political power. In this regard, despite its apparent locution of resistance to subjection, contem- porary discourses of empowerment partake strongly of liberal solipsism—the radical decontextualization of the subject characteristic of¶ 23¶ liberal discourse that is key to the fictional sovereign individualism of liberalism. Moreover, in its almost exclusive focus on subjects’ emotionalbearing and self-regard, empowerment is a formulation that converges with a regime’s own legitimacy needs in masking the power of the regime.¶ This is not to suggest that talk of empowerment is always only illusion or delusion. It is to argue, rather, that while the notion of empowerment articulates that feature of freedom concerned with action, with being more than the consumer subject figured in discourses of rights and eco- nomic democracy, contemporary deployments of that notion also draw so heavily on an undeconstructed subjectivity that they risk establishing a wide chasm between the (experience of) empowerment and an actual capacity to shape the terms of political, social, or economic life. Indeed, the possibility that one can “feel empowered” without being so forms an important element of legitimacy for the antidemocratic dimensions of liberalism.

#### Our alternative is to recognize debate as a site of contingent commonality in which we can forge bonds of argumentation beyond identity---the affirmative’s focus on subjectivity abdicates the flux of politics and debate for the incontestable truth of identity

Brown 95—prof at UC Berkeley (Wendy, States of Injury, 47-51)

The postmodern exposure of the imposed and created rather thAAAAAAan dis- covered character of all knowledges—of the power-surtuscd, struggle-¶48¶produced quality of all truths, including reigning political and scientific ones—simultaneously exposes the groundlessness of discovered norms or visions. It also reveals the exclusionary and regulatory function of these norms: white women who cannot locate themselves in Nancy Hartsock’s account of women’s experience or women s desires, African American women who do not identify with Patricia Hill Collinss account of black women’s ways of knowing, are once again excluded from the Party of Humanism—this time in its feminist variant. ¶Our alternative to reliance upon such normative claims would seem to be engagement in political struggles in which there are no trump cards such as “morality” or “truth."Our alternative, in other words, is to struggle within an amoral political habitat for temporally bound and fully contestable visions of who we are and how we ought to live. Put still another way, postmodernity unnerves feminist theory not merely because it deprives us of uncomplicated subject standing, as Christine Di Stefano suggests, or of settled ground for knowledge and norms, as Nancy Hartsock argues, or of "centered selves and “emancipatory knowledge," as Seyla Bcnhabib avers. Postmodernity unsettles feminism because it erodes the moral ground that the subject, truth, and nor- mativity coproduce in modernity. When contemporary feminist political theorists or analysts complain about the antipolitical or unpolitical nature of postmodern thought—thought that apprehends and responds to this erosion—they arc protesting, inter' aha, a Nictzschcan analysis of truth and morality as fully implicated in and by power, and thereby dplegiti- mated qua Truth and Morality Politics, including politics with passion- ate purpose and vision, can thrive without a strong theory of the subject, without Truth, and without scientifically derived norms—one only need reread Machiavelli, Gramsci, or Emma Goldman to see such a politics flourish without these things. The question is whether fnninist politics can prosper without a moral apparatus, whether feminist theorists and activists will give up substituting Truth and Morality for politics. Are we willing to engage in struggle rather than recrimination, to develop our faculties rather than avenge our subordination with moral and epistemological gestures, to fight for a world rather than conduct process on the existing one? Nictzschc insisted that extraordinary strengths of character and mind would be necessary to operate in thce domain of epistemological and religious nakedness he heralded. But in this heexcessively individualized a challenge that more importantly requires the deliberate development of postmoral and antirelativist political spaces, practices of deliberation, and modes of adjudication.¶49¶The only way through a crisis of space is to invent a new space —Fredric Jameson. “Postmodernism"¶Precisely because of its incessant revelation of settled practices and identi- ties as contingent, its acceleration of the tendency to melt all that is solid into air. what is called postmodernity poses the opportunity to radically sever the problem of the good from the problem of the true, to decide “what we want” rather than derive it from assumptions or arguments about “who we are.” Our capacity to exploit this opportunity positively will be hinged to our success in developing new modes and criteria for political judgment. It will also depend upon our willingness to break certain modernist radical attachments, particularly to Marxism’s promise (however failed) of meticulously articulated connections betwreen a com- prehensive critique of the present and norms for a transformed future—a science of revolution rather than a politics of oneResistance, the practice most widely associated with postmodern polit- ical discourse, responds to without fully meeting the normativity chal- lenge of postmodernity. A vital tactic in much political w’ork as wrcll as for mere survival, resistance by itself does not contain a critique, a vision, or grounds for organized collective efforts to enact either. Contemporary affection for the politics of resistance issues from postmodern criticism’s perennial authority problem: our heightened consciousncss of the will to power in all political “positions” and our wrariness about totalizing an- alyses and visions. Insofar as it eschew’s rather than revisesthese problematic practices, resistance-as-politics does not raise the dilemmas of responsibility and justification entailed in “affirming” political projects and norms. In this respect, like identity politics, and indeed sharing with identity politics an excessively local viewpoint and tendency toward positioning without mapping, the contemporary vogue of resistance is more a symptom of postmodernity’s crisis of political space than a coherent response to it. Resistance goes nowhere in particular, has no inherent attachments, and hails no particular vision; as Foucault makes clear, resistance is an effect of and reaction to power, not an arrogation of it.¶What postmodernity disperses and postmodern feminist politics requires are cultivated political spaces for posing and questioning feminist political norms, for discussing the nature of “the good” for women. Democratic political space is quite undcrtheonzed in contemporary femi- nist thinking, as it is everywhere in latc-twentieth-ccntury political the- ory, primarily bccausc it is so little in evidence. Dissipated by the increasing tcchnologizing of would-be political conversations and pro- cesses, by the erosion of boundaries around specifically political domains¶50¶and activities, and by the decline of movement politics, political spaces are scarcer and thinner today than even in most immediately prior epochs of Western history. In this regard, their condition mirrors the splayed and centrifuged characteristics of postmodern political power. Yet precisely because of postmodernity’s disarming tendencies toward political disori- entation, fragmentation, and technologizing, the creation of spaces where political analyses and norms can be proffered and contested is su- premely important.¶Political space is an old theme in Western political theory, incarnated by the polis practices of Socrates, harshly opposed by Plato in the Repub- lic, redeemed and elaborated as metaphysics by Aristotle, resuscitated as salvation for modernity by Hannah Arendt. jnd given contemporary spin in Jurgen Habermas's theories of ideal speech situations and com- municative rationality. The project of developing feminist postmodern political spaces, while enriched by pieces of this tradition, necessarily also departs from it. In contrast with Aristotle’s formulation, feminist politi- cal spaces cannot define themselves against the private sphere, bodies, reproduction and production, mortality, and all the populations and is- sues implicated in these categories. Unlike Arendt’s, these spaces cannot be pristine, ratified, and policed at their boundaries but are necessarily cluttered, attuned to earthly concerns and visions, incessantly disrupted, invaded, and reconfigured. Unlike Habermas, wc can harbor no dreams of nondistorted communication unsullied by power, or even of a ‘com- mon language,’\* but wc recognize as a permanent political condition par- tiality of understanding and expression, cultural chasms whose nature may be vigilantly identified but rarely “resolved,” and the powers of words and images that evoke, suggest, and connote rather than transmit meanings.42 Our spaces, while requiring some definition and protection, cannot be clean, sharply bounded, disembodied, or permanent: to engage postmodern modes of power and honor specifically feminist knowledges, they must be heterogenous, roving, relatively noninstitutionalized, and democratic to the point of exhaustion.¶Such spaces are crucial for developing the skills and practices of post- modern judgment, addressing the problem of “how to produce a discourse on justicc . . . when one no longer relies on ontology or epistemology.”43 Postmodemity’s dismantling of metaphysical foundations for justice renders us quite vulnerable to domination by technical reason ¶51¶unless we seize the opportunity this erosion also creates to develop democratic processes for formulating postepistemelogical and postontological judgments. Such judgements require learning how to have public conversations with each other, arguing from a vision about the common (“what I want for us") rather than from identity (“who I am”), and from explicitly postulated norms and potential common values rather than false essentialism or unreconstructed private interest.44 Paradoxically, such public and comparatively impersonal arguments carry potential for greater accountability than arguments from identity or interest. While the former may be interrogated to the ground by others, the latter are insulated from such inquiry with the mantle of truth worn by identity-based speech. Moreover, post identity political positions and conversations potentially replace a politics of difference with a politics of diversity—differences grasped from a perspective larger than simply one point in an ensemble. Postidentity public positioning requires an outlook that discerns structures of dominance within diffused and disorienting orders of power, thereby stretching toward a more politically potent analysis than that which our individuated and fragmented existences can generate. In contrast to Di Stefano's claim that 'shared identity” may constitute a more psychologically and politically reliable basis for “attachment and motivation on the part of potential activists,” I am suggesting that political conversation oriented toward diversity and the common, toward world rather than self, and involving a conversion of ones knowledge of the world from a situated (subject) position into a public idiom, offers us the greatest possibility of countering postmodern social fragmentations and political disintegrations.¶Feminists have learned well to identify and articulate our "subject positions —we have become experts at politicizing the “I”that is produced through multiple sites ofpower and subordination. But the very practice so crucial to making these elements of power visible and subjectivity political may be partly at odds with the requisites for developing political conversation among a complex and diverse “we.” We may need to learn public speaking and the pleasures of public argument not to overcome our situatedness, but in order to assume responsibility for our situations and to mobilize a collective discourse that will expand them. For the political making of a feminist future that does not reproach the history on which it is borne, we may need to loosen our attachments to subjectivity, identity, and morality and to redress our underdeveloped taste for political argument.

### 1nc cp

#### We advocate the entirety of the 1AC without the role of the ballot claim in the form of policy debate conferences.

**We’re boycotting the role of the ballot. *The judge is the ballot*. In pre-destining the role of this debate round, the aff removes the judge’s agency and responsibility for his/her ethical decisions—this *turns the case*.**

**Kappeler 95**, (Susanne, Associate Professor at the School of Humanities¶ and Social Sciences, Al-Akhawayn University, The Will to Violence: The¶ Politics of Personal Behaviour) pg. 10-11

‘We are the war’ does not mean that the responsibility for a war is shared collectively and diffusely by an entire society –which would be an equivalent to exonerating warlords and politicians and profiteers or, as Ulrich Beck says, upholding the notion of ‘collective irresponsibility’, where people are no longer held responsible for their actions, and where the conception of universal responsibly becomes the equivalent of universal acquittal. ON the contrary, the object is precisely to analyze the specific and differential responsibility of everyone in their diverse situations. Decisions to unleash a war are indeed taken at particular levels of power by those in a position to make them and to command such collective action. We need to hold them clearly responsible for their decisions and actions without lessening theirs by any collective ‘assumption’ of responsibility. Yet our habit of focusing on a stage where the major dramas of power take place tends to obscure our sight in relation to our own sphere of competence, our own power and our own responsibility—leading to the well-known illusion of our apparent ‘powerlessness’ and its accompanying phenomenon, our so called political disillusionment. Single citizens—even more so than those of other nations—have come to feel secure in their obvious non-responsibility for such large-scale political events as, say, wars in Croatia and Bosnia-Hecergovina or Somalia—since the decisions for such events are always made elsewhere. Yet our insight that indeed we are not responsible for the decisions of a Serbian general or a Croatian president tends to mislead us into thinking that therefore we have no responsibility at all, not even for forming our own judgment, and thus into underrating the responsibility we have within our own sphere of action. IN particular, it seems to absolve us from having to try to see any relation between our own actions and those events, or to recognize the connections between those political decisions and our own personal decisions. It not only shows that we participate in what Beck calls ‘organized irresponsibility’, upholding the apparent lack of connection between bureaucratically, institutionally, nationally and also individually organized separate competences. It also proves the phenomenal and unquestioned alliance of our personal thinking with the thinking of the major powermongers. For we tend to think that we cannot ‘do’ anything, say, about a war, because we deem ourselves to be in the wrong situation; because we are not where the major decisions are made. Which is why many of those are not yet entirely disillusioned with politics tend to engage in a form of mental deputy politics, in the style of “what would I do if I were the general, the prime minister, the president, the foreign minister or the minister of defense? Since we seem to regard the metaspheres of action as the only worthwhile and truly effective ones, and since our political analyses tend to dwell there first of all, any question of what I would do if I were indeed myself tends to peter out in the comparative insignificance of having what is perceived as ‘virtually no possibilities’: what I could do seems petty and futile. For my own action I obviously desire the range of action of a general, a prime minister, or a General Secretary of the UN—finding expression in ever more prevalent formulations like ‘I want to stop this war’, ‘I want military intervention’, ‘I want to stop this backlash’, or ‘I want a moral revolution.’ ‘We are this war’, however, even if we do not command the troops or participate in so called peace talks, namely as Drakulic says, in our ‘non-comprehension’: our willed refusal to feel responsible for our own thinking and for working out our own understanding, preferring innocently to drift along the ideological current of prefabricated arguments or less than innocently taking advantage of the advantages these offer. And we ‘are’ the war in our own ‘unconscious cruelty towards you’, our tolerance of the ‘fact that you have a yellow dorm of refugees and I don’t’ –our readiness, in other words, to build identities, one for ourselves and one for refuges, one of our own and one for the ‘others’. We share in the responsibility for this war and its violence in the way we let them grow inside us, that is, in the way we shape our ‘feelings, our relationships, our values,’ according to the structures and values of war and violence. So if we more beyond the usual frame of violence, towards structures of thought and employed with decisions to act, this also means making an analysis of action. This seems all the more urgent as action seems barely be perceived any longer. There is talk of the government doing ‘nothing’, of its ‘inaction’, of the need for action, the time for action, the need for strategies, our inability to act as well as our desire to become ‘active’ again. We seem to deem ourselves in a kind of action vacuum which, like the cosmic black hole, tends to consume any renewed effort only to increase its size. Hence, this is also an attempt to shift the focus against to the fact that we are continuously acting and doing, and that there is no such thing as not acting or doing nothing. Rather, the binary opposition of ‘action’ and ‘no action’ seems to serve the simple evaluation of the good and bad. We speak of being ‘active’ or wanting to be active again, where being active in its simple vacuity is ‘good’, ‘doing nothing’ is rather bad, and where the quality of the action seems secondary to the fact of action as such. Quite the reverse, however, if we analyze the past tend to feature an abundance of victims, who as victims cannot by definition have done anything, and therefore cannot be ‘guilty’.

#### **That’s the *root cause* of violence.**

**Kappeler 95**, (Susanne, Associate Professor at the School of Humanities¶ and Social Sciences, Al-Akhawayn University, *The Will to Violence: The¶ Politics of Personal Behaviour*) Pg. 19-20.

Political action, in this view, is not something which will take place only in a more propitious future when circumstances have changed so much, or a revolution is already so far under way that it can take its course, and we as the 'politically active' people can join it. Nor can political action mean something we engage in only on condition that there will be enough others, or better, masses of them, who think as I ' do, and I do what I want to do. ' **Political action does not necessarily.**  **Imply mass actions whose massiveness will guarantee their**  **success**. For such individual conceptions of political mass action reflect the power thinking of generals commanding the troops of the 'masses' to suit their own strategies. Nor does it help to wish for the masses voluntarily to think as I do and to want what I want - that they be like-minded (like me), thus helping to fulfill my dream of a mass action. Even this has happened in the history of generals. My dream remains the dream of a commander who' has like-minded masses of volunteer troops at his disposal. instead, we could consider that even **our thinking is an opportunity**  **for action**, that it can be determined in this way or that, **that it is the**  **first opportunity, the first political situation, in which to exercise**  **political choice**. 'We make the war possible, we allow it to happen', says Drakulic , 'We only have one weak protection against it, our consciousness. There are no them and us, there are no grand categories, abstract numbers, black-and-white truths, simple facts. **There**  **is only us** - **and**, yes, **we are responsible for each other,.** ,11 And if we find this too minimal to satisfy cur aspirations for political action and change, why don't we do it anyway, for a start?) So I begin from the assumption that **all of** LlS, **regardless of** our relative **positions within the social power structure, do permanently have to**  **decide how we are going to act in a given situation.** We have described in some considerable detail the many limitations on our freedom of action - it is the first thing (and often the only one) that occurs to us in justifying our actions. But **each situation**, save that of the absolute and ultimate violence' of our destruction, **leaves scope for**  **action**, however **minimal, which permits the decision to consent to**  **violence or to resist.** The question remains how we use the opportunities for action we have, and how we deal with the relative advantages which offer themselves. Here we face the decision to (ab )use our power in our own interests and to our own advantage, or not to; here we face the choice to do violence to others, or not to. It is a most political question, and a most political decision.

#### **IF you choose to make this debate about structural violence then you should vote to endorse that the next development conference focus exclusively on the relationship between structural violence and the debate community.**

#### The last development conference demonstrates the power of us moving these important conversations outside the confines of a debate competition and into a broader community conversation.

Louden 11 Louden, Chair of the Department of Communication and former Director of Debate at Wake Forest University, 2011

http://books.google.com/books?id=ntHxX\_9J7gYC&pg=PA398&lpg=PA400&ots=CNsmfYlo0l&dq=(Navigating+Opportunity:+Policy+Debate+in+the+21st+Century,#v=onepage&q&f=false

Ideas grow from a mixture of motive and opportunity. For nearly a decade, policy¶ debate professionals have had a sense that the debate community needed to¶ draw a breath, discount busyness and inertia, and take the time to systematically¶ assess the state of policy debate at the outset of the twenty-first century.¶ A more pressing motive presented itself in the summer of 200S when an unbecoming YouTube video went viral, making public a post-debate confrontation¶ at the Cross Examination Debate Association (CEDA) national debate tournament. CNN picked up the video, obliging nearly everyone associated with debate¶ to explain to friends, colleagues, and reporters how otherwise committed coaches¶ could trade invective and “physical display” before their students. Even the sympathetic were perplexed.¶ That an assessment of the role of debate was overdue, prompted by events, re-¶ suited in the National Developmental Debate Conference, hosted by Wake Forest University in Winston-Salem, North Carolina, June 5—7, 2009. Debate leaders Timothy O’Donnell (University of Mary Washington), chair¶ person of the National Debate Tournament (NDT), and Gordon Stables (University of Southern California), president-elect of the CEDA, with the reliable¶ encouragement of NDT board of trustees chair, Robin Rowland (University of¶ Kansas), took up the challenge.¶ At the behest of what became the Conference Steering Committee, I was¶ brought onboard. Over the period of a year, planning for the conference en¶ sued. Themes facing the debate community were developed, resulting in ten¶ areas of inquiry. Six months before the conference, debate leaders with relevant¶ expertise were identified and invited to constitute working groups charged with¶ investigation and development of recommendations. Members of the debate¶ community were independently invited to participate in the conference.¶ Former Wayne State director, George Ziegelmueller, who chaired the first¶ two developmental conferences, cautioned me in phone conversations that¶ the meeting was not without risk. While a gathering of specialists skilled in argument and representing a continuum of strongly held opinion might¶ appear ominous, the 90 professionals assembled in the spring warmth of¶ Winston-Salem displayed a cooperative hardworking attitude that graced¶ the three days. The conferees sacrificed time and resources to attend, largely¶ because they believed deeply in the educationaL contributions of debate and¶ wanted to be part of making it better.¶ CONFERENCE PHILOSOPHY—HISTORICAL ROOTS¶ The Wake Forest conference marks the third national development conference¶ for intercollegiate debate. Previously, representatives of the collegiate debate¶ community convened in Sedalia, Colorado, in 1974, and at Northwestern University in 1984.¶ This volume abounds with references to the previous developmental conferences, acknowledging discursively our collective historical debt to these prior¶ efforts (and the larger-than-lit coaches who oversaw the heyday of American¶ forensics). There is a continuity among the conferences that goes beyond problems and¶ ISSUCS common across the generations The shared themes have more to do with¶ purpose: a life lived with bright students, curious and sometimes aggressive; a¶ commitment to the future; and for many a calling.¶ Conferences can alter our thinking, often bring us to consensus, and potentially¶ energize us, but they are also made up of distinct individuals who define the¶ enterprise.¶ No individual made it to Winston-Salem who also traveled to Sedalia, Colorado. The long time span since the first conference and changing nature of¶ debate meant that no individual attended all three conferences, although representatives of’ the Sedalia conference were present at Wake Forest. David Zarefsky provided continued guidance and, absent a prior commitment, would¶ have bridged all three. As already acknowledged, George Ziegelmueller’s voice¶ is present in all three conferences. A few attendees had participated at Northwestern: Frcd Sternhagcn (Con¶ cordia) and Dave Hingstman (Iowa, then Baylor). Ed Panerta (Georgia, then¶ Wake) and I wrote a paper on summer workshops that did not make the pub¶ lished proceedings. A young Robin Rowland (Kansas, then Baylor) chaired the group on Topic Selection; and particularly salient now, Ross Smith (Wake For¶ est) served on the Ethics in Advocacy committee, primarily concerned with¶ correct citations for debater’s evidence. The scope of this previous work now¶ looks antiquated in the Internet environment.¶ The advantage of setting aside time, absent the demands of tournament or academic conference, is obvious, yet we seldom make possible that luxury. The¶ conference allowed discussion and reflection and occasional “out-of-the-box”¶ thinking, challenges to standard practice that mark the essays in this work.¶ The range of topics considered at Winston-Salem is broader than that of the first¶ two developmental conferences. Sedalia was primarily concerned with examining debate programs’ residency in their academic homes. The resulting book,¶ Forensics as Communication offered commissioned research, a Delphi protocol¶ to assess opinion, and 63 formal recommendations (McBath 1975). American¶ Forensics in Perspective, which grew out of the Northwestern conference, offered¶ researched position papers largely addressing practice, from summer workshops¶ to selecting a topic, producing 29 formal resolutions (Parson 1984).

#### Using one debate as the basis for change fails – not enough community participation.

Atchison and Panetta 09 (Jarrod Atchison, Phd Rhetoric University of Georgia, Assistant Professor and Director of debate at Wake Forest University, and Edward Panetta, Phd Rhetoric Associate Professor University of Pitt and Director of Debate at Georgia, Intercollegiate Debate and Speech Communication, Historical Developments and Issues for the Future, “Intercollegiate Debate and Speech Communication: Issues for the Future,” The Sage Handbook of Rhetorical Studies, Lunsford, Andrea, ed. (Los Angeles: Sage Publications Inc., 2009) p. 317-334)

The debate community has become more¶ self-reflexive and increasingly invested in¶ attempting to address the problems that have¶ plagued the community from the start. The¶ degrees to which things are considered¶ problems and the appropriateness of different¶ solutions to the problems have been hotly¶ contested, but some fundamental issues, such¶ as diversity and accessibility, have received¶ considerable attention in recent years. This¶ section will address the “debate as activism”¶ perspective that argues that the appropriate site¶ for addressing community problems is¶ individual debates. In contrast to the “debate¶ as innovation” perspective, which assumes that¶ the activity is an isolated game with¶ educational benefits, proponents of the¶ “debate as activism” perspective argue that¶ individual debates have the potential to create¶ change in the debate community and society at¶ large. If the first approach assumed that debate¶ was completely insulated, this perspective¶ assumes that there is no substantive insulation¶ between individual debates and the community at large. From our perspective, using individual¶ debates to create community change is an¶ insufficient strategy for three reasons. First,¶ individual debates are, for the most part,¶ insulated from the community at large. Second,¶ individual debates limit the conversation to the¶ immediate participants and the judge,¶ excluding many important contributors to¶ the debate community. Third, locating the¶ discussion within the confines of a competition¶ diminishes the additional potential for collaboration, consensus, and coalition building.¶ The first problem that we isolate is the¶ difficulty of any individual debate to generate¶ community change. Although any debate has¶ the potential to create problems for the¶ community (videotapes of objectionable¶ behavior, etc.), rarely does any one debate have¶ the power to create community-wide change.¶ We attribute this ineffectiveness to the structural¶ problems inherent in individual debates and the¶ collective forgetfulness of the debate community.¶ The structural problems stem from the current¶ tournament format that has remained relatively¶ consistent for the past 30 years. Debaters engage¶ in preliminary debates in rooms that are rarely¶ populated by anyone other than the judge.¶ Judges are instructed to vote for the team that¶ does the best debating, but the ballot is rarely¶ seen by anyone outside the tabulation room.¶ Given the limited number of debates in which a¶ judge actually writes meaningful comments,¶ there is little documentation of what actually¶ transpired during the debate round. During the¶ period when judges interact with the debaters,¶ there are often external pressures (filing¶ evidence, preparing for the next debate, etc.)¶ that restrict the ability of anyone outside the¶ debate to pay attention to the judges’¶ justification for their decision. Elimination¶ debates do not provide for a much better¶ audience because debates still occur simul -¶ taneously, and travel schedules dictate that most¶ of the participants have left by the later¶ elimination rounds. It is difficult for anyone to¶ substantiate the claim that asking a judge to vote¶ to solve a community problem in an individual debate with so few participants is the best¶ strategy for addressing important problems.

### 1nc turn

#### The aff’s narrative is grounded in injuries of the past with no guide for the future---this reinscribes exclusion and foreclosures social justice

Bhambra 10—U Warwick—AND—Victoria Margree—School of Humanities, U Brighton (Identity Politics and the Need for a ‘Tomorrow’, http://www.academia.edu/471824/Identity\_Politics\_and\_the\_Need\_for\_a\_Tomorrow\_)

2 The Reification of Identity We wish to turn now to a related problem within identity politicsthat can be best described as the problem of the reiﬁcation of politicised identities. Brown (1995) positions herself within thedebate about identity politics by seeking to elaborate on “the wounded character of politicised identity’s desire” (ibid: 55); thatis, the problem of “wounded attachments” whereby a claim to identity becomes over-invested in its own historical suffering and perpetuates its injury through its refusal to give up its identity claim. Brown’s argument is that where politicised identity is founded upon an experience of exclusion, for example, exclusion itself becomes perversely valorised in the continuance of that identity. In such cases, group activity operates to maintain and reproduce the identity created by injury (exclusion) rather than– and indeed, often in opposition to – resolving the injurious social relations that generated claims around that identity in the ﬁrst place. If things have to have a history in order to have af uture, then the problem becomes that of how history is con-structed in order to make the future. To the extent that, for Brown, identity is associated primarily with (historical) injury, the future for that identity is then already determined by the injury “as both bound to the history that produced it and as a reproach to the present which embodies that history” (ibid 1995: 73). Brown’s sug-gestion that as it is not possible to undo the past, the focus back- wards entraps the identity in reactionary practices, is, we believe,too stark and we will pursue this later in the article. Politicised identity, Brown maintains, “emerges and obtains its unifying coherence through the politicisation of exclusion from an ostensible universal, as a protest against exclusion” (ibid: 65). Its continuing existence requires both a belief in the legitimacy of the universal ideal (for example, ideals of opportunity, and re- ward in proportion to effort) and enduring exclusion from those ideals. Brown draws upon Nietzsche in arguing that such identi-ties, produced in reaction to conditions of disempowerment andinequality, then become invested in their own impotence through practices of, for example, reproach, complaint, and revenge. These are “reactions” in the Nietzschean sense since they are substitutes for actions or can be seen as negative forms of action. Rather than acting to remove the cause(s) of suffering, that suf-fering is instead ameliorated (to some extent) through “the estab-lishment of suffering as the measure of social virtue” (ibid 1995:70), and is compensated for by the vengeful pleasures of recrimi-nation. Such practices, she argues, stand in sharp distinction to –in fact, provide obstacles to – practices that would seek to dispel the conditions of exclusion. Brown casts the dilemma discussed above in terms of a choicebetween past and future, and adapting Nietzsche, exhorts theadoption of a (collective) will that would become the “redeemer of history” (ibid: 72) through its focus on the possibilities of creat-ing different futures. As Brown reads Nietzsche, the one thingthat the will cannot exert its power over is the past, the “it was”.Confronted with its impotence with respect to the events of thepast, the will is threatened with becoming simply an “angry spec-tator” mired in bitter recognition of its own helplessness. The onehope for the will is that it may, instead, achieve a kind of mastery over that past such that, although “what has happened” cannotbe altered, the past can be denied the power of continuing to de-termine the present and future. It is only this focus on the future, Brown continues, and the capacity to make a future in the face of human frailties and injustices that spares us from a rancorous decline into despair. Identity politics structured by ressentiment – that is, by suffering caused by past events – can only break outof the cycle of “slave morality” by remaking the present againstthe terms of the past, a remaking that requires a “forgetting” of that past. An act of liberation, of self-afﬁrmation, this “forgettingof the past” requires an “overcoming” of the past that offers iden-tity in relationship to suffering, in favour of a future in whichidentity is to be deﬁned differently. In arguing thus, Brown’s work becomes aligned with a posi-tion that sees the way forward for emancipatory politics as re-siding in a movement away from a “politics of memory” (Kilby 2002: 203) that is committed to articulating past injustices andsuffering. While we agree that investment in identities prem-ised upon suffering can function as an obstacle to alleviating the causes of that suffering, we believe that Brown’s argument as outlined is problematic. First, following Kilby (2002), we share a concern about any turn to the future that is ﬁgured as a complete abandonment of the past. This is because for those who have suffered oppression and exclusion, the injunction to give up articulating a pain that is still felt may seem cruel and impossible to meet. We would argue instead that the “turn to the future” that theorists such as Brown and Grosz callfor, to revitalise feminism and other emancipatory politics, need not be conceived of as a brute rejection of the past. Indeed, Brown herself recognises the problems involved here, stating that [since] erased histories and historical invisibility are themselves suchintegral elements of the pain inscribed in most subjugated identities[then] the counsel of forgetting, at least in its unreconstructedNietzschean form, seems inappropriate if not cruel (1995: 74). She implies, in fact, that the demand exerted by those in painmay be no more than the demand to exorcise that pain throughrecognition: “all that such pain may long for – more than revenge– is the chance to be heard into a certain release, recognised intoself-overcoming, incited into possibilities for triumphing over, and hence, losing itself” (1995: 74-75). Brown wishes to establish the political importance of remembering “painful” historical events but with a crucial caveat: that the purpose of remembering pain is to enable its release . The challenge then, according to her,is to create a political culture in which this project does not mutate into one of remembering pain for its own sake. Indeed, if Brown feels that this may be “a pass where we ought to part with Nietzsche” (1995: 74), then Freud may be a more suit-able companion. Since his early work with Breuer, Freud’s writ-ings have suggested the (only apparent) paradox that remember-ing is often a condition of forgetting. The hysterical patient, who is doomed to repeat in symptoms and compulsive actions a past she cannot adequately recall, is helped to remember that trau-matic past in order then to move beyond it: she must remember inorder to forget and to forget in order to be able to live in the present. 7 This model seems to us to be particularly helpful for thedilemma articulated by both Brown (1995) and Kilby (2002),insisting as it does that “forgetting” (at least, loosening the holdof the past, in order to enable the future) cannot be achieved without ﬁrst remembering the traumatic past. Indeed, this wouldseem to be similar to the message of Beloved , whose central motif of haunting (is the adult woman, “Beloved”, Sethe’s murderedchild returned in spectral form?) dramatises the tendency of theunanalysed traumatic past to keep on returning, constraining, asit does so, the present to be like the past, and thereby, disallow-ing the possibility of a future different from that past. As Sarah Ahmed argues in her response to Brown, “in order to break the seal of the past, in order to move away from attach-ments that are hurtful, we must ﬁrst bring them into the realm of political action” (2004: 33). We would add that the task of analys-ing the traumatic past, and thus opening up the possibility of political action, is unlikely to be achievable by individuals on their own, but that this, instead, requires a “community” of participants dedicated to the serious epistemic work of rememberingand interpreting the objective social conditions that made up thatpast and continue in the present. The “pain” of historical injury is not simply an individual psychological issue, but stems from objective social conditions which perpetuate, for the most part, forms of injustice and inequality into the present. In sum, Brown presents too stark a choice between past andfuture. In the example of Beloved with which we began thisarticle, Paul D’s acceptance of Sethe’s experiences of slavery asdistinct from his own, enable them both to arrive at new under-standings of their experience. Such understanding is a way of partially “undoing” the (effects of) the past and coming to terms with the locatedness of one’s being in the world (Mohanty 1995). As this example shows, opening up a future, and attending to theongoing effects of a traumatic past, are only incorrectly under-stood as alternatives. A second set of problems with Brown’s critique of identity poli-tics emerge from what we regard as her tendency to individualise social problems as problems that are the possession and theresponsibility of the “wounded” group. Brown suggests that the problems associated with identity politics can be overcome through a “shift in the character of political expression and politi-cal claims common to much politicised identity” (1995: 75). She deﬁnes this shift as one in which identity would be expressed in terms of desire rather than of ontology by supplanting the lan-guage of “I am” with the language of “I want this for us” (1995:75). Such a reconﬁguration, she argues, would create an opportu-nity to “rehabilitate the memory of desire within identiﬁcatory processes…prior to [their] wounding” (1995: 75). It would fur-ther refocus attention on the future possibilities present in theidentity as opposed to the identity being foreclosed through its attention to past-based grievances.

## 2nc

### 2nc performance

#### Performance is not a mode of resistance - it gives too much power to the audience because the performer is structurally blocked from controlling the (re)presentation of their representations. Appealing to the ballot is a way of turning over one’s identity to the same reproductive economy that underwrites liberalism—gets coopted—like Sappphire’s push—made into a major motion picture for the “white” to pity the “black” reinscribes the same relationships

Phelan 96—chair of New York University's Department of Performance Studies (Peggy, Unmarked: the politics of performance, ed published in the Taylor & Francis e-Library, 2005, 146

Performance’s only life is in the present. Performance cannot be saved, recorded, documented, or otherwise participate in the circulation of representations of representations: once it does so, it becomes something other than performance. To the degree that performance attempts to enter the economy of reproduction it betrays and lessens the promise of its own ontology. Performance’s being, like the ontology of subjectivity proposed here, becomes itself through disappearance.

The pressures brought to bear on performance to succumb to the laws of the reproductive economy are enormous. For only rarely in this culture is the “now” to which performance addresses its deepest questions valued. (This is why the now is supplemented and buttressed by the documenting camera, the video archive.) Performance occurs over a time which will not be repeated. It can be performed again, but this repetition itself marks it as “different.” The document of a performance then is only a spur to memory, an encouragement of memory to become present.

#### Even if their best intention is to resist the liberal subject, autobiography is understood by its consuming audience as the assertion of the classic autonomous subject – this subverts the political potential of performance by rendering one’s experience legible to the terms of liberalism .

Coughlin 95—associate Professor of Law, Vanderbilt Law School. (Anne, REGULATING THE SELF: AUTOBIOGRAPHICAL PERFORMANCES IN OUTSIDER SCHOLARSHIP, 81 Va. L. Rev. 1229)

Although Williams is quick to detect insensitivity and bigotry in remarks made by strangers, colleagues, and friends, her taste for irony fails her when it comes to reflection on her relationship with her readers and the material benefits that her autobiographical performances have earned for her. n196 Perhaps Williams should be more inclined to thank, rather than reprimand, her editors for behaving as readers of autobiography invariably do. When we examine this literary faux pas - the incongruity between Williams's condemnation of her editors and the professional benefits their publication secured her - we detect yet another contradiction between the outsiders' use of autobiography and their desire to transform culture radically. Lejeune's characterization of autobiography as a "contract" reminds us that autobiography is a lucrative commodity. In our culture, members of the reading public avidly consume personal stories, n197 which surely explains why first-rate law journals and academic presses have been eager to market outsider narratives. No matter how unruly the self that it records, an autobiographical performance transforms that self into a form of "property in a moneyed economy" n198 and into a valuable intellectual [\*1283] asset in an academy that requires its members to publish. n199 Accordingly, we must be skeptical of the assertion that the outsiders' splendid publication record is itself sufficient evidence of the success of their endeavor. n200

Certainly, publication of a best seller may transform its author's life, with the resulting commercial success and academic renown. n201 As one critic of autobiography puts it, "failures do not get published." n202 While writing a successful autobiography may be momentous for the individual author, this success has a limited impact on culture. Indeed, the transformation of outsider authors into "success stories" subverts outsiders' radical intentions by constituting them as exemplary participants within contemporary culture, willing to market even themselves to literary and academic consumers. n203 What good does this transformation do for outsiders who are less fortunate and less articulate than middle-class law professors? n204 Although they style themselves cultural critics, the [\*1284] storytellers generally do not reflect on the meaning of their own commercial success, nor ponder its entanglement with the cultural values they claim to resist. Rather, for the most part, they seem content simply to take advantage of the peculiarly American license, identified by Professor Sacvan Bercovitch, "to have your dissent and make it too." n205

IV. The Autobiographical Self

The outsider narratives do not reflect on another feature of autobiographical discourse that is perhaps the most significant obstacle to their goal to bring to law an understanding of the human self that will supersede the liberal individual. Contrary to the outsiders' claim that their personalized discourse infuses law with their distinctive experiences and political perspectives, numerous historians and critics of autobiography have insisted that those who participate in autobiographical discourse speak not in a different voice, but in a common voice that reflects their membership in a culture devoted to liberal values. n206 As Sacvan Bercovitch puts it, American cultural ideals, including specifically the mythic connection between the "heroic individual ... [and] the values of free enterprise," are "epitomized in autobiography." n207 In his seminal essay on the subject, Professor Georges Gusdorf makes an observation that seems like a prescient warning to outsiders who would appropriate autobiography as their voice. He remarks that the practice of writing about one's own self reflects a belief in the autonomous individual, which is "peculiar to Western man, a concern that has been of good use in his systematic conquest of the [\*1285] universe and that he has communicated to men of other cultures; but those men will thereby have been annexed by a sort of intellectual colonizing to a mentality that was not their own." n208 Similarly, Albert Stone, a critic of American autobiography, argues that autobiographical performances celebrate the Western ideal of individualism, "which places the self at the center of its world." n209 Stone begins to elucidate the prescriptive character of autobiographical discourse as he notes with wonder "the tenacious social ideal whose persistence is all the more significant when found repeated in personal histories of Afro-Americans, immigrants, penitentiary prisoners, and others whose claims to full individuality have often been denied by our society." n210

Precisely because it appeals to readers' fascination with the self-sufficiency, resiliency and uniqueness of the totemic individual privileged by liberal political theory, there is a risk that autobiographical discourse is a fallible, even co-opted, instrument for the social reforms envisioned by the outsiders. By affirming the myths of individual success in our culture, autobiography reproduces the [\*1286] political, economic, social and psychological structures that attend such success. n211 In this light, the outsider autobiographies unwittingly deflect attention from collective social responsibility and thwart the development of collective solutions for the eradication of racist and sexist harms. Although we may suspect in some cases that the author's own sense of self was shaped by a community whose values oppose those of liberal individualism, her decision to register her experience in autobiographical discourse will have a significant effect on the self she reproduces. n212 Her story will solicit the public's attention to the life of one individual, and it will privilege her individual desires and rights above the needs and obligations of a collectivity.

Moreover, literary theorists have remarked the tendency of autobiographical discourse to override radical authorial intention. Even where the autobiographer self-consciously determines to resist liberal ideology and represents her life story as the occasion to announce an alternative political theory, "the relentless individualism of the genre subordinates" her political critique. n213 Inevitably, at least within American culture, the personal narrative engrosses the readers' imagination. Fascinated by the travails and triumphs of the developing autobiographical self, readers tend to construe the text's political and social observations only as another aspect of the author's personality.

Paradoxically, although autobiography is the product of a culture that cultivates human individuality, the genre seems to make available only a limited number of autobiographical protagonists. n214 Many theorists have noticed that when an author assumes the task of defining her own, unique subjectivity, she invariably reproduces herself as a character with whom culture already is well-acquainted. n215 While a variety of forces coerce the autobiographer [\*1287] to conform to culturally sanctioned human models, n216 the pressures exerted by the literary market surely play a significant role. The autobiographer who desires a material benefit from her performance must adopt a persona that is intelligible, if not enticing, to her audience. n217 As I will illustrate in the sections that follow, the outsider narratives capitalize on, rather than subvert, autobiographical protagonists that serve the values of liberalism.

### 2nc ballot

#### The very act of articulating why performance ought be attached to the ballot casts performance within the terms of liberalism’s discursive economy – this reduces their performance to a form of aesthetic formalism, this subordinates the political potential of performance to the narrow disciplinary concerns of academic knowledge production

Phelan ‘96—chair of New York University's Department of Performance Studies (Peggy, Unmarked: the politics of performance, ed published in the Taylor & Francis e-Library, 2005,

In his 1981 article Representation and the Limits of Interpretation, Eric E. Peterson delves into the problems of wedding post-structuralism and interpretation in terms of the limits of representation. He concedes that for oral interpretation “representation is a powerful force in the theoretical understanding of our practice. Not only does it allow us to distinguish oral interpretation from similar literary, theatrical, and speech arts; but it also provides a theoretical justification for the existence of oral interpretation as a discipline distinct from other disciplines” (24). Peterson formulated these arguments even before oral interpretation shifted to the broader term performance studies, but his predictions were insightful. Peterson maps out potential disciplinary costs of thinking representation in a certain way. He continues, saying that the cost of “securing this place for oral interpretation is the increasing objectification of our practice and subjectification of our practitioners. By objectifying our practice, we mean that the conceptualization of art as representation precludes the examination of the very activity of representing” (24). This causes the field to continually wrap itself up in disciplinary techniques for the “accumulation of knowledge and the exercise of power” (24) through interpretation, instead of focusing on the eroticization of performance practice itself. Peterson argues for reinvestigating the process of performance as art, not subject-object relations.

### 2nc opposition

#### Shifting to their politics is a way to dodge fundamental collective debates with the hegemonic forces that underwrite oppression – training an incapacity to engage with institutional power sets activism up to fail against the organized forces of political control – the aff is a modern day Nero who fiddles the night away as Rome burns down around him

Chandler 7 – Researcher @ Centre for the Study of Democracy, Chandler. 2007. Centre for the Study of Democracy, Westminster, Area, Vol. 39, No. 1, p. 118-119

This disjunction between the human/ethical/global causes of post-territorial political activism and the capacity to 'make a difference' is what makes these individuated claims immediately abstract and metaphysical – there is no specific demand or programme or attempt to build a collective project. This is the politics of symbolism. The rise of symbolic activism is highlighted in the increasingly popular framework of 'raising awareness'– here there is no longer even a formal connection between ethical activity and intended outcomes (Pupavac 2006). Raising awareness about issues has replaced even the pretense of taking responsibility for engaging with the world – the act is ethical in-itself. Probably the most high profile example of awareness raising is the shift from Live Aid, which at least attempted to measure its consequences in fund-raising terms, to Live 8 whose goal was solely that of raising an 'awareness of poverty'. The struggle for 'awareness' makes it clear that the focus of symbolic politics is the individual and their desire to elaborate upon their identity – to make us aware of their 'awareness', rather than to engage us in an instrumental project of changing or engaging with the outside world. It would appear that in freeing politics from the constraints of territorial political community there is a danger that political activity is freed from any constraints of social mediation(see further, Chandler 2004a). Without being forced to test and hone our arguments, or even to clearly articulate them, we can rest on the radical 'incommunicability' of our personal identities and claims – you are 'either with us or against us'; engaging with those who disagree is no longer possible or even desirable. It is this lack of desire to engage which most distinguishes the unmediated activism of post-territorial political actors from the old politics of territorial communities, founded on struggles of collective interests (Chandler 2004b). The clearest example is old representational politics – this forced engagement in order to win the votes of people necessary for political parties to assume political power. Individuals with a belief in a collective programme knocked on strangers' doors and were willing to engage with them, not on the basis of personal feelings but on what they understood were their potential shared interests. Few people would engage in this type of campaigning today; engaging with people who do not share our views, in an attempt to change their minds, is increasingly anathema and most people would rather share their individual vulnerabilities or express their identities in protest than attempt to argue with a peer. This paper is not intended to be a nostalgic paean to the old world of collective subjects and national interests or a call for a revival of territorial state-based politics or even to reject global aspirations: quite the reverse. Today, politics has been 'freed' from the constraints of territorial political community – governments without coherent policy programmes do not face the constraints of failure or the constraints of the electorate in any meaningful way; activists, without any collective opposition to relate to, are free to choose their causes and ethical identities; protest, from Al Qaeda, to anti-war demonstrations, to the riots in France, is inchoate and atomized. When attempts are made to formally organize opposition, the ephemeral and incoherent character of protest is immediately apparent.

### 2nc perm

#### The permutation is reactionary conservatism----their appeal to “real suffering” abandons the flux of politics in favor of the truth of identity

Brown 95—prof at UC Berkely (Wendy, States of Injury, 37-8)

When these precepts “without which we cannot survive” issue from the intellectual or political Right, they are easy enough to identify as both reactionary and fundamentalist.It is fairly clear what they oppose and seek to foreclose: inter alia, democratic conversation about our collective condition and future. But when they issue from feminists or others on the "Left,” they are more slippery, especially insofar as they are posed in the name of caring about political things, caring about “actual women\*’ or about women's ‘'actual condition in the world.” and are lodged against those who presumably do not or cannot care, given their postmodern or poststructurahst entanglements.¶The remainder of’ this essay turns this argument on its head. I will suggest that feminist wariness about postmodernism may ultimately be coterminouswith a wariness about politics, when politics is grasped as a terrain of struggle without fixed or metaphysical referents and a terrain of power's irreducible and pervasive ce in human affairs. Contrary to its insistence that it speaks in name of the political, much feminist anti-postmodernism betrays a preference for extrapolitical terms and practices: for Truth (unchanging, incontestable) over politics (flux, contest. instability): for certainty and security (safety, immutability, privacy) over freedom (vulnerability, publicity); for discoveries (science) over decisions (judgments);for separable subjects armed with established rights and identities over unwieldy and shifting pluralities adjudicating for themselves and their future on the basis of nothing more than their own habits and arguments.This particular modernist reaction to postmoder- nism makes sense if we recall that the promise of the Enlightenment was a revision of the old Platonic promise to put an end to politics by supplanting it with Truth. In its modern variant, this promise was tendered through the multiple technologies of nature's rationality in human affairs (Adam Smith); science, including the science of administration (Hobbes); and universal reason (Kant. Hegel. Marx). Modernity could not make goud on this promise, of course, but modernists do not surrender thc dream it instilled of a world governed by reason divested of power.\*\*• Avowed ambivalence about Western reason and rationality notwith- standing. feminist modernists are no exception, but the nature of our ¶ 38¶ attachment to this ironically antipolitical vision is distinctively colored by feminist projects. To thc particulars of this attachment wc now turn.

### at: social death

#### Even if they win their argument, endorsing it manifests in melancholy—makes it a self-fulfilling prophecy

Muhwati 5 [Itai Muhwati Department of African Languages and Literature, University of Zimbabwe http://ir.uz.ac.zw:8080/jspui/bitstream/10646/515/1/Muhwati-Mass-Neurosis.pdf //liam]

Stories in Masango Mavi as well the general social picture in Mapenzi reflect an annihilatory vision. Such a vision centralises closure and entrapment. The story titled “Mashiriapungana” (complex/ difficult situation) in Masango Mavi presents a people whose future is frighteningly bleak. The characters are so overcome with death to the extent of losing belief in the project of life. A closer examination on their condition shows that they no longer die once but several times because they have adopted a nihilist vision. However, such a social vision is dangerous in that it subverts agency and participation while entrenching surrender and defeatist attitudes as social ideals. James Baldwin (1963:13) comments on the ramifications of embodying such a vision. He observes in the letter to his brother that, “…he… [died] before he died because he really believed what…people said about him.” Death is so prevalent in this story. The author tells us that: Vanhu vapabasa pake vaiva vashoma asi painge pagara pachingobatanwa maoko zuva nezuva. Dzimwe nguva aishaya kuti paizopera makore gumi kambani yainge ichiri kushandirwa naiye neshamwari dzake here… (14). Fellow workers were very few yet it had become a norm to exchange condolences almost every day. At times he was not sure if the same company would still have the same workers in ten years time. The integrity of a nation revolves around the physical presence of its people. Such physical presence depends on a host of other factors which include the emotional, psychological and spiritual health of a people. When death and other forces of degeneration tend to out manoeuvre life and forces of regeneration, existence becomes a nullity. Some of the characters even prepare for their death in advance because life is said to have become very short. Chiwome caricatures such people and presents them as neurotics. However, the neurosis is so prevalent to the extent that chances of survival for the race are questionable. This is the kind of mass neurosis that leads to closure and entrapment. **When the race loses faith in both the present and the future, individual and group development becomes a mirage**.

## 1nr

#### Argument requires limits—the existence of clash in this round doesn’t mean there’s an appropriate frame of reference—makes us negate descriptive facts or moral truisms instead of collectively reason

**Rowland 1987** – professor of communication at the University of Kansas (Robert, Philosophy and Rhetoric, 20.3, “On defining argument”, p. 155-6, EBSCO)

The final two characteristics identified by Brockriede--a willingness to risk confrontation and a shared frame of reference--also are not necessary attributes of argument. People often support their claims with reasons and evidence although they don't share a frame of reference or risk confrontation. When the Soviet and United States ambassadors to the United Nations engage in debate, they support their claims, but there is no risk of self and no shared frame of reference. Thus, characteristics (5) and (6) are not essential to the definition of argument. Rather, they are essential to the successful resolution of argument. Without a shared frame of reference and a willingness to risk the self, there is little chance of rationally resolving a dispute.

Conclusion

The functional approach to the study of argumentation is valuable because it provides a clear definition of the scope of argumentation. It recognizes that **while all argument is rhetorical, not all rhetoric is argument**. One danger associated with some recent work on argument is that the term argument itself becomes so broad that it loses all meaning. **If argument is** defined to include **all disagreement**, all comparison of construct systems, and all instances in which an individual believes that he or she is arguing then essentially all communication is argument.

A more useful definitional move is to treat argument as the symbolic form(s) we use to solve problems rationally. This implies that argument is the method of reason. Such a definition sets the limits of argumentation and defines the form of argument in relation to the function of arguing. Moreover, so to define argument recognizes the role of evaluation in the study of argument. Merely to describe an argument or set of arguments leaves their human significance out of consideration. Once the arguments of a speech, essay, or other verbal interaction have been described with accuracy, the next point of critical interest is naturally the arguments' relative quality as efforts to induce closure. The value of examining arguments is undercut if description becomes the only aim of criticism of argumentation. A socially satisfying definition of argument and a useful theory of argumentation must provide at least trained theorists with grounds for distinguishing between weak and strong arguments, as the functional definition does.

Some will perhaps object that the functional definition of argument for which I have contended restricts a student of argumentation to study of propositional discourse. This is true in the sense that my definition identifies reason-giving as a fundamental characteristic of argument, and reason-giving is propositional. On the other hand, an issue that needs clarification in theory of argument, as I have shown, is whether "argumentation" and "rhetoric" are to be considered synonymous. If so, the concept of "argument" becomes unnecessary; the concept of "rhetoric" is sufficient. My contention is that arguments occur in rhetoric and need to be recognized, described, and evaluated in light of their unique functional and formal features. Arguments cannot be understood by applying the same kinds of analysis as we would apply if, say, rhythm were our point of interest. Arguments are formally and functionally different from rhythmic patterns, situational constraints, levels of vocabulary, and the like-all features of rhetoric. If argument is taken to be the means by which humans rationally solve problems-or try to, arguments can be identified , described, and evaluated critically as part of the broader enterprise of identifying, describing, and evaluating rhetoric. Across centuries, people have believed there is such a process as trying to arrive at preferred conclusions by rational means, rather than by non-rational means. That process, I have argued, entails distinctive verbal forms appropriate to the function of the process. It is at least useful to give such purposeful forms and function a name. Traditionally and contemporaneously "argument" is philosophically and etymologically the appropriate name.

#### -Debating war powers isn’t about unlocking the final conclusion, it’s a valuable heuristic for grappling with uncertainty—we have topic-specific ev on switch side debate

Henze, 08 [12/3/08, Sonia, Yale-New Haven Teachers Institute, The American President and War Powers: Combatting views, <http://www.yale.edu/ynhti/nationalcurriculum/units/2012/3/12.03.08.x.html>]

This review of American Government content and practice is an attempt to connect the American ideals from ninth grade Civics through eleventh grade U.S. History. Pittsburgh Public students study an introduction to government through a course called Civics: Be The Change. Students have a say in their education by engaging in debates in the classroom. Ninth graders show their knowledge through service projects, volunteer promotions, and roundtable discussions. The PPS Social Studies curricula connects year to year by grouping students and retaining the same teachers for at least two years. This looping program is successful in boosting student achievement through mutual trust and responsibility. This unit reminds students of the separate branches and duties of the federal government in a quick review of the 9th grade Civics topics that are critical for AP U.S. success. The function of the executive branch is a backdrop for a discussion of how power is delegated to the president and how authority is maintained in the federal government. The goal is to interest 11th graders in a more advanced study of American Government and Politics (AP) they can take in 12th grade, with confidence. This unit fits with the current revisions of the Advanced Placement U.S. History course by the College Board. I will start my class by introducing various interpretations of the modern presidency. By posing questions on the constitutionality of the presidential war powers, students will practice critical thinking skills, develop writing at the AP level, and express their points of view through oral arguments. This unit is also geared toward boosting minority achievement within the class and on the AP U.S. History exam. When students ask questions around documents and seek answers of their peers, they begin to function at a college level. With an understanding of American Constitutional ideals, and the ability to recognize how they are practiced, students are better able to work their way through standardized exams. I have found working with documents promotes student achievement at a faster rate than just sticking to the textbook. My students will have completed a close examination of the Federalist and Anti-Federalist papers in a prior unit where they explore problems with the Articles of Confederation and debate if the U.S. Constitution should be ratified in 1787 or rewritten to include the Bill of Rights before final acceptance. This unit may review some of the language of Federalist 67, 69, 74 and 75 in limited detail. Students should have a general understanding of the balance of power so they can question how and why it has expanded. It is often taught that members of the constitutional convention debated whether the U.S. should have a standing army. Some Founders feared that maintaining a large army would drain resources and the new America would the same problems the British had with the colonies. Others worried that a powerful military could rival civilian governments, and some feared having a standing army would prompt us to use it. What gets little attention in High School American History is the management of the U.S. military and the consequences of these actions on the three branches of government. When I began this unit, I started with a belief in the presidential prerogative; the president can do what he thinks is best for the nation. After all, he is the president! My research has guided me to a wealth of government documents surrounding the president's decision to send troops to protect Americans domestically and abroad. The rationale behind these decisions is more telling of the American political system than the executive merely exercising his power as commander in chief. Why Should Students Care About Presidential War Powers? On March 19, 2011 President Obama acted as Commander in Chief by sending the U.S. Military to engage in Allied air strikes against Libya. Reports said over 100 Tomahawk missiles were fired at targets in Libya while 11 U.S. Navy ships lined the coast. The Pentagon claimed the operation was to enforce the UN no-fly zone and support NATO agreements. The press coverage that followed read like a lesson in Constitutional Law. A reporter for the Boson Globe claimed the president needed Congressional approval before acting, while a team from the Washington Post claimed he could act alone.sup> 6/sup> Supporters of President Obama say he was within the realm of the executive duties as prescribed in Article II of the U.S. Constitution by acting as Commander in Chief. Critics argue he unlawfully expanded the executive branch by usurping the power of Congress to "make war" which is clearly delineated to the legislature in Article I. (The Activities section of this unit includes an exercise with president Obama's speech.) This debate over the use of war powers by the executive has been an important part of American foreign policy in recent years. The understanding of most Social Studies texts is that the presidential power is limited, or necessarily "checked." "The president and the military forces under his command, could employ troops and ships only in cases of emergency, to repeal foreign invasion as a defensive measure to protect American citizens and property abroad." sup> 7/sup> This unit attempts to clarify the debate concerning presidential power in a way that will allow students to question authority in an academic arena and draw their own conclusions about the American Presidency. Objectives After completing this unit, students should be able to discuss the origins of war powers in the Constitution and examine several presidential decisions to use military force abroad. Students will describe the process involved in presidential decision-making by using modern examples. They will write an analysis of events surrounding the Tonkin Gulf incident in 1964 and evaluate the decisions made by President Johnson's Administration that led to their request for the Gulf of Tonkin Resolution. A discussion of the War Powers Act may involve the Senate debate and President Nixon's veto as examples of "checks" in the legislative process. Analyzing documents across time will allow students to reach their own interpretation of these events and their significance. The goal is to get students to understand the process by which historians use declassified materials to understand how interpretations of events can be modified. Students should gain an appreciation for the historical process throughout this unit. A Note on the Common Core Standards Language Arts and Social Studies Standards emphasize analyzing, evaluating, and then critically writing about a historical piece by using evidence and information from the text. This kind of rigorous work aligns with college and work expectations. A great deal of time must be devoted to teaching students how to investigate and analyze historical writing before they can do it successfully on their own. In a teacher-coach model, students will master the objectives through independent research and group discussion. Students will discover the meaning of a document through the words of its author, the point of view, and the directed audience. Students will examine the vocabulary of the text, discern how its arguments are constructed, and analyze what is or is not said in the document. Students will hone essays to include writing in various styles using information from the documents as evidence. Essential Questions Throughout this unit students will be exploring some guiding questions. Why did the founding fathers structure the Presidency in the manner that they did? What did they intend the role of a president to be?What are the formal and informal powers of a President?How does the president use these powers to influence foreign affairs?How has the role, as well as the power,of the Presidency changed over time?Is the president too powerful?What do the American people expect from their President? Background to War Powers Conflict is defined by the Oxford English Dictionary as a "prolonged armed struggle, a state of mind in which a person experiences a clash of opposing feelings or needs, and a serious incompatibility of principles or interests." The most recent iteration-the war on terrorism- has stimulated further debate and puzzlement regarding the sharing of powers among the branches. sup> 8/sup> War has been a concern for all American Executives as many presidents assumed office during trouble times and made avoidance of war a key focus. The few who have formally declared war went through the constitutional process of asking Congress for, and obtaining, an official declaration. Some have seen it as their presidential prerogative, while others view it as a mandate from the people. U.S. Constitution The Constitution breaks down the war powers by listing what the executive can do in Article II and what the bicameral legislature can do in Article I. "The power to direct war and peace never fit neatly into the tripartite division of the executive, legislative and judicial powers that the framers used to order the political world," according to Richard Ellis.sup> 9/sup> Article II - Formal Powers of the President History tells us the Founders were wary of too much concentration of power in one person since they had just thrown off the rule of a tyrannical king. At the Constitutional Convention it became clear a central leader was needed, so they took care to structure the executive branch in a way that would maintain a balance of power. The function of the president is laid out in Article II, Section 1 of the U.S. Constitution with a simple directive, "the executive power shall be vested in a President of the United States of America." This allows the president to carry out the laws of the land but does not say how he or she should do so. Much of what the American President does evolved from implied powers. Clarification of executive duties concerning military powers, diplomacy and appointments appears in Article II, Section 2. The section begins, "the president shall be commander in chief of the army and navy of the United States, and of the militia of the several states..." This phrase is commonly perceived as a way to have the military under the control of an elected civilian to prevent a dictatorship. Section 2 also implies that the president may execute or carry out laws as he sees fit since, "he shall have power to grant reprieves and pardons." With regard to foreign policy, "he shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the senators present concur..." Most presidents now make agreements with foreign countries, which do not need approval from senators. The Constitution is a guideline for the presidency. Each man who has been elected to the executive office has made the position his own. A closer look at the Constitution reveals a more deliberate intent of the Founders. Article II states, "the executive power shall be vested in a President of the United States of America" while Article I reads, "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." This wording insures separation of authority and action in a democracy. One can interpret the vesting of powers to the president to be similar to a monarchy, with the sole individual able to exercise their own discretion. George Washington established the first three Cabinet positions with few complaints, as it seemed logical to have Secretaries of the Treasury, State and War to run the government. Article I Louis Fisher, prominent Constitutional author, believes war powers are enumerated in Article I. He shared his position with Congress many times in the past five years. Fisher argues, "Under the Constitution, the ultimate authority to control the deployment of military force lies with Congress. That principle is the bedrock of our governmental system." sup> 10/sup> He claims more power to "make war" has shifted to the executive branch and away from the rightful place in the legislative branch in the past sixty years. Fisher has addressed Congress often in the past five years to compel the legislature to take on what he sees as their duty, making war. Article I, Section 8 of the U.S. Constitution grants Congress the power to "declare war," to "raise and support armies" and to "provide and maintain a Navy." These are often presented to students as the delegated powers of Congress or responsibilities not given to any other branch. In addition, Congress has the power to "make all laws necessary and proper for carrying into execution the foregoing powers..." This elastic clause grants Congress the ability to pass legislation that will further allow them to do their job. Often considered loose construction, this clause was not listed under the powers of the executive. (Art.I:8:18) Article II gives the Senate the ability to ratify treaties and play a part in foreign policy, but it does not give the president elasticity to make laws or change the direction of Article I. The delegates of the Constitutional Convention had a brief discussion to change one key phrase in the draft. Instead of empowering Congress "to make war," the legislature was given authority a "to declare war." The executive maintained the ability to be commander in chief. Most delegates at the Constitutional Convention agreed that the war powers should stay with the Congress, but they also passed a motion, "leaving to the executive the power to repeal sudden attacks." This wording caused trouble for Barry Goldwater in the 1964 presidential election and remains open to various interpretations since president Truman sent American troops to Korea. It is clear the war powers are enumerated in both Articles I and II. The Constitution grants Congress the power to "declare war" and raise and support armies yet the president has exclusive power to wage war and command the army in war and peacetime. The Founders must have intended a collective military action with the president and Congress acting in conjunction with one another. President Washington's Neutrality Proclamation Causes Debate General George Washington was an obvious choice to be the first president among the members of the Continental Congress. Some scholars even say the office was molded in part by Washington's demeanor and Revolutionary War experience. The Founders looked to him as a natural leader "The absence of any debate in the federal convention over the commander in chief clause is arguably further evidence that the framers did not imagine it to be an expansive grant of power..." sup> 11/sup> They did not expect the first president to be the start of controversy over the roles associated with the executive office. Yet, several Founders found problems with Washington's Proclamation of Neutrality in 1793 and start the first of many debates on the rightful distribution of power. sup> 12/sup> In writing a Neutrality Proclamation, Washington acted as Chief Diplomat. He recognized the state of war between Great Britain and France and their allies, then adopted the role of Protector of the Peace with his decree to stay out of the conflict. Washington's goal was "to adopt and pursue a conduct friendly and impartial towards the belligerent powers", but he warned Americans to not aid or abet "hostilities against any of the said powers." sup> 13/sup> This neutrality proclamation was official and within the powers of the president, but there was evidence of public talk against neutrality and pressure for politicians to respond. This discourse led a Federalist, Alexander Hamilton, to publicly support Washington's plan. sup> 14/sup> Hamilton's first letter in support of Washington's proclamation seems a bit paranoid. "The language in the confidential circles is that the constitution of the United States is too complex a system," he states, almost worried of another convention. Hamilton feared ambitious leaders who think the Constitution, "requires to be simplified in its structure, to be purged of some monarchical and aristocratic ingredients which are said to have found their way into it and to be stripped of some dangerous prerogatives, with which it is pretended to be invested." This talk by Hamilton may have led the Federalist to consider Alien and Sedition Acts while the Anti-Federalists rallied around free speech and individual liberties. Pacificus Hamilton wrote a second piece under the pseudonym "Pacificus" to defend, not only the President's policy, but his constitutional right to do so. His belief is in the president as Commander in Chief requires war powers, which "of necessity belong to the executive department to exercise the function in question" sup> 15/sup> Article II vests significant powers in the president as the executive, which may implied but are still significant. Pacificus I was written in defense of President Washington's proclamation of neutrality. Hamilton, Secretary of the Treasury, stepped to the president's defense of the policy and the constitutional right to issue a proclamation. He refuted claims that the treaty was without authority, contrary to other treaties and unnecessary. He claimed the power was rightly suited in the executive branch as, "a correct and well informed mind will discern at once that it can belong [neither] to the legislature nor judicial department." Hamilton makes the argument, "It must then of necessity belong to the Executive Department to exercise the function in question—when a proper case for the exercise of it occurs." Hamilton saw the power of "keeping peace" as an executive privilege under the treaty making authority. He quoted Article II, "executive power shall be vested in a president", a line he approved in his Federalist 74. Hamilton believed "sound construction" would give power to the executive under the general clause as he sees great difficulty in complete enumeration of all executives duties. In other words, Hamilton had no trouble with a loose interpretation of the constitution that gives the president general war powers to be determined at the time of office. Hamilton used the language of the "mode of expression" to complete his inference. When describing Article I he quoted "all legislative powers herein granted shall be vested in a Congress of the United States." This he compared to, "the executive power shall be vested in a president of the United States."sup> 16/sup> He called the enumeration "as merely to specify the principal articles implied in the definition of executive power, leaving the rest to flow from the general grant of that power..." Hamilton believed in separation of powers with each branch having separate and unique duties restricted only by what is mentioned in other branches or specifically limited. Believing the executive can be the Protector of the Peace, Hamilton said it was the duty of the executive to preserve peace until war was declared. He thought the executive had a right to make treaties and a treaty was law so the executive must enforce the law. For Hamilton the wisdom of the constitution prevailed. "It is the providence and duty of the executive to preserve to the nation the blessings of peace. The legislature alone can interrupt them by placing the nation in a state of war."sup> 17/sup> Helvidius After much encouragement from the Anti-Federalists for someone to counter Hamilton, James Madison wrote five essays under the name "Helvidius." This documented feud between Madison and Hamilton led to the creation of the first political parties. At the center of this fight was the belief in strict constructionist interpretation of the constitution opposed to loose constructionist or implied views. Madison's reply to Hamilton is directed at the role of foreign relations in the executive branch. Madison believes the power to declare war lies in the legislature, as enumerated in Article I, this exclusive power includes the right to assess the necessity to go to war or to stay at peace. In this line of argument, Madison negates the power of the President to proclaim the nation's neutrality. Madison attacked the Federalist and supporters of Washington's Neutrality Proclamation by calling them secret monarchists, declaring "several features with the signature of Pacificus were [as of] late published, which have been read with singular pleasure and applause by the foreigners and degenerate citizens among us, who hate our republican government and the French Revolution." He hopes to clarify what he sees are inconsistencies with the wording of the constitution and the actions of the first president. Madison demanded that Congress, not the president, had full authority over all foreign affairs not enumerated in the Constitution. He sees the president without any legislative power, but purely executive, "the two powers to declare war and to make treaties, it will be impossible not to see that they can never fall within a proper definition of executive." He showed his belief in strict constructionist that became a hallmark of the Anti-Federalist Party, recent champions of the Bill of Rights. James Madison takes a detailed approach to the enumeration of executive authority. He argues here that the power to declare war and make treaties can never fall within the definition of executive powers. The author reminds the reader of separate powers. "The natural province of the executive is to execute laws, as that of the legislature is to make laws. Therefore all executive acts must presuppose the existence of laws to be executed. To say that the making of treaties, being substantially of a legislative nature, belongs to the executive is to say that the executive possesses a legislative power. The power to declare war is subject to the same reasoning." sup> 18/sup> Madison reminds his readers of what Alexander Hamilton said in Federalist No. 75 about the process of treaty-making: "The history of human conduct does not warrant that exalted opinion of human virtue which would make it wise in a nation to commit interests of so delicate and momentous a kind as those which concern its intercourse with the rest of the world to the sole disposal of a magistrate, created and circumstanced, as would be a president of the United States."sup> 19/sup> The great debate over who governs starts with the constitutional convention and heats up with the constitutional test of Washington's Proclamation of Neutrality. President Lincoln's Use of War Powers The first three presidents had to consider military action against the Barbary Pirates and James Madison asked Congress for a declaration of war against Great Britain in 1812. The first president to expand the war powers was the 16th, Abraham Lincoln, since he was in office at a time of unprecedented change. Before Lincoln was inaugurated, seven states voted to leave the Union, and four would follow. In 1846 Lincoln criticized president Polk for making war with Mexico, "whenever he shall deem it necessary" which led to a censure of president Polk by Congress in 1848.sup> 20/sup> The American Civil War changed forever the way presidents would view the Constitution, since "it is during this war that the question of executive prerogative became most salient, both then and to generations of historians..." Lincoln knew his presidency was truly extraordinary from the outset as he was not on the ballot in seven southern states and secession had occurred prior to his inauguration. In using prerogative, he did so constitutionally, but only because the situation was, in fact, extraordinary: "The constitution is not its application in all respects the same." It is different "in cases of Rebellion or invasion, involving the public safety" than it is "in times of profound peace and public security." Lincoln thus broadened the habeas corpus clause, claiming that the Constitution allows whatever strong measures are necessary for its preservation. They are "good medicine for a sick man."sup> 21/sup> After some thought, he asked Congress to sanction his actions, and they passed legislation retroactively authorizing his action. President Lincoln wrote a letter to the Speaker of the House on July 15, 1862 to keep the members in attendance until he finished drafting the Confiscation Act. The members of the House did not adjourn and passed Lincoln's Confiscation Act on July 17, 1862. Without this, the draft of the Emancipation Proclamation would not have followed. In every case, president Lincoln wrote an explanation to justify his actions as what he saw as within the guidelines of the Constitution.sup> 22/sup> Lyndon B. Johnson and War Powers President Johnson was sworn into office under unusual circumstances. Kennedy had just died from a fatal gunshot and Americans were spellbound. The Cold War was raging and there were legitimate fears of another great war starting from the Cuban Missile Crisis. President Kennedy considered asking Congress for a declaration of war but resolved the crisis through a strong assertion of executive power as both chief diplomat and commander in chief. Gulf of Tonkin Incident The crisis in Southeast Asia was a foreign policy concern of three presidents before Lyndon B. Johnson. His predecessor, JFK, provided American weapons and increased American military advisors from 700 to 16,000 in the previous three years. For six months LBJ dispatched State Department officials and military experts to South Vietnam. Their recommendation was to add 6,000 more advisors to aid the South Vietnamese in their fight against the Communist North to uphold the policy of containment. On Sunday afternoon, August 2, 1964 three North Vietnamese patrol boats fired upon the USS Maddox which was on routine patrol. The Maddox quickly returned fire. Air support and the destroyer C.Turner Joy were sent to support the Maddox. President Johnson's advisors met and agreed to issue a stern warning to the North Vietnamese of the "grave consequences which would inevitably result from any further unprovoked military action against United States forces." Two days later there appeared to be another attack, but the aircraft disappeared from radar swiftly and no boats were detected in close proximity to the Maddox. Robert McNamara, Secretary of Defense, did not want to wait for the Maddox to do a complete evaluation; he concluded there was sufficient evidence of an attack.sup> 23/sup> The gulf of Tonkin incident is described in the House of Representatives Committee on Foreign Affairs document as follows: On Aug 2, 1964, the U.S. Department of Defense reported that three North Vietnamese PT boats had fired at the U.S. Destroyer Maddox while it was on a routine patrol 30 miles off North Vietnam. Three days later it announced that another engagement had been fought between the Maddox, the destroyer C.Turner Joy and North Vietnamese vessels, again in international waters. Both attacks had occurred in the Gulf of Tonkin. Following the second attack, President Johnson asked for and received the support of Congress in the Vietnam conflict. The congressional approval was formally "A joint resolution to promote the maintenance of international peace and security in Southeast Asia."sup> 24/sup> Gulf of Tonkin Resolution In August 1964, President Johnson was given reports of attacks on U.S. Vessels in the Gulf of Tonkin, off the coast of North Vietnam. Congress quickly passed legislation to authorize the use of armed forces. This huge grant of authority, what is often called a "blank check", to the president was seen as a key step in LBJ's escalation of the Vietnam War. This overseas conflict eventually drove Johnson from office and prepared the way for the War Powers Resolution of 1973.sup> 25/sup> While President Johnson was taking advice from his Secretary of Defense he lamented privately to a friend, Senator Richard Russell of Georgia, that Vietnam was "the biggest damn mess I ever saw." Johnson did not want to send American men to fight in Vietnam, but he had to uphold the promises of past presidents to not let the dominoes fall.sup> 26/sup> Congress deliberated for one day on a policy to maintain peace and security in Southeast Asia. They developed the following resolution to approve president Johnson's use of force to support the Southeast Asia Collective Defense Treaty in conjunction with the U.N. Charter and the U.S. Constitution: "Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression."sup> 27/sup> Congress Issues a Check -The War Powers Act The joint resolution that came out of the 91st Congress was "to fulfill the intent of the framers" while checking the power recently bequeathed the executive. The act requires that the President shall in every possible instance consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement is clearly indicated by the circumstances.sup> 28/sup> Section 3 of the act requires the president, in every possible instance, to consult with Congress before introducing United States armed forces into hostilities. The next section sets guidelines for reporting specific cases "in the absence of a declaration of war," the president must continue to report to the top leaders of the House and Senate. Section 5 is the main section for Congressional action to supersede the executive. It sets further limits on the president's use of troops without a declaration of war to 60 days, unless the Congress declares war, it then extends the time period an exception would occur if Congress is unable to convene. The next three sections of the resolution list specific ways of reporting, procedures for discrepancies and interpretations of the joint resolution. The last sections show the support of two-thirds of the House and two-thirds of the Senate. Richard Ellis believes, "the 1973 War Powers Resolution attempted to limit the president's power to send troops abroad, has been drenched in acrimonious controversy. Presidents from Richard Nixon on have refused to comply fully with the law because they see it as an unconstitutional infringement of presidential power."sup> 29/sup> Strategies Instead of starting the year with Peter Stearns, "Why Study History?" the students will begin a political discussion to guide their thinking throughout the year. The obvious connections between the actions of the president and historical trends will not come easily for my students, but they will start to inquire if the president can do whatever he wants in the post-Watergate era. When they are able to frame their own argument, they will have a better understanding of how historians work and begin their own historical inquiry. This unit aims to enrich government knowledge for any student willing to challenge themselves with an Advanced Placement (AP) course. The goal is to close the achievement gap by encouraging minority students and other groups to participate in an exciting AP U.S. History course that will bridge the gap from 9th grade Civics and increase enrollment in 12th grade AP US Government & Politics. Students will refresh their knowledge of presidential powers from previous years to stay consistent with a looping model. The class will cover several conflicts which compel the U.S. President to deploy troops along with the conflict around the origin and legitimacy of executive power. After careful consideration of the documents, students will combine their analytical skills into a forum. By arguing if the president should have taken certain actions, students must exercise high-level critical thinking skills. Hopefully, they will gain study skills for research and summation of complex texts. This practice can be initiated with the teacher providing materials once and then modeling research methods to the class. The Pittsburgh Public Schools use an inquiry approach for many Social Studies courses. Students are encouraged to discover material on their own, and share their findings both inside a small group and within a larger forum. This student collaboration yields questions for further investigation while encouraging the learner to be responsible for their own education. Recent articles in various media focus on President Obama's achievements with anti-terrorism, support of an equitable healthcare policy and campaign rhetoric. Since war talk often sells newspapers, the president's expansion of executive war powers is a current hot topic but not one of consensus. I plan to encourage students to consider varying viewpoints regarding the presidential use of war powers. This unit will rely on The Evolving Presidency by Michael Nelson as a key resource for teachers. This collection includes a variety of primary sources and important documents for the highest office in the land. Chapter 7 of Richard Ellis' book, Founding the American Presidency, has a section on war and peace with readings and questions. Students may need to practice techniques for reading a document, recording key aspects and drawing conclusions before they get comfortable with this approach. It may be helpful for students to look up words they do not know and try to decipher the meaning from the time they were written. Teachers may want to use the Cornell Notes system with Articles I & II of the Constitution and the selected documents. This unit will examine the power of the executive to "make war" with or without a formal declaration. Themes from the College Board will be woven into strategies and lessons. American Identity (American Exceptionalism), Globalization and War and Diplomacy are the AP U.S. themes pertinent to this topic. Critical thinking in Social Studies often includes document analysis. This unit will examine many government documents: The Gulf of Tonkin Resolution(1964), The War Powers act (1973), Pacificus #1 (June 29, 1793) & Helvidius #1& III (Aug 24 & Sept 7, 1793) and President Obama's Address on Libya 2011. http://whitehousetapes.net/clips/1964\_0803\_4633/index.htm (These Covert Operations: President Johnson and Secretary of Defense McNamara talking after the first attack of U.S. Ships in the Gulf of Tonkin) Activities Here are several started questions that may be used as formal assessments upon completion of the unit. Today the president controls much of the American military and foreign policy. Is this contrary to what the Founders believed? Discuss. If a new constitutional convention were to be called today, how would you rewrite the war powers? Which Articles or Clauses would you change? Would you alter the commander in chief clause to make it clearer? Would you be precise about the scope of executive power as it relates to foreign relations and military policy? Former Secretary of Defense, Robert S. McNamara wrote a book about what he learned working for presidents Kennedy and Johnson. Director Errol Morris turned McNamara's book into a movie in 2003, The Fog of War. The documentary has McNamara in tears as he talks about the destructive force the U.S. levied against several countries under his guidance. I suggest using The Fog of War DVD, lesson 6 Get the Data and Lesson 7 Belief and Seeing are Often Wrong. These clips show the struggle to gather information during wartime. They also depict the quick pace at which decisions are made by the men in charge, showing little time to consult Congress. The Original debate - Pacificus/Helvidius Students can examine the language of the Pacificus letters and draw their own conclusions. They should highlight and look up words they do not know prior to a class discussion. Working in groups, students can counter Hamilton's arguments with something fitting for the time period, before they read Helvidius. Teachers may want to divide the class with one side reading Hamilton and the other side reading Madison. This will have to be a concise quick read so there is time for collaboration. It may be wise to keep the names and dates off the original work so the students do not go on the internet. They may need to move around the room to avoid the other group, and then the students can decide how to present their replies (perhaps 4 minutes to talk and listen to others and 2 minutes to respond). To involve all students, some can write on the board while others speak, or look for more evidence. Remind students that the Constitution has been ratified and George Washington is in office. Rigorous Questions Compare Hamilton's views in the Federalists Papers and Pacificus. Has he changed? How? How do you account for the different arguments? Is Madison's position as Helvidius consistent with his views at the constitutional convention? Are there inconsistencies between 1787 and 1793? Current Debates On exercise is to have students take one of the following quotes and argue from the position of the author. I like to give students with a conservative point of view a liberal quote and encourage them to defend what they personally do not agree with. This allows all students to put themselves in someone else's shoes.Of course, they may state their own point of view after they give a summation of the key points. Another technique is to read the quote and have students gather in one area of the room if they agree, one area if they do not agree and a middle ground for the indecisive. Students will be excited to move around and interested in seeing who agrees with them. Point of view, an important tool for the AP exam, can be taught this way. Some students may come to class with a quote that was taken out of context. This is a great opportunity to talk about reliable sources and the importance of primary documents. "President Obama is facing criticism that crosses the political divide for not seeking Congressional authorization before ordering the American military to join in attacks of Libyan air defenses and government forces."sup> 30/sup> New York Times, March 21, 2011 "My request for congressional support did not, and my signing this resolution does not, constitute any change in the longstanding positions of the executive branch on either the President's constitutional authority to use the Armed Forces to defend vital U.S. interests or the constitutionality of the War Powers Resolution." President George Bush, The White House 2002 "the time has come to determine whether we continue to place most of our eggs in the sanctions basket...[which] would possibly avoid the risks and costs of war, or whether we raise the pressure on Saddam by pressing ahead on both the military and diplomatic tracks." George H.W. Bush, October 30, 1989

#### -Simulations with high magnitude scenarios are an empowering form of problem-based learning—it’s a unique venue where we can make mistakes and develop strategies to cope with info overload—this card is phenomenal

Donohue, 13 [2013 Nation al Security Pedagogy: The Role of Simulations, Associate Professor of Law, Georgetown Law, <http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=2172&context=facpub>]

V . T OTAL I MMERSION S IMULATION S The concept of simulations as an aspect of higher education, or in the law school environment, is not new . 162 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 s ecurity course that takes advantage of the doctrinal and experiential comp onents of law school education, and integrating the experience through a multi - day simulation. In 2009 I taught the first module based on this design at Stanford Law, which I develo ped 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 Off icial (“TopOff”) exercises, used to train government officials to respond to domestic c r i s e s . 163 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 specifi c 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. U nlike 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, t he 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 an d simulation conti nues to evolve . It offers a one model for achieving the pedagogical goals outlined above, in the process developing a rigorous training ground for the next generation of national security l a w y e r s . 164 A . Course Design The central idea in structuring the course, which I refer to as National Security Law Simulation 2.0 (“ NSL Sim 2.0 ”) 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 . 165 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 (i.e., directed and focused on certain areas of the law and legal education) and flexible (i.e., responsive to student input and decision - making). P erhaps the most significant weakness in the use of any constructed universe is the problem of authenticity. Efforts to replicate reality will in evitably 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. 166 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 Si m 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 f ocuses 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 part of the course design is in retaining 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 kn owle dge, and (3 ) critical thought. To be sure, 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 evolut ion [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 mu lti - user virtual environment. The use of such technology is critical to creating more powerful, immersive s i m u l a t i o n s . 167 It also allow s for continual interaction between the players. Multi - user virtual environments have the further advantage in h elping 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 p r a c t i c e s . 168 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 students to 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, two attorneys in practice, a media expert, six to eight former simulation students, and 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 the shifting authorities. One professor plays the role of President of the United States. The sixth professor focuses on questions of professional 44 respo nsibility. The two attorneys fro m 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. T hroughout the simulation, the C ontrol T eam is constantly reacting to student choices . Where 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 l eaking information to the media ). Unlike the more limited experiential tools of hypotheticals or doctrinal problems, 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: i.e., factual chaos and information overload. The drivin g 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 injects relating to background noise. Thus, unlike hypotheticals , doct rinal 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 real - time response from the professor(s) overseeing the simulation, pairing bounded storylines with flexibility to push on different areas of the law and the s tudents’ 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 — i.e., the types of situations in which national security lawyers will find themselves . Particular emphasis is placed on nontraditional modes of communication : e.g., 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 a s during the last class ses sion . This is paired with the preparation of formal legal instruments, such as applications to the Foreign Intelligence Surveillance Court, legal memos, applic ations for search warrants under Title III, and administrative subpoenas such as National Securi ty Letters. In addition, students are required to prepare a paper prior to the simulation, outlining their legal authorities – and following the session, to deliver a 90 second oral briefing. 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 officials, nongovernmental organizations, and the media. This req uires 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 considerati ons that decisionmakers take into account in the national security domain. Scenarios are then selected with high consequence events in mind , to ensure that students recognize both the domestic and international dimensions of national security law . Further injects into 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 prom inent role. One member of the Control Team runs an AP wire service, while two student players represent print and broadcast me dia, respectively. The Virtual News Network (“VNN”), which performs in the second capacity, runs continuously during the exercis e, in the course of which players may at times be required to appear before the camera. This media component thus helps to emphasize the broader political context within which national security law is practiced. Both anticipated and unanticipated decision s 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 injects from both the Control Team and the participants in the sim ulation itself. As aforementioned, one professor on the Control Team , and a practicing attorney who has previously gone through a simulation , focus on raising decision points that encourage students to consider ethical and professional considerations. Th roughout the Frameworkjudgment and leadership play a key role , directly impacting the players’ effectiveness , with the exercise itself hitting the aim of the integration of the various pedagogical goals. Finally, there are multiple layers of feedb ack that players receive prior to, during, and following the simulation to help t hem to gauge their effectiveness. T he 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 Contr ol 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 insufficientThe 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 si mulation, 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 mento ring, 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 interaction s and provide additional debriefing . The simulation, moreover, is recorded through both the cyber portal and throu gh VNN, allowing students to go back and 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 issues that ar ose in the course of the simulation and with an aim towards developing frameworks for how to analyze 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 cour se. It is particularly helpful here to think about national security authorities on a continuum, as a way to press students on shifting standards depending upon the type of threat faced. One course, for instance, might center on the interstices between c rime, drugs, terrorism and war. Another might push on the intersection of pandemic disease and biological weapons. A third could turn to cybercrime and cyberterrorism. This is the most important determination, because the substance of the doctrinal port ion 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 what 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 , emine nt 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 into the dominant constitutional authority, statut ory 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 aut horities, 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 resp onsibility 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 storyl ines that push on the interstices between different areas of the law. The storylines are used to present a coherent, non - linear scenario that can adapt to student injects. Each scenario is mapped out in a three to seven page document, which is then check ed 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, potentia l connections to an international terrorist organization, intelligence on the individual’s actions overseas, etc. The scenario would be designed specifically to push on 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 ( e.g., by someone who has traveled from overseas), but then for the storyline to move into the second realm (i.e., 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 pushing the Stafford Act/Insurrection Act line and raising federalism concerns. The role of the military here and T itle 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, with 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 prove 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 upda tes, private communications, and the like. The five to six storylines, prep ared by the Control Team in consultation with experts, becomes the basis for the preparation of scenario “injects”: i.e., newspaper articles, VNN 47 broadcasts, reports from NGOs, private communications between officials, classified information, government l eaks, 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 p laced 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 do not occur at convenient times and may well involve limited sleep and competing d e m a n d s . 169 Typically, a phone call from a Control Team member posing in a role integral to one of the main storylines, initiates play. Student s at this point have been assigned dedicated simulation email addresses and provided access to the cyber portal. The portal itself gives each team th e 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 A rchives, as are forms required for some of the legal instruments (saving students the time of developing these from scratch in the cour se 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), 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, all owing 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 m eetings, 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 d ifferent 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 assi gned 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 POTUS, the Vice President, the President’s Chief of Staff, the Governor of a state, and public health officials. 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 occurre d 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 simulat ion 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 t hat arose in regard to their grasp of the law, the types of decision - making processes that occurred , and the effectiveness or their — and other students’ — performance s . 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 c o n c l u d e s . 17V I .

### War powers

#### Simulations with high magnitude scenarios are an empowering form of problem-based learning—it’s a unique venue where we can make mistakes and develop strategies to cope with info overload—this card is phenomenal

Donohue, 13 [2013 Nation al Security Pedagogy: The Role of Simulations, Associate Professor of Law, Georgetown Law, <http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=2172&context=facpub>]

V . T OTAL I MMERSION S IMULATION S The concept of simulations as an aspect of higher education, or in the law school environment, is not new . 162 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 s ecurity course that takes advantage of the doctrinal and experiential comp onents of law school education, and integrating the experience through a multi - day simulation. In 2009 I taught the first module based on this design at Stanford Law, which I develo ped 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 Off icial (“TopOff”) exercises, used to train government officials to respond to domestic c r i s e s . 163 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 specifi c 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. U nlike 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, t he 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 an d simulation conti nues to evolve . It offers a one model for achieving the pedagogical goals outlined above, in the process developing a rigorous training ground for the next generation of national security l a w y e r s . 164 A . Course Design The central idea in structuring the course, which I refer to as National Security Law Simulation 2.0 (“ NSL Sim 2.0 ”) 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 . 165 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 (i.e., directed and focused on certain areas of the law and legal education) and flexible (i.e., responsive to student input and decision - making). P erhaps the most significant weakness in the use of any constructed universe is the problem of authenticity. Efforts to replicate reality will in evitably 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. 166 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 Si m 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 f ocuses 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 part of the course design is in retaining 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 kn owle dge, and (3 ) critical thought. To be sure, 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 evolut ion [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 mu lti - user virtual environment. The use of such technology is critical to creating more powerful, immersive s i m u l a t i o n s . 167 It also allow s for continual interaction between the players. Multi - user virtual environments have the further advantage in h elping 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 p r a c t i c e s . 168 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 students to 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, two attorneys in practice, a media expert, six to eight former simulation students, and 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 the shifting authorities. One professor plays the role of President of the United States. The sixth professor focuses on questions of professional 44 respo nsibility. The two attorneys fro m 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. T hroughout the simulation, the C ontrol T eam is constantly reacting to student choices . Where 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 l eaking information to the media ). Unlike the more limited experiential tools of hypotheticals or doctrinal problems, 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: i.e., factual chaos and information overload. The drivin g 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 injects relating to background noise. Thus, unlike hypotheticals , doct rinal 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 real - time response from the professor(s) overseeing the simulation, pairing bounded storylines with flexibility to push on different areas of the law and the s tudents’ 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 — i.e., the types of situations in which national security lawyers will find themselves . Particular emphasis is placed on nontraditional modes of communication : e.g., 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 a s during the last class ses sion . This is paired with the preparation of formal legal instruments, such as applications to the Foreign Intelligence Surveillance Court, legal memos, applic ations for search warrants under Title III, and administrative subpoenas such as National Securi ty Letters. In addition, students are required to prepare a paper prior to the simulation, outlining their legal authorities – and following the session, to deliver a 90 second oral briefing. 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 officials, nongovernmental organizations, and the media. This req uires 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 considerati ons that decisionmakers take into account in the national security domain. Scenarios are then selected with high consequence events in mind , to ensure that students recognize both the domestic and international dimensions of national security law . Further injects into 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 prom inent role. One member of the Control Team runs an AP wire service, while two student players represent print and broadcast me dia, respectively. The Virtual News Network (“VNN”), which performs in the second capacity, runs continuously during the exercis e, in the course of which players may at times be required to appear before the camera. This media component thus helps to emphasize the broader political context within which national security law is practiced. Both anticipated and unanticipated decision s 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 injects from both the Control Team and the participants in the sim ulation itself. As aforementioned, one professor on the Control Team , and a practicing attorney who has previously gone through a simulation , focus on raising decision points that encourage students to consider ethical and professional considerations. Th roughout the Frameworkjudgment and leadership play a key role , directly impacting the players’ effectiveness , with the exercise itself hitting the aim of the integration of the various pedagogical goals. Finally, there are multiple layers of feedb ack that players receive prior to, during, and following the simulation to help t hem to gauge their effectiveness. T he 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 Contr ol 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 insufficientThe 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 si mulation, 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 mento ring, 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 interaction s and provide additional debriefing . The simulation, moreover, is recorded through both the cyber portal and throu gh VNN, allowing students to go back and 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 issues that ar ose in the course of the simulation and with an aim towards developing frameworks for how to analyze 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 cour se. It is particularly helpful here to think about national security authorities on a continuum, as a way to press students on shifting standards depending upon the type of threat faced. One course, for instance, might center on the interstices between c rime, drugs, terrorism and war. Another might push on the intersection of pandemic disease and biological weapons. A third could turn to cybercrime and cyberterrorism. This is the most important determination, because the substance of the doctrinal port ion 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 what 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 , emine nt 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 into the dominant constitutional authority, statut ory 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 aut horities, 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 resp onsibility 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 storyl ines that push on the interstices between different areas of the law. The storylines are used to present a coherent, non - linear scenario that can adapt to student injects. Each scenario is mapped out in a three to seven page document, which is then check ed 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, potentia l connections to an international terrorist organization, intelligence on the individual’s actions overseas, etc. The scenario would be designed specifically to push on 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 ( e.g., by someone who has traveled from overseas), but then for the storyline to move into the second realm (i.e., 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 pushing the Stafford Act/Insurrection Act line and raising federalism concerns. The role of the military here and T itle 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, with 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 prove 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 upda tes, private communications, and the like. The five to six storylines, prep ared by the Control Team in consultation with experts, becomes the basis for the preparation of scenario “injects”: i.e., newspaper articles, VNN 47 broadcasts, reports from NGOs, private communications between officials, classified information, government l eaks, 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 p laced 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 do not occur at convenient times and may well involve limited sleep and competing d e m a n d s . 169 Typically, a phone call from a Control Team member posing in a role integral to one of the main storylines, initiates play. Student s at this point have been assigned dedicated simulation email addresses and provided access to the cyber portal. The portal itself gives each team th e 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 A rchives, as are forms required for some of the legal instruments (saving students the time of developing these from scratch in the cour se 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), 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, all owing 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 m eetings, 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 d ifferent 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 assi gned 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 POTUS, the Vice President, the President’s Chief of Staff, the Governor of a state, and public health officials. 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 occurre d 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 simulat ion 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 t hat arose in regard to their grasp of the law, the types of decision - making processes that occurred , and the effectiveness or their — and other students’ — performance s . 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 c o n c l u d e s . 17V I .

#### Simulating war powers policy generates transferable skills through active assessment—having a topical plan is a necessary condition—it’s a floor, not a ceiling—empirical evidence is on our side

Farrar-Myers, 07 [Victoria A. Farrar-Myers, professor University of Texas at Arlington, PROMOTING ACTIVE LEARNING THROUGH SIMULATIONS IN PRESIDENCY CLASSES, <http://cstl-cla.semo.edu/Renka/PRG/PRG_Reports/Fall_2007.pdf>]

Lao-Tse’s insight captures the essence of an active learning based approach to education. Such an approach calls for students to have a role and responsibility in developing their own knowledge; in the words of John Dewey, learning is “something that an individual does when he studies. It is an active, personally conducted affair” (1924). Unlike more traditional teaching styles where the instructor simply transfers information to the student, who is required to do little more than act as a depository for such information (Freire, 1970) or as a sponge soaking it up (Keeley, Ali & Gebing, 1998; Fox-Cardamone & Rue, 2003), an active learning approach places an emphasis on students’ independent inquiry, restructuring of their knowledge, and other constructivist qualities (Niemi, 2002). Employing active learning strategies in political science classes not only has been shown to work (Brock & Cameron, 1999), but more importantly would seem to be a natural fit. “Learning is not a spectator sport” (Chickering and Gamson, 1987), and neither is the world of politics. As a result, one way to enhance students’ learning about the political world is for them to “talk about what they are learning, write about it, relate it to past experiences and apply it to their daily lives. They must make what they learn part of themselves” (Chickering and Gamson, 1987). Further, active learning techniques – particularly if tied to learning outcomes designed to promote higher order thinking skills such as analysis, application, synthesis, and evaluation (Bloom, 1956) – can help students prepare “to tackle a multitude of challenges that they are likely to face in their personal lives, careers, and duties as responsible citizens” (Tsui, 2002). As political scientists, we may be in the best position in the academy to promote a sense of civic engagement in our students, and the use of intentionally designed active learning techniques tied to specific learning outcomes can greatly assist us in helping to instill this sense. The use of active learning encompasses a wide array of teaching techniques that can be used in large classes as well as small ones; techniques such as: using guided lectures and answering open-ended, student-generated questions (Bonwell & Eison, 1991); using primary sources in the classroom (May, 1986); cooperative learning (Smith, 1986); and simulations and role-playing games (Shannon, 1986; for a general discussion on active learning strategies, see Bonwell & Eison, 1991; Astin et al., 1984; and Schomberg, 1986). However, finding a technique that works successfully can be influenced by: •Institutional variables: e.g., size of class, physical arrangement of classrooms, and lack of incentives for professors to undertake new active learning strategies (see generally Bonwell & Eison, 1991); •The professor: e.g., the professor’s comfort level with student interaction and the amount of control in the classroom the professor desires (see generally Bonwell & Sutherland, 1996); and •The students: e.g., prior exposure and experiences (Hoover, 2006), students’ different learning styles (Kolb, 1981; Cross, 1998), and student motivation (Gross Davis, 1993) or indifference (Warren, 1997) to participate in active learning activities. The POTUS and PASS projects were two semester-long, in-class simulations employing active learning techniques and designed to achieve desired course learning outcomes. Despite some initial reluctance by the students, these simulations helped them achieve the course outcomes, but more significantly generated a high level of efficacy, engagement, and understanding. Although the specific model employed may not work in every context (the variables noted above will create a different dynamic in each class), the process by which these projects were developed and employed may provide those who teach presidency-related classes with insights on how to best employ active learning techniques in their own setting. The 2008 presidential election marks the first time since 1952 that a sitting president or vice president will not be a candidate for nomination in either major party. As I was developing my general survey course on the U.S. Presidency in the fall of 2005, I contemplated how to make this factoid become more relevant to my students, especially since encouraging civic engagement and voter participation in the 18-24 year-old age group has been a focus in recent presidential races. I wanted a way to bring to life the usual discussion of presidential elections and encourage my students to become active participants in the process of identifying, evaluating, and promoting various candidates. Out of these thoughts germinated The POTUS Project – short for The President Of The United States Project. In this simulation, my students took on the role of political consultants responsible for developing a plan to guide their candidate to the Oval Office. Each student started by assessing the viability of a chosen candidate and then developing a strategy for winning that candidate’s party nomination. At mid-semester, the class divided into two groups – the two major parties – to hold a nomination convention where each party chose its own presidential-vice presidential ticket. Students had to caucus and advocate for their own candidate much like the Iowa caucus. From there, each team developed a “Vision Statement” for its candidate to let the voters know their candidate’s strategy for winning the general election, transitioning into power, and governing as president once in office. Each group presented its “Vision Statement” to the full class and to two real-world politiFall 2007 11 cal consultants. The students were not alone in their learning endeavor. I took the liberty of writing to each of our selected candidates, telling them about the project and asking them to write my students. Two of the candidates did and in sharing these letters with the class, my students and I became acutely aware that what we were learning has meaning outside the four walls of our classroom; the very lesson I hope to impart in each of my classes. In the end, The POTUS Project allowed the students to combine the course material with real life events and possibilities, and to work with their classmates to create a comprehensive electoral plan for someone who might become the next President of the United States. In doing so, the students were able to reinforce their learning through individual and group-effort written analysis and oral presentation. Further, the Project achieved the desired outcome of fostering collaborative action after individual analysis. Since most political enterprises take place within working groups or teams, these simulations allowed the students to gain experience with, as well as a direct appreciation for, this important political enterprise. Most significantly, through both a formal student evaluation of The POTUS Project and informal discussions with individual students, I found that they applied their knowledge in more sophisticated ways than in my more traditional course offering as well as reported more ownership and comfort with the core concepts of the class. They also reported a greater sense of efficacy and understanding of the presidential selection process; even two years later, I received an email from a student indicating how she is using the knowledge and insights gained from her class experience to be more engaged with this year’s actual presidential primaries. With the lessons I learned from The POTUS Project, I decided to employ a similar model in an upper-division course entitled Presidency and Foreign Policy. In The PASS Project (Presidential Advisory Strategy Simulation), the students played the role of foreign policy analysts and advisors. Each student selected his or her country of expertise, completed an assessment of the U.S. foreign relations with that country, and prepared a briefing paper for a current presidential candidate based upon a vision statement outlined by their candidate in the journal Foreign Affairs. Students then teamed-up with classmates who selected the same candidate and developed a comprehensive foreign policy/ national security strategy for that candidate. The students worked with their teams during the semester, and then shared their collective insights with their classmates in a final presentation during an “Advisory Summit.” The PASS Project required the students to play different roles throughout the simulation and, as a result, develop and employ different cognitive skills. In becoming a country expert, the students served as foreign policy analysts responsible for obtaining knowledge and being able to critically analyze it in meaningful ways. In fact, I was able to have a foreign policy analyst from the Department of State as a guest speaker by means of teleconferencing, and he showed the students how the skills they were using in class were the same ones that the speaker used in his job. The next portion of the simulation, where the students prepared a briefing paper, required them to apply their knowledge in a specific context of a presidential candidate’s general statements on foreign affairs. Finally, the group project required the students to synthesize their collective knowledge into a coherent plan for their presidential candidate and evaluate the effectiveness of their proposals. From the POTUS and PASS projects, a number of lessons emerged for effectively employing simulations in presidency classes, including: •Intentionality of design: Although the rewards in successfully employing an active-learning simulation are well worth it for both student and teacher, doing so requires that the instructor put substantial thought up front into the design of the program. Certainly, this lesson speaks to understanding the desired learning outcomes of the simulation, but also extends to such matters as evaluation and simulation mechanics. For example, students tend to be wary of group projects and free-riders who might bring a student’s grade down. To address this concern, I structured the evaluative aspects of the simulations so that most of the items for which the students were graded upon were based solely on their own work (e.g., individual assignments that were then later used in the group project or reflection papers on the group project process). In a few instances, though, where a student received the same grade as other group members for their collective effort, I limited both the number of people within each working subgroup, and also limited the percentage of the student’s overall grade attributed to the group effort. As far as design mechanics, the instructor needs to identify as many potential glitches as possible and develop prevention methods. For example, to ensure a proper balance of students working for either party in The POTUS Project or for any candidate in The PASS Project, I reserved the right to require students to switch to a different party or candidate as needed. •Assessing achievement of learning outcomes: Active learning techniques have been shown to have a powerful impact on students’ learning, for example on “measures of transfer of knowledge to new situations or measures of problem-solving, thinking, attitude change, or motivation for further learning” (McKeachie et al., 1986; for other studies measuring the impact of active learning techniques, see Kuh et al., 1997; Springer, 1997; Cabrera et al., 1998; McCarthy and Anderson, 2000; and Pascarella and Terenzini, 2005). Therefore, any simulation design should incorporate assessment tools that allow the instructor to measure the impact of the learning technique. For example, a pre- and post-test was administered to ascertain students’ base level of understanding of course material being covered by the simulation. Students also completed self-assessment and group assessments of their and their classmates’ participation in the simulation. Further, a reflection session was held to provide the students with the ability to discuss the strengths and weaknesses of the simulation. The insights culled from all of these various Fall 2007 12 assessments were later employed to refine implementation of similar models in future classes. •Obtaining student buy-in: As one scholar noted, “many active learning techniques fail simply because teachers do not take time to explain them” (Warren, 1997). Perhaps the best way to obtain the necessary student buy-in, therefore, appears to be communication and guidance from the professor (Felder & Brent, 2006). To this end, I included a detailed addendum to my syllabus in each class outlining every step of the simulation process and then discussed the simulation in the first day of class. Doing so put the students on notice of what was expected of them and giving them the opportunity to drop the class if they were not willing to put forth the necessary effort. Further, I sought input and feedback from the students throughout the semester – something that has been known to mitigate students’ concern related to the simulation (Sutherland, 1996) – and found ways to act on the feed back. For example, based on discussions with students, I decided to provide an additional incentive for students to do well on their oral presentation in The PASS Project by giving the winning team, as voted on by the students themselves, two extra questions to chose from in the short-answer portion of their final exam (i.e., instead of answering all eight short answer questions I gave them, the winning team had to answer eight of ten questions with each student choosing which eight she would answer). •Surrendering control: Ultimately, if the simulation is going to be a “personally conducted affair” of learning, to use John Dewey’s words, the students at some point have to control the process for themselves. Certainly, as the instructor, I established the framework of the simulations, the minimum requirements that needed to be satisfied, and the desired outcomes. In the context of oral presentations, the students showed great initiative in their presentations – from complex slide shows, to informative and eye-catching displays, to even doing their presentation in the form of a game show (Foreign Policy Jeopardy). By my surrendering some of the control over the process to the students, they made it their own and, in doing so, learned greater lessons for themselves than I simply could have told them. Of all the ways to evaluate and document the success of these simulations, the best way to do so is in the words of the students themselves. At the end of The POTUS Project, I asked the students to evaluate the Project, their contributions, and the contributions of others. Many pointed to the nominating convention as an astonishing experience – one where they were using the course material to persuade others. They noted how one student, who was alone in backing his candidate, used his knowledge to lobby others to place the candidate on the party’s ticket as the vice presidential candidate. As one student indicated, “the power of one armed with knowledge can really rule the world of poli tics!” This is the lesson of civic engagement that I wanted my students to learn – that one person, with commitment, informa tion, and passion, can influence and better the world around them – and it is a lesson that the use of active learning simulations can help them achieve.